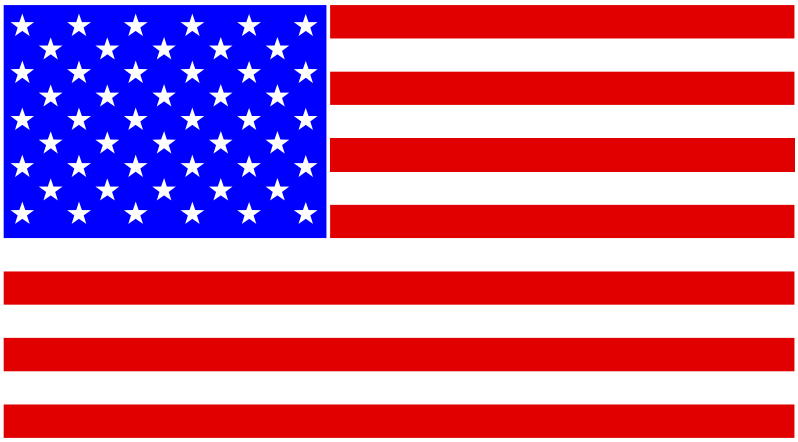
WHY YOU ARE A "NATIONAL", "STATE NATIONAL", AND CONSTITUTIONAL BUT NOT STATUTORY CITIZEN

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Last Revised: 6/24/2014



=Constitutional "Citizen"

=statutory "non-resident"

≠statutory "U.S. citizen"

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1. INTRODUCTION

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

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

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

1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don't require our consent to enforce?
2. Certainly, if we DO NOT want "protection" or "benefits, privileges, and immunities" of being a STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
3. If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31), can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

> *8 U.S.C. §1101 Definitions [for the purposes of citizenship]*
>
> *(a) As used in this chapter—*
>
> *(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that* ***may be dissolved eventually at the instance either of the United States[**] or of the individual****, in accordance with law.*

4. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of "citizen" carry any federal obligations whatsoever for those domiciled within a constitutional state and outside of federal territory?
5. If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress, INCLUDING that of "citizen"?

6. Isn't a "nonresident non-person" just someone who refuses to be a customer of specific services offered by government using the civil statutory law? Why can't I choose to be a nonresident for specific franchises or interactions because I don't consent to procure the product or service.[1]
7. If the "citizen of the United States** at birth" under 8 U.S.C. §1401 involves TWO components, being "national" and "citizen", can't we just abandon the "citizen" part for specific transactions by withdrawing consent and allegiance for those transactions or relationships? Wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

> ***citizen.*** *One who, under the Constitution and laws of the United States[***], or of a particular state, is a* ***member of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY] rights.*** *All persons born or naturalized in the United States[***], and subject to the jurisdiction thereof, are citizens of the United States[***] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.*
>
> ***"Citizens" are members of a political community who, in their associated capacity, have*** *established or* ***submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights.*** *Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.*
> *[Black's Law Dictionary, Sixth Edition, p. 244]*

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

> *"Invito beneficium non datur.*
> *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent."*
>
> *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*
> *A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*
>
> *Quilibet potest renunciare juri pro se inducto.*
> *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*
> *[Bouvier's Maxims of Law, 1856;*
> *SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]*

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

---

[1] Earlier versions of the following regulation prove this:

> *26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.*
>
> *A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States.* ***A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***
> *[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]*

11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent to be subject to. See *Alden v. Maine*, 527 U.S. 706 (1999).
    11.1. Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
    11.2. Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state against the consent of a specific inhabitant who is protected by the Constitution?
    11.3. Isn't a STATUTORY "citizen" just a CUSTOMER of government services?
    11.4. Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property and what you consent to buy and pay for?
    11.5. Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by government? That's how the current system works. Government REFUSES to recognize those such as STATE NATIONALS who are unprivileged and terrorizes them and STEALS from them because they refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".
    11.6. What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.
12. If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:
    12.1. A POLITICAL but not STATUTORY/CIVIL "citizen of the United States" under Title 8?
    12.2. A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the other titles?
    12.3. A "nonresident non-person" for every act of Congress.
    12.4. No domicile on federal territory or within the STATUTORY United States and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b) .
    12.5. A PRIVATE "person" only under the common law with a domicile on private land protected by the constitution but OUTSIDE "the State", which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY "State" and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY "State".
13. Is the "citizen" in Title 8 of the U.S. Code the same "citizen" that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of "citizen of the United States" under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same "citizen" as the one in Title 8?
14. If the Bible says that Christians can't consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar's laws such as STATUTORY "citizen"? The Bible says I can't have a king above me.

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

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

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

The answers to the above questions appear later in section 2.6.5. Anyone who can't answer ALL the above questions with answers that don't contradict themselves or the REST of the law is lying to you about citizenship, and probably because they covet your property and benefit commercially from the lie. Our research in answering the above very interesting questions reveals that there is a way to terminate our status as a STATUTORY "citizen" and "customer" without terminating our nationality, but that it is carefully hidden. The results of our search will be of great interest to many. Enjoy.

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1.1 Purpose

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

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

> *"**Nationality**. That quality or character which arises from the fact of a person's belonging to a nation or state. **Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil status.** Nationality arises either by birth or by naturalization. See also Naturalization."*
> *[Black's Law Dictionary, Sixth Edition, p. 1025]*

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

> *"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that **the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British Crown colony than a republican state of America**, and to vest the legislative*

> *power either in a governor and council, or a governor and judges, to be appointed by the President. It was not until they had attained a certain population that power was given them to organize a legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."*
> *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

10. That once you falsely or improperly declare your status as that of ***statutory*** citizen, you are also declaring your domicile to be within the District of Columbia pursuant to 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d).
11. That 8 U.S.C. §1401 defines a ***statutory*** "national and citizen of the United States** at birth", where "United States" means the federal zone and excludes states of the Union. Even if they mention the 50 states in the definition of "United States", federal civil law still only attaches to federal territory and those domiciled on federal territory wherever physically situated. Everything else is a "foreign state" and a "foreign sovereign".
12. That the Fourteenth Amendment Section 1 defines a ***constitutional*** "citizen of the United States at birth", where "United States" means states of the Union and excludes the federal zone.
13. That the term "citizen of the United States" as used in the Fourteenth Amendment Section 1 of the constitution is NOT equivalent and is mutually exclusive to the ***statutory*** "national and citizen of the United States** at birth" defined in 8 U.S.C. §1401. Another way of restating this is that you cannot simultaneously be a ***constitutional*** "citizen of the United States***" (Fourteenth Amendment) and a ***statutory*** "citizen of the United States** at birth" (8 U.S.C. §1401).

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. **No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.** It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. **It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens.** Whether this proposition was sound or not had never been judicially decided."*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

14. That the term "U.S. citizen" as used on federal and state forms means a ***statutory*** "national and citizen of the United States at birth" as defined in 8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c) and EXCLUDES constitutional citizens.
15. That a human being born within and domiciled within a state of the Union and not within a federal territory or possession is:
    15.1. A Fourteenth Amendment, Section 1 ***constitutional*** "citizen of the United States".

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

    15.2. Called either an "American citizen" or a "citizen of the United States **of America**" in the early enactments of Congress. See 1 Stat. 477 and the following:

SEDM Exhibit #01.004 http://sedm.org/Exhibits/ExhibitIndex.htm

    15.3. A "national" but not a "citizen" as defined in 8 U.S.C. §1101(a)(21) in respect to the federal government.
    15.4. Not a "national but not citizen of the United States** at birth" or "national of the United States**" as defined in 8 U.S.C. §1408 or 8 U.S.C. §1101(a)(22)(B).
    15.5. Not a ***statutory*** "national and citizen of the United States** at birth" pursuant to 8 U.S.C. §1401.
16. That a private human being born within and domiciled within a constitutional state of the Union is:
    16.1. A statutory "non-resident non-person" if exclusively PRIVATE and not a public officer.
    16.2. A "nonresident alien" as defined in 26 U.S.C. §7701(b)(1)(B) if a public officer in the government. They have this status because "United States" within Title 26 of the U.S. Code has a different meaning than that found in Title 8 of the U.S. Code.
    16.3. A "foreign sovereign" and part of a legislatively "foreign state" with respect to the United States Government under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.
    16.4. An instrumentality of a legislatively foreign state as a jurist or voter in that foreign state. All jurists and voters in constitutional but not statutory states of the Union are public officers. See, for instance, 18 U.S.C. §201(a), which admits that jurists are public officers.

16.5. NOT a statutory "individual", which in fact means a public office in the U.S. government.

17. That the federal government uses the exceptions to the Foreign Sovereign Immunities Act (F.S.I.A.) found in 28 U.S.C. §1605(a)(2) to turn "nonresident aliens" into "resident aliens" as defined in 26 U.S.C. §7701(b)(1)(A) . It does this:
    17.1. By offering commercial franchises and government "benefits" to foreign sovereigns outside its jurisdiction and thereby making them "residents".
    17.2. In VIOLATION of the organic law, which forbids alienating rights protected by the Constitution.
18. That government has a financial interest to deceive us about our true citizenship status in order to:
    18.1. Encourage and expand the flow of unlawfully collected income tax revenues (commerce).
    18.2. Expand its jurisdiction and control over the populace.
    18.3. Centralize all control over everyone in the country to what Mark Twain calls "the District of Criminals".
19. That the purpose of deliberate government deceptions about citizenship is to destroy the separation of powers between the states and the federal government that is the foundation of the Constitution of the United States of America and to destroy the protections of the Foreign Sovereign Immunities Act (F.S.I.A.). It does this by:
    19.1. Using "social insurance" as a form of commerce that makes Americans into "resident aliens" of the District of Columbia, which is what "United States" is defined as in 26 U.S.C. §7701(a)(9) and (a)(10) .
    19.2. Misleading Americans into falsely declaring their status on government forms as that of a "U.S. citizen", and thereby losing their status as a "foreign state" under the provisions of 28 U.S.C. §1603(b)(3).
20. That if you are a concerned American, you cannot let this fraud continue and must act to remedy this situation immediately by taking some of the actions indicated in section 1.3 later.

1.2 Why the content of this pamphlet is extremely important

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

1. Those domiciled on federal territory and who are therefore statutory "U.S. citizens" pursuant to 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A) have no constitutional rights. Misunderstanding your citizenship can result in unknowingly surrendering all protections for your Constitutional rights.

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

2. Those domiciled on federal territory and who are therefore statutory "U.S. citizens" pursuant to 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A) are presumed to be guilty and "taxpayers" until they prove themselves innocent and therefore a "nontaxpayer":

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

3. Those who are statutory "U.S. citizens" pursuant to 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A) are required to pay income tax on their WORLDWIDE earnings connected with the "trade or business"/public office franchise, not just those from sources within the statutory "United States" as required by 26 U.S.C. §911 and Cook v. Tait, 265 U.S. 47 (1924) . The United States is currently the ONLY country that taxes its "Citizens" on earnings ANYWHERE. Every other country in the world only taxes its citizens for earnings WITHIN their country. The statutory "U.S. citizen" franchise status therefore functions effectively as an "electronic leash" for all those who claim this status, and makes them a public

officer of the U.S. government WHEREVER THEY ARE and WHATEVER other country they claim to be a citizen of. If you decide to try to expatriate and pursue citizenship in any other country, other countries have been known to require you BEFORE you leave to pay all IRS assessments if you claim to be a "U.S. citizen" before they will naturalize you. And if you ask them if they do this for other countries, they will say no. They don't care about tax liability of ANY OTHER COUNTRY. How's THAT for slavery? You are OWNED if you are a statutory "U.S. citizen". And WHO brought us this wonderful legal innovation? None other than the man most responsible for the introduction and passage of the Sixteenth Amendment, President Howard Taft himself. He also was the ONLY President to serve as a tax collector before becoming President, and the only President who also served as the Chief Justice of the U.S. Supreme Court. Quite a scam, huh? This scam is thoroughly analyzed in:

Federal Jurisdiction, Form #05.018, Section 5 http://sedm.org/Forms/FormIndex.htm

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

> *State of Virginia*
> *Title 46.2 - MOTOR VEHICLES.*
> *Chapter 3 - Licensure of Drivers*
>
> *§46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.*
>
> *A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345,* ***the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.***

5. The following authorities require all those who are statutory "U.S. citizens" (8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A)), statutory "U.S. residents" (26 U.S.C. §7701(b)(1)(A)), and "U.S. persons" (26 U.S.C. §7701(a)(30)), all of whom have in common a domicile on federal territory, to incriminate themselves on government forms in violation of the Fifth Amendment by filling out disclosures documenting all their foreign bank accounts. If you don't disclose your foreign bank account on the Treasury Form TD F 90-22.1, then you can be penalized up to $500,000 and spend time in prison! On the other hand, if you can prove that you are not a statutory "U.S. person", then you are not subject to this requirement:
   5.1. 31 U.S.C. §5314: Records and reports on foreign financial agency transactions
   http://www.law.cornell.edu/uscode/html/uscode31/usc_sec_31_00005314----000-.html
   5.2. Treasury Form TD F 90-22.1: Report of Foreign Bank and Financial Accounts
   http://www.irs.gov/pub/irs-pdf/f90221.pdf

1.3 Applying what you learn here to your circumstances

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

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

Citizenship and Sovereignty Course, Form #12.001 http://sedm.org/Forms/FormIndex.htm

2. If you want to take an activist role in fighting this fraud, see:
   http://famguardian.org/Subjects/Activism/Activism.htm
3. If you want to restore your sovereignty, you can use the following procedures:
   3.1. *Path to Freedom*, Form #09.015-complete simplified checklist and curricula for restoring sovereignty and freedom
   http://sedm.org/Forms/FormIndex.htm
   3.2. *Sovereignty Forms and Instructions Manual*, Form #10.005:
   http://sedm.org/Forms/FormIndex.htm
   3.3. *Sovereignty Forms and Instructions Online*, Form #10.004:
   http://sedm.org/Forms/FormIndex.htm

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

Developing Evidence of Citizenship and Sovereignty Course, Form #12.002 http://sedm.org/Forms/FormIndex.htm

5. If you want to obtain a USA passport as a "national" rather than a statutory "U.S. citizen", see the following resources:
   5.1. *Getting a USA Passport as a "state national"*, Form #10.012-instructions on how to apply for a passport as a human being and not federal statutory "person" domiciled outside of federal territory and not engaged in any government franchise
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   5.2. *Getting a USA Passport as a "state national"*, Form #10.013-instructions on how to apply for a passport as a human being and not federal statutory "person" domiciled outside of federal territory and not engaged in any government franchise. PDF version of the above document.
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   5.3. *USA Passport Application Attachment*, Form #06.007
   http://sedm.org/Forms/FormIndex.htm
6. If you want to contact the government to correct all their records describing your citizenship and tax status in order to remove all the false information about your status that you have submitted to them in the past, you may use the following excellent form for this purpose:

Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001 http://sedm.org/Forms/FormIndex.htm

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

Resignation of Compelled Social Security Trustee, Form #06.002 http://sedm.org/Forms/FormIndex.htm

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

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

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

What Happened to Justice?, Form #06.012 http://sedm.org/Forms/FormIndex.htm

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

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

1. Make the government into an unconstitutional monopoly in providing "protection". This turns government into a mafia protection RACKET. 18 U.S.C. Chapter 95.
2. Ensure that the government NEVER prosecutes its own members for their racketeering crimes, and instead uses the law ONLY to "selectively enforce" against political dissidents or those who refuse their "protection racket". This act of omission promotes anarchy by making the government not only the source of law, but above the law, not as a matter of law, but as a matter of invisible "policy".
3. Make people FALSELY believe that:
   3.1. CIVIL STATUTES, all of which ONLY pertain to government are the ONLY remedy for anything.
   3.2. Everyone is a public officer called a "citizen" or "resident" who has to do anything and everything that any politician publishes in the "employment agreement" called the civil law.
   3.3. Any civil obligation any corrupt politician wants can lawfully attach to the status of "citizen" without compensation and that this doesn't violate the Thirteenth Amendment.
   3.4. There is no common law. Common law is the only way to lawfully approach the government as a PRIVATE human and equal RATHER than a public officer.
4. Define everyone in receipt of that protection as receiving a franchise "benefit".
   4.1. Give this "benefit" the name "privileges and immunities".
   4.2. Prosecute those who refuse to receive the "benefit" or pay for the benefit thieves. This happens all the time at tax trials.

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

> *"Cujus est commodum ejus debet esse incommodum.*
> *He who receives the benefit should also bear the disadvantage."*
>
> *"Que sentit commodum, sentire debet et onus.*
> *He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433."*
> *[Bouvier's Maxims of Law, 1856;*
> *SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]*

6. Call those in receipt of the protection "citizens" and "subjects", whether they want to be or not. This violates the First Amendment, but a government that is above the law doesn't care. Don't allow anyone but a judge to define or redefine these words "citizen" or "subject" so that the status cannot be challenged in court.
7. Label the allegiance ("national" is someone with allegiance) that is the foundation of citizenship as PERMANENT and therefore IRREVOCABLE. Make it at least APPEAR that the only way that one can cease to be a "citizen" is to surrender their nationality and becoming stateless everywhere on Earth.

> *8 U.S.C. §1101(a)(21)*
>
> *The term "national" means a person owing **permanent allegiance** to a state.*

8. Hope no one notices that:
   8.1. The common law MUST allow one to NOT accept a benefit:

> *"Invito beneficium non datur.*
> *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.*
>
> *Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit.*
> *He does not appear to have retained his consent, if he have changed anything through the means of a party threatening. Bacon's Max. Reg. 33."*
> *[Bouvier's Maxims of Law, 1856;*
> *SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]*

   8.2. The term "permanent" really means temporary and requires your consent:

> *8 U.S.C. §1101(a)(31)*
>
> *The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.*

9. Use deception and "words of art" to divorce "domicile", which requires consent, from the basis for being a "citizen", and thus, remove CONSENT from the requirement to be a "citizen". This has the effect of making "citizen" status compelled and involuntary. Do this by the following tactics:
   9.1. PRESUME that ALL of the four contexts for "United States" are equivalent.
   9.2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident non-person" under federal law and NOT a "citizen of the United States**".
   9.3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT.
   9.4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.
   9.5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
   9.6. Confuse the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent.

9.7. Add things or classes of things to the meaning of statutory GEOGRAPHIC terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. This allows EVERYONE to be PRESUMED to be a STATUTORY "citizen" and franchisee.
9.8. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
9.9. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The IRS does this with ALL of their publications and it is FRAUD. See:
10. Label as "frivolous" anyone who exposes or challenges the above in court. What this really means is someone who refuses to join the state-sponsored religion that worships men and rulers and governments and which has "superior" or "supernatural" powers above that of any man.
11. Protect the above SCAM by deceiving people litigating against the above abuses into falsely believing that "sovereign immunity" is a lawful way to prevent common law remedies against the above abuses. Sovereign immunity only applies to STATUTORY "citizens" and "residents" under the CIVIL law, not the COMMON law.

The above tactics essentially turn a REPUBLIC into an OLIGARCHY and make everyone a slave to the oligarchy. They make our legal system function just like a British Monarchy for all intents and purposes. British subjects cannot abandon their civil status as "subjects" of the king or queen by changing their domicile, while under American jurisprudence, Americans can but are deceived into believing that they can't.

1.5 Definitions of key citizenship terms and contexts

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

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

1. States of the Union united under the Constitution and called "United States of America".
   1.1. People within this geography are state citizens and are also called "citizens of the United States" in the Constitution and Fourteenth Amendment.
   1.2. These same people within ordinary acts of Congress are "non-resident non-persons".
2. Federal territories and possessions subject to the exclusive jurisdiction of Congress. People in this geography are "nationals of the United States**" as described in ordinary acts of Congress and 8 U.S.C. §1101(a)(22).

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

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

> ***"By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION.*** *It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument. "*
>
> *[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)]*

The legal dictionary also recognizes these distinctions:

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

> *Foreign Laws: "The laws of a foreign country or sister state."*

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

Dual citizenship. *Citizenship in two different* ***countries****. Status of citizens of United States who reside within a state; i.e., person who are born or naturalized in the U.S. are citizens of the U.S. and the state wherein they reside.*
[Black's Law Dictionary, Sixth Edition, p. 498]

1.5.1 "reside" in the Fourteenth Amendment

"reside" in the Fourteenth Amendment means DOMICILE, not mere physical presence.

That newly arrived citizens "have two political capacities, one state and one federal," adds special force to their claim that they have the same rights as others who share their citizenship.17 ***Neither mere rationality nor some intermediate standard of review should be used to judge the constitutionality of a state rule that discriminates against some of its citizens because they have been domiciled in the State for less than a year****. The appropriate standard may be more categorical than that articulated in Shapiro, see supra, at 8 9, but it is surely no less strict.*

[. . .]

A bona fide residence requirement simply requires that the person does establish residence before demanding the services that are restricted to residents*." **The Martinez Court explained that "residence" requires "both physical presence and an intention to remain [domicile]**," see id., at 330, and approved a Texas law that restricted eligibility for tuition-free education to families who met this minimum definition of residence, id., at 332 333.*

While the physical presence element of a bona fide residence is easy to police, the subjective intent element is not. It is simply unworkable and futile to require States to inquire into each new resident's subjective intent to remain. Hence, States employ objective criteria such as durational residence requirements to test a new resident's resolve to remain before these new citizens can enjoy certain in-state benefits. Recognizing the practical appeal of such criteria, this Court has repeatedly sanctioned the State's use of durational residence requirements before new residents receive in-state tuition rates at state universities. Starns v. Malkerson, 401 U.S. 985 (1971), summarily aff'g 326 F. Supp. 234 (Minn. 1970) (upholding 1-year residence requirement for in-state tuition); Sturgis v. Washington, 414 U.S. 1057, summarily aff'g 368 F. Supp. 38 (WD Wash. 1973) (same). The Court has declared: "The State can establish such reasonable criteria for in-state status as to make virtually certain that students who are not, in fact, bona fide residents of the State, but have come there solely for educational purposes, cannot take advantage of the in-state rates." See Vlandis v. Kline, 412 U.S. 441, 453 454 (1973). The Court has done the same in upholding a 1-year residence requirement for eligibility to obtain a divorce in state courts, see Sosna v. Iowa, 419 U.S. 393, 406 409 (1975), and in upholding political party registration restrictions that amounted to a durational residency requirement for voting in primary elections, see Rosario v. Rockefeller, 410 U.S. 752, 760 762 (1973).
[Saenz v Roe, 526 U.S. 473, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999)]

The implications of the above are that:

1. The point of reference is the HUMAN and not any offices, agencies, or statuses he or she fills such as "taxpayer", "spouse", etc. under civil franchises. The U.S. Supreme Court held that the only "citizens" mentioned in the Constitution are HUMAN BEINGS and not artificial entities.

"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- ***to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations****.* ***It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood.*** *When distributing the judicial power, that article extends it to controversies between 'citizens' of different states.* ***This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."***
[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]

2. Any offices or civil statuses filled by the human being in the previous step have a domicile quite independent of the officer or agent filling them as men or women. The PUBLIC OFFICE or PUBLIC AGENCY they fill through consent

should always be distinguished separately from the OFFICER filling said office or agency. This gives rise to the PUBLIC "person" and the PRIVATE person respectively.

3. Since DOMICILE is voluntary, even CONSTITUTIONAL nationality and state citizenship is voluntary.
4. It also implies that one can be BORN in a place without being a STATUTORY "citizen" there, if one does not have a domicile there. See:

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

1.5.2 "state national"

Throughout this document, when we use the phrase "state national", we mean the following:

1. Born or naturalized within a CONSTITUTIONAL state of the Union.
2. Operating in an exclusively private capacity beyond the control of the civil statutory laws of the national government.
3. A "national of the United States***".
4. A "national of the United States OF AMERICA".
5. NOT any of the following:
   5.1. A "national of the United States**" under 8 U.S.C. §1101(a)(22) .
   5.2. A statutory "national and citizen of the United States at birth" per 8 U.S.C. §1401.
   5.3. A "non-citizen national of the United States** at birth" per 8 U.S.C. §1408.
   5.4. Domiciled on federal territory.
   5.5. Representing any entity or office domiciled on federal territory.
   5.6. A civil statutory "person" under any act of Congress.
6. No civil status under the laws of the national government, such as "person" or "individual". Domicile is the origin of all civil status, and without a domicile on federal territory, there can be no civil status under any Act of Congress.

1.5.3 "Subject to THE jurisdiction" in the Fourteenth Amendment

The phrase "Subject to THE jurisdiction" is found in the Fourteenth Amendment:

> *U.S. Constitution:*
> *Fourteenth Amendment*
>
> *Section. 1. All persons **born or naturalized in the United States[***] and subject to the jurisdiction thereof, are citizens of the United States[***]** and of the State wherein they reside.*

This phrase:

1. Means "subject to the POLITICAL and not LEGISLATIVE jurisdiction".

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

2. Requires domicile, which is voluntary, in order to be subject ALSO to the civil LEGISLATIVE jurisdiction of the municipality one is in. Civil status always has domicile as a prerequisite.

> *In Udny v. Udny (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Hatherley said: '**The question of naturalization and of allegiance is distinct from that of domicile.**' Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: '**The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some***

> ***particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status.*** *' And then,* ***while maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil status, and the basis on which 'the personal rights of the party—that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy— must depend,' he yet distinctly recognized that a man's political status, his country (patria), and his 'nationality,*** *—that is, natural allegiance,'—'may depend on different laws in different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects.*
> *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;*
> *SOURCE: http://scholar.google.com/scholar_case?case=3381955771263111765]*

3. Is a POLITICAL status that does not carry with it any civil status to which PUBLIC rights or franchises can attach. Therefore, the term "citizen" as used in Title 26 is NOT this type of citizen, since it imposes civil obligations. All tax obligations are civil in nature.
4. Is a product of ALLEGIANCE that is associated with the political status of "nationals" as defined in 8 U.S.C. §1101(a)(21). The only thing that can or does establish a political status is such allegiance.

> *8 U.S.C. §1101: Definitions*
>
> *(a) As used in this chapter—*
> *(21) The term "national" means a person owing permanent allegiance to a state.*

> ***"Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.****"*
> *[Minor v. Happersett, 88 U.S. (21 Wall.) 162, 166-168 (1874)]*

5. Relates only to the time of birth or naturalization and not to one's CIVIL status at any time AFTER birth or naturalization.
6. Is synonymous with the phrase "citizens of the United States" found in 8 U.S.C. §1421 and means CONSTITUTIONAL citizen and not STATUTORY citizen.

> ***"The Naturalization Clause has a geographic limitation: it applies "throughout the United States." The federal courts have repeatedly construed similar and even identical language in other clauses to include states and incorporated territories, but not unincorporated territories. In Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme Court held that the Revenue Clause's identical explicit geographic limitation, "throughout the United States," did not include the unincorporated territory of Puerto Rico, which for purposes of that Clause was "not part of the United States."*** *Id. at 287, 21 S.Ct. 770.* ***The Court reached this sensible result because unincorporated territories are not on a path to statehood. See Boumediene v. Bush, 553 U.S. 723, 757–58, 128 S.Ct. 2229, 171 L.Ed.2d. 41 (2008) (citing Downes, 182 U.S. at 293, 21 S.Ct. 770). In Rabang v. I.N.S., 35 F.3d. 1449 (9th Cir.1994), this court held that the Fourteenth Amendment's limitation of birthright citizenship to those "born ... in the United States" did not extend citizenship to those born in the Philippines during the period when it was an unincorporated territory****. U.S. Const., 14th Amend., cl. 1; see Rabang, 35 F.3d. at 1451.* ***Every court to have construed that clause's geographic limitation has agreed. See Valmonte v. I.N.S., 136 F.3d. 914, 920–21 (2d Cir.1998); Lacap v. I.N.S., 138 F.3d. 518, 519 (3d Cir.1998); Licudine v. Winter, 603 F.Supp.2d. 129, 134 (D.D.C.2009).***
>
> ***Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the "United States." This limitation "prevents its extension to every place over which the government exercises its sovereignty.****" Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA's transition date.*
> *[Eche v. Holder, 694 F.3d. 1026 (2012)]*

7. Does NOT apply to people in unincorporated territories such as Puerto Rico, Guam, American Samoa, etc.

If you would like to learn more about the important differences between POLITICAL jurisdiction and LEGISLATIVE jurisdiction, please read:

Political Jurisdiction, Form #05.004
http://sedm.org/Forms/FormIndex.htm

1.5.4 Context for the words "alien" and "national"

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

   Tax Deposition Questions, Form #03.016, Section 14
   http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm
2. "Constitutional alien". This term, as used throughout our website always means a foreign national born or naturalized in a foreign country who is not also a "national of the United States*".
3. "Statutory alien". This alien is defined in 8 U.S.C. §1101(a)(3) and 26 U.S.C. §7701(b)(1)(A) to mean a foreign national born or naturalized in a foreign country who is not also a "national of the United States*". Always enclose in double quotes only the word "alien" for this class of people.
4. "alien". Defined in 8 U.S.C. §1101(a)(3) as those people who are not "nationals of the United States**" pursuant to 8 U.S.C. §1101(a)(22).

   8 U.S.C. §1101(a)(3)

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

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

1.5.5 "Alien" versus "alien individual"

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

   26 C.F.R. §1.1441-1(c)(3)(i)

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

4. All statutory "individuals" within the meaning or the Internal Revenue Code are public officers, employees, agencies, and instrumentalities operating in a representative capacity within the United States government under Federal Rule of Civil Procedure 17(b) .
5. An "alien individual" pursuant to 26 C.F.R. §1.1441-1(c)(3)(i) is a public officer who is also an "alien" pursuant to 8 U.S.C. §1101(a)(3). This class "alien individual" is a subset of the class of "aliens".
6. All "alien individuals" are "aliens" but not all "aliens" are "alien individuals".
7. Those taking the Non-Resident Non-Person Position documented herein are:
   7.1. STATUTORY "non-resident non-persons" if exclusively PRIVATE or "nonresident alien" if a PUBLIC officer. They are not CONSTITUTIONAL aliens. By "CONSTITUTIONAL alien" we mean anyone born or naturalized outside of a constitutional state of the Union.
   7.2. NOT "alien individuals" since they have resigned from their compelled Social Security Trustee position.

   Therefore, if you describe yourself as an "alien" pursuant to 8 U.S.C. §1101(a)(3), it is important that you also emphasize that you are NOT an "individual" or "alien individual" pursuant to 26 C.F.R. §1.1441-1(c)(3)(i).

1.5.6 "resident"

The Treasury Regulations define the meaning of "resident" and "residence" as follows:

> *Title 26: Internal Revenue*
> *PART 1—INCOME TAXES*
> *nonresident alien individuals*
> *§1.871-2 Determining residence of alien individuals.*
>
> *(B) Residence defined.*
>
> ***An alien actually present in the United States[**] who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax**. Whether he is a transient is determined by his intentions with regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.*

One therefore may only be a "resident" and file resident tax forms such as IRS Form 1040 if they are "present in the United States", and by "present" can mean EITHER:

1. PHYSICALLY present: meaning within the geographical "United States" as defined by STATUTE and as NOT commonly understood. This would be the United States**, which we also call the federal zone. Furthermore:
   1.1. Only physical "persons" can physically be ANYWHERE.
   1.2. Artificial entities, legal fictions, or other "juristic persons" such as corporations and public offices are NOT physical things, and therefore cannot be physically present ANYWHERE.
2. LEGALLY present: meaning that:
   2.1. You have CONSENSUALLY contracted with the government as an otherwise NONRESIDENT party to acquire an office within the government as a public officer and a legal fiction. This can ONLY lawfully occur by availing oneself of 26 U.S.C. §6013(g) and (h) , which allows NONRESIDENTS to "elect" to be treated as RESIDENT ALIENS, even though not physically present in the "United States", IF and ONLY IF they are married to a STATUTORY but not CONSTITUTIONAL "U.S. citizen" per 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c). If you are married to a CONSTITUTIONAL citizen who is NOT a STATUTORY citizen, this option is NOT available. Consequently, most of the IRS Form 1040 returns the IRS receives are FRAUDULENT in this regard and a criminal offense under 26 U.S.C. §§7206 and 7207.
   2.2. The OFFICE is legally present within the "United States" as a legal fiction and a corporation. It is NOT physically present. Anyone representing said office is an extension of the "United States" as a legal person.

For all purposes other than those above, a nonresident cannot lawfully acquire any of the following "statuses" under the civil provisions of the Internal Revenue Code, Subtitles A through C because: 1. Domiciled OUTSIDE of the forum in a legislatively foreign state such as either a state of the Union or a foreign country; AND 2. Protected by the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.

1. "person".
2. "individual".
3. "taxpayer".
4. "resident".
5. "citizen".

For more details on the relationship between STATUTORY civil statuses such as those above and one's civil domicile, see:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 11 http://sedm.org/Forms/FormIndex.htm

1.5.7 Physically present

As far as being PHYSICALLY present, the "United States" is geographically defined as:

> *TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]*
> *Sec. 7701. - Definitions*
>
> *(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—*
>
> *(9) United States*
>
> *The term "United States" when used in a geographical sense includes only* ***the States*** *and the District of Columbia.*
>
> *(10) State*
>
> *The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.*
>
> _____
>
> *TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES*
> *CHAPTER 4 -* ***THE STATES***
> *Sec. 110. Same; definitions*
>
> *(d) The term "State" includes any* ***Territory*** *or possession of the United States.*

Anything OUTSIDE of the GEOGRAPHICAL "United States" as defined above is "foreign" and therefore legislatively "alien". Included within that legislatively "foreign" and "alien" area are both the constitutional states of the Union AND foreign countries. Anyone domiciled in a legislatively "foreign" or "alien" jurisdiction, REGARDLESS OF THEIR NATIONALITY, is a "nonresident" for the purposes of income taxation. If they are a public officer, they are also a "nonresident alien". Another important thing about the above definition is that:

1. It relates ONLY to the GEOGRAPHICAL CONTEXT of the word.
2. Not every use of the term "United States" implies the GEOGRAPHIC context.
3. The ONLY way to verify which context is implied in each case is if they EXPRESSLY identify whether they mean "United States****" the legal person or "United States**" federal territory in each case. All other contexts are NOT expressly invoked in the Internal Revenue Code and therefore PURPOSEFULLY EXCLUDED per the rules of statutory construction. The DEFAULT context in the absence of expressly invoking the GEOGRAPHIC context is "United States****" the legal person and NOT a geographic place. This is how they do it in the case of the phrase "sources within the United States".

1.5.8 Legally but not physically present

One can be "legally present" within a jurisdiction WITHOUT being PHYSICALLY present. For example, you can be regarded as a "resident" within the Internal Revenue Code, Subtitles A and C without ever being physically present on the only place it applies, which is federal territory not part of any state of the Union. Earlier versions of the Internal Revenue regulations demonstrate how this happens:

> *26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.*
>
> *A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States.* ***A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation.*** *A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership.* ***Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]
[SOURCE: http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf]

The corporations and partnerships mentioned above represent the ONLY "persons" who are "taxpayers" in the Internal Revenue Code, because they are the only entities expressly mentioned in the definition of "person" found at 26 U.S.C. §6671(b) and 26 U.S.C. §7343. It is a rule of statutory construction that any thing or class of thing not EXPRESSLY appearing in a definition is purposefully excluded by implication:

> *"**Expressio unius est exclusio alterius**. A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."*
> *[Black's Law Dictionary, Sixth Edition, p. 581]*

> *"The United States Supreme Court cannot supply what Congress has studiously omitted in a statute."*
> *[Federal Trade Com. v. Simplicity Pattern Co., 360 U.S. 55, p. 55, 475042/56451 (1959)]*

These same artificial "persons" and therefore public offices within 26 U.S.C. §§6671(b) and 7343, are also NOT mentioned in the constitution either. All constitutional "persons" or "people" are human beings, and therefore the tax imposed by the Internal Revenue Code, Subtitles A and C and even the revenue clauses within the United States Constitution itself at 1:8:1 and 1:8:3 can and do relate ONLY to human beings and not artificial "persons" or corporations:

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

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

> *[Annotated Fourteenth Amendment, Congressional Research Service.*
> *SOURCE: http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1]*

One is therefore ONLY regarded as a "resident" within the Internal Revenue Code if and ONLY if they are engaged in the "trade or business" activity, which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". This mechanism for acquiring jurisdiction is documented in Federal Rule of Civil Procedure 17(b) . Federal Rule of Civil Procedure 17(b) says that when we are representing a federal and not state corporation as "officers" or statutory "employees" per 5 U.S.C. §2105(a) , the civil laws which apply are the place of formation and domicile of the corporation, which in the case of the government of "U.S. Inc." is ONLY the District of Columbia:

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

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

> *Capacity to sue or be sued is determined as follows:*
> *(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;*
> ***(2) for a corporation, by the law under which it was organized; and***
> *(3) for all other parties, by the law of the state where the court is located, except that:*
> *(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and*
> *(B) 28 U.S.C. §§ 754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.*

[Federal Rule of Civil Procedure 17(b)]

Please note the following very important facts:

1. The "person" which IS physically present on federal territory in the context of Federal Rule of Civil Procedure 17(b)(2) scenario is the PUBLIC OFFICE, rather than the OFFICER who is CONSENSUALLY and LAWFULLY filling said office.
2. The PUBLIC OFFICE is the statutory "taxpayer" per 26 U.S.C. §7701(a)(14), and not the human being filling said office.
3. The OFFICE is the thing the government created and can therefore regulate and tax. They can ONLY tax and regulate that which they created.[2] The public office has a domicile in the District of Columbia per 4 U.S.C. §72, which is the same domicile as that of its CORPORATION parent.
4. Because the parent government corporation of the office is a STATUTORY but not CONSTITUTIONAL "U.S. citizen", then the public office itself is ALSO a statutory citizen per 26 C.F.R. §1.1-1(c). All creations of a government have the same civil status as their creator and the creation cannot be greater than the creator:

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

5. An oath of office is the ONLY lawful method by which a specific otherwise PRIVATE person can be connected to a specific PUBLIC office.

> *"****It is true, that the person who accepts an office may be supposed to enter into a compact [contract] to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated?*** *If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and,* ***considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshall, has rendered the jurisdiction of the King's Bench universal in all personal actions.****"*
> *[United States v. Worrall, 2 U.S. 384 (1798)*
> *SOURCE: http://scholar.google.com/scholar_case?case=3339893669697439168]*

Absent proof on the record of such an oath in any legal proceeding, any enforcement proceeding against a "taxpayer" public officer must be dismissed. The oath of public office:

5.1. Makes the OFFICER into legal surety for the PUBLIC OFFICE.
5.2. Creates a partnership between the otherwise private officer and the government. That is the ONLY partnership within the statutory meaning of "person" found in 26 U.S.C. §7343 and 26 U.S.C. §6671(b).

6. The reason that "United States" is defined as expressly including ONLY the District of Columbia in 26 U.S.C. §7701(a)(9) and (a)(10) is because that is the ONLY place that "public officers" can lawfully serve, per 4 U.S.C. §72:

> *TITLE 4 > CHAPTER 3 > § 72*
> *Sec. 72. - Public offices; at seat of Government*
>
> *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law*

7. Even within privileged federal corporations, not all workers are "officers" and therefore "public officers". Only the officers of the corporation identified in the corporate filings, in fact, are officers and public officers. Every other worker in the corporation is EXCLUSIVELY PRIVATE and NOT a statutory "taxpayer".
8. The authority for instituting the "trade or business" franchise tax upon public officers in the District of Columbia derives from the following U.S. Supreme Court cite:

[2] See *Great IRS Hoax*, Form #11.302, Section 5.1.1 entitled "The Power to Create is the Power to Tax". SOURCE: http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm.

> *"Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60.* ***It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution]****. It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1 , 2, declares that 'representatives and direct taxes shall be apportioned among the several states . . . according to their respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the country from their operation. 'The words used do not mean that direct taxes shall be imposed on states only which are represented, or shall be apportioned to representatives;* ***but that direct taxation, in its application to states, shall be apportioned to numbers****.' That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when the territories shall be taxed, without imposing the necessity of taxing them.'"*
> *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

9. Since the first four commandments of the Ten Commandments prohibit Christians from worshipping or serving other gods, then they also forbid Christians from being public officers in their private life if the government has superior or supernatural powers, immunities, or privileges above everyone else, which is the chief characteristic of any god. The word "serve" in the scripture below includes serving as a public officer. The essence of religious "worship" is, in fact, obedience to the dictates of a SUPERIOR or SUPERNATURAL being. You as a human being are the "natural" in the phrase "supernatural", so if any government or civil ruler has any more power than you as a human being, then they are a god in the context of the following scripture.

> *"****You shall have no other gods [including governments or civil rulers] before Me. You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; you shall not bow down or serve them.*** *For I, the Lord your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.*
> *[Exodus 20:3-6, Bible, NKVJ]*

10. Any attempt to compel you to occupy or accept the obligations of a public office without your consent represents several crimes, including:
    10.1. Theft of all the property and rights to property acquired by associating you with the status of "taxpayer".
    10.2. Impersonating a public officer in violation of 18 U.S.C. §912.
    10.3. Involuntary servitude in violation of the Thirteenth Amendment.
    10.4. Identity theft, because it connects your legal identity to obligations that you don't consent to, all of which are associated with the statutory status of "taxpayer".
    10.5. Peonage, if the status of "taxpayer" is surety for public debts, in violation of 18 U.S.C. §1581. Peonage is slavery in connection with a debt, even if that debt is the PUBLIC debt.

Usually false and fraudulent information returns are the method of connecting otherwise alien and nonresident parties to the "trade or business" franchise, and thus, they are being criminally abused as the equivalent of federal election devices to fraudulently "elect" otherwise PRIVATE and nonresident parties to be liable for the obligations of a public office. 26 U.S.C. §6041(a) establishes that information returns which impute statutory "income" may ONLY lawfully be filed against this lawfully engaged in a "trade or business". This is covered in:

Correcting Erroneous Information Returns, Form #04.001 http://sedm.org/Forms/FormIndex.htm

1.5.9 "non-resident non-persons" as used in this document are neither PHYSICALLY on federal territory nor LEGALLY present within the United States government as a "person" and office

Throughout this document, we use the term "non-resident non-person" to describe those who are neither PHYSICALLY nor LEGALLY present in either the United States GOVERNMENT or the federal territory that it owns and controls. Hence, "non-resident non-persons" are completely outside the legislative jurisdiction of Congress and hence, cannot even be DEFINED by Congress in any statute. No matter what term we invented to describe such a status, Congress could not and would not ever even recognize the existence of such an entity or "person" or "human", because it would not be in their best interest to do so if they want to STEAL from you. Such an entity would, in fact be a "non-customer" to their protection racket and they don't want to even recognize the fact that you have a RIGHT not to be a customer of theirs.

Some people object to the use of this "term" by stating that the terms "non-resident" and "non-resident non-person" are not used in the Internal Revenue Code and therefore can't be a correct usage. We respond to this objection by saying that:

1. "non-resident" is a legal word, because that is what the U.S. Supreme Court uses to describe it. If the U.S. Supreme Court can use it, then so can we since we are all equal. Notice that they also call "nonresident aliens" defined in 26 U.S.C. §7701(b)(1)(B) "non-resident aliens" so that is why WE do it too.

> *"Neff was then a non-resident of Oregon."*
> *[Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565 (1877)]*

> *"When the contract is 'produced' by a non-resident broker the 'servicing' function is normally performed by the company exclusively."*
> *[Osborn v. Ozlin, 310 U.S. 53, 60 S.Ct. 758, 84 L.Ed. 1074 (1940)]*

> *"The court below held that the act did not include a non-resident alien, and directed a verdict and judgment for the whole amount of interest."*
> *[Railroad Company v. Jackson, 74 U.S. 262, 19 L.Ed. 88, 7 Wall. 262 (1868)]*

2. We use that to avoid the statutory language as much as possible and to emphasize that implies BOTH the absence of a domicile and the absence of a legal presence under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. Here is an example:
3. We wish to avoid being confused with anything in the Internal Revenue Code (I.R.C.), since the term "non-resident" is not used there but "resident" is.
4. The Statutes at Large from which the Internal Revenue Code was written originally in 1939 also use the phrase "non-resident" rather than "nonresident", so we are therefore insisting on the historical rather than present use.
5. The Department of State has told us and our members in correspondence received by them that they don't use the term "nonresident" or "nonresident alien" either. But they DO understand the term "non-resident". Therefore, we use the term "non-resident non-person" to avoid confusing them also.

2. MEANING OF "UNITED STATES"

2.1 Three geographical definitions of "United States"

Most of us are completely unaware that the term "United States" has several distinct and separate legal meanings and contexts and that it is up to us to know and understand these differences, to use them appropriately, and to clarify exactly which one we mean whenever we sign any government or financial form (including voter registration, tax documents, etc.). If we do not, we could unknowingly, unwillingly and involuntarily be creating false presumptions that cause us to surrender our Constitutional rights and our sovereignty. The fact is, most of us have unwittingly been doing just that for most, if not all, of our lives. Much of this misunderstanding and legal ignorance has been deliberately "manufactured" by our corrupted government in the public school system. It is a fact that our public dis-servants want docile sheep who are easy to govern, not "high maintenance " sovereigns capable of critical and independent thinking and who demand their rights. We have become so casual in our use of the term "United States" that it is no longer understood, even within the legal profession, that there are actually *three different* legal meanings to the term. In fact, the legal profession has contributed to this confusion over this term by removing its definitions from all legal dictionaries currently in print that we have looked at. See *Great IRS Hoax*, Form #11.302, Section 6.10.1 for details on this scam.

Most of us have grown up thinking the term "United States" indicates and includes all 50 states of the Union. This is true in the context of the U.S. Constitution but it is not true in all contexts. As you will see, this is the third meaning assigned to the term "United States" by the United States Supreme Court. But, usually when we (Joe six pack) use the term United States we actually think we are saying the united States, as we are generally thinking of the several states or the union of States. As

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you will learn in this section, the meaning of the term depends entirely on the context and when we are filling out federal forms or speaking with the federal government, this is a very costly false presumption.

First, it should be noted that the term United States is a noun. In fact, it is the proper name and title "We the people..." gave to the corporate entity (non-living thing) of the federal (central) government created by the Constitution. This in turn describes where the "United States" federal corporation referenced in 28 U.S.C. §3002(15)(A) was to be housed as the Seat of the Government - In the District of Columbia, not to exceed a ten mile square.

> *Constitution*
> *Article 1, Section 8, Clause 17*
>
> *To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And [underlines added]*

Below is how the united States Supreme Court addressed the question of the meaning of the term "United States" (see Black's Law Dictionary) in the famous case of *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945). The Court ruled that the term United States has three uses:

> *"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the collective name of the states which are united by and under the Constitution."*
> *[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

We will now break the above definition into its three contexts and show what each means.

Table 1: Meanings assigned to "United States" by the U.S. Supreme Court in Hooven & Allison v. Evatt

#	U.S. Supreme Court Definition of "United States" in Hooven	Context in which usually used	Referred to in this article as	Interpretation
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International law	"United States*"	"These united States," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The several States which is the united States of America." Referring to the 50 sovereign States, which are united under the Constitution of the United States of America. The federal areas within these states are not included in this definition because the Congress does not have exclusive legislative authority over any of the 50 sovereign States within the Union of States. Rights are retained by the States in the 9th and 10th Amendments, and you are a "Citizen of these united States." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

The U.S. Supreme Court helped to clarify which of the three definitions above is the one used in the U.S. Constitution, when it held the following. Note they are implying the THIRD definition above and not the other two:

"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word 'state.' in that connection, was used simply to denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. ***The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution , . . . and excludes from the term the signification attached to it by writers on the law of nations.' This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L.Ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395 , 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.'*** *In Scott v. Jones, 5 How. 343, 12 L.Ed. 181, and in Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress."*
[Downes v. Bidwell, 182 U.S. 244 (1901)]

The U.S. Supreme Court further clarified that the Constitution implies the third definition above, which is the United States*** when they held the following. Notice that they say "not part of the United States within the meaning of the Constitution" and that the word "the" implies only ONE rather than multiple GEOGRAPHIC meanings:

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, ***if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution.****"*
[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

And finally, the U.S. Supreme Court has also held that the Constitution does not and cannot determine or limit the authority of Congress over federal territory and that the ONLY portion of the Constitution that does in fact expressly refer to federal territory and therefore the statutory "United States" is Article 1, Section 8, Clause 17. Notice they ruled that Puerto Rico is NOT part of the "United States" within the meaning of the Constitution, just like they ruled in O'Donoghue above that territory was no part of the "United States":

In passing upon the questions involved in this and kindred cases, we ought not to overlook the fact that, ***while the Constitution was intended to establish a permanent form of government for the states which should elect to take advantage of its conditions, and continue for an indefinite future, the vast possibilities of that future could never have entered the minds of its framers.*** *The states had but recently emerged from a war with one of the most powerful nations of Europe, were disheartened by the failure of the confederacy, and were doubtful as to the feasibility of a stronger union. Their territory was confined to a narrow strip of land on the Atlantic coast from Canada to Florida, with a somewhat indefinite claim to territory beyond the Alleghenies, where their sovereignty was disputed by tribes of hostile Indians supported, as was popularly believed, by the British, who had never formally delivered possession [182 U.S. 244, 285] under the treaty of peace. The vast territory beyond the Mississippi, which formerly had been claimed by France, since 1762 had belonged to Spain, still a powerful nation and the owner of a great part of the Western Hemisphere.* ***Under these circumstances it is little wonder that the question of annexing these territories was not made a subject of debate. The difficulties of bringing about a union of the states were so great, the objections to it seemed so formidable, that the whole thought of the convention centered upon surmounting these obstacles. The question of territories was dismissed with a single clause, apparently applicable only to the territories then existing, giving Congress the power to govern and dispose of them.***

Had the acquisition of other territories been contemplated as a possibility, could it have been foreseen that, within little more than one hundred years, we were destined to acquire, not only the whole vast region between the Atlantic and Pacific Oceans, but the Russian possessions in America and distant islands in the Pacific, it is incredible that no provision should have been made for them, and the question whether the Constitution should or should not extend to them have been definitely settled. ***If it be once conceded that we are at liberty to acquire foreign territory, a presumption arises that our power with respect to such territories is the same power which other nations have been accustomed to exercise with respect to territories acquired by them. If, in limiting the power which Congress was to exercise within the United States[***], it was also intended to limit it with regard to such territories as the people of the United States[***] should thereafter acquire, such limitations should have been expressed. Instead of that, we find the Constitution speaking only to states, except in the territorial clause, which is absolute in its terms, and suggestive of no limitations upon the power of Congress in dealing with them. The states could only delegate to Congress such powers as they themselves possessed, and as they had no power to acquire new territory they had none to delegate in that connection. The logical inference from this is that if Congress had power to acquire new territory, which is conceded, that power was not hampered by the constitutional provisions.*** *If, upon the other hand, we assume [182 U.S. 244, 286] that the territorial clause of the Constitution was not intended to be restricted to such territory as the United States then possessed,*

there is nothing in the Constitution to indicate that the power of Congress in dealing with them was intended to be restricted by any of the other provisions.

[. . .]

If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible; and the question at once arises whether large concessions ought not to be made for a time, that ultimately our own theories may be carried out, and the blessings of a free government under the Constitution extended to them. We decline to hold that there is anything in the Constitution to forbid such action.

We are therefore of opinion that the island of Porto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States[***] within the revenue clauses of the Constitution; *that the Foraker act is constitutional, so far as it imposes duties upon imports from such island, and that the plaintiff cannot recover back the duties exacted in this case.*
[Downes v. Bidwell, 182 U.S. 244 (1901)]

2.2 The two political jurisdictions/nations within the United States*

Another important distinction needs to be made. Definition 1 above refers to the country "United States*", but this country is *not* a "nation", in the sense of international law. This very important point was made clear by the U.S. Supreme Court in 1794 in the case of *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) , when it said:

This is a case of uncommon magnitude. One of the parties to it is a State; certainly respectable, claiming to be sovereign. ***The question to be determined is, whether this State, so respectable, and whose claim soars so high, is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in itself, will depend on others, more important still; and, may, perhaps, be ultimately resolved into one, no less radical than this 'do the people of the United States form a Nation?'***

A cause so conspicuous and interesting, should be carefully and accurately viewed from every possible point of sight. I shall examine it; 1st. By the principles of general jurisprudence. 2nd. By the laws and practice of particular States and Kingdoms. ***From the law of nations little or no illustration of this subject can be expected. By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION.*** *It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument.*
[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)]

An earlier edition of Black's Law Dictionary further clarifies the distinction between a "nation" and a "society" by clarifying the differences between a ***national*** government and a ***federal*** government, and keep in mind that the American government is called "federal government":

*"**NATIONAL GOVERNMENT**. The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.*

"A national government is a government of the people of a single state or nation, united as a community by what is termed the "social compact," and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. ***A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.*** *" Piqua Branch Bank v. Knoup, 6 Ohio.St. 393."*
[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176]

***"FEDERAL GOVERNMENT**. The system of government administered in a state formed by the union or confederation of **several independent or quasi independent states**; also the composite state so formed.*

In strict usage, there is a distinction between a confederation and a federal government. ***The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation, and the central government acts upon them,***

> ***not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal,-while the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all. in their collective capacity, as citizens of the nation.*** *The distinction is expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaut;" the former denoting a league or confederation of states, and the latter a federal government, or state formed by means of a league or confederation."*
> *[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]*

So the "United States*" the country is a "society" and a "sovereignty" but not a "nation" under the law of nations, by the Supreme Court's own admission. Because the Supreme Court has ruled on this matter, it is now incumbent upon each of us to always remember it and to apply it in all of our dealings with the Federal Government. If not, we lose our individual Sovereignty by default and the Federal Government assumes jurisdiction over us. So, while a sovereign American will want to be the third type of Citizen, which is a "Citizen of the United States***" and on occasion a "citizen of the United States*", he would never want to be the second, which is a "citizen of the United States**". A human being who is a "citizen" of the second is called a ***statutory*** "U.S. citizen" under 8 U.S.C. §1401, and he is treated in law as occupying a place not protected by the Bill of Rights, which is the first ten amendments of the United States Constitution. Below is how the U.S. Supreme Court, in a dissenting opinion, described this "other" United States, which we call the "federal zone":

> ***"I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism..***
>
> ***[. . .]***
>
> *"The idea prevails with some, indeed it has found expression in arguments at the bar, that* ***we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to..***
>
> ***[. . .]***
>
> ***It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution."***
> *[Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting]*

2.3 "United States" as a corporation and a Legal Person

The second definition of "United States**" above is also a federal corporation. This corporation was formed in 1871. It is described in 28 U.S.C. §3002(15)(A):

> *TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.*
> *TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE*
> *PART VI - PARTICULAR PROCEEDINGS*
> *CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE*
> *SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS*
>
> *Sec. 3002. Definitions*
> *(15) "United States" means -*
> *(A) a Federal corporation;*
> *(B) an agency, department, commission, board, or other entity of the United States; or*
> *(C) an instrumentality of the United States.*

The U.S. Supreme Court, in fact, has admitted that all governments are corporations when it held:

> *"Corporations are also of all grades, and made for varied objects;* ***all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made [the Constitution is the corporate charter].*** *One universal rule of law protects persons and property. It is a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all persons,' ecclesiastical and temporal, incorporate, politique or natural; it*

is a part of their magna charta (2 Inst. 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing of protection as other persons, and their corporate property secured by the same laws which protect that of individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal government, by the amendments to the constitution."
[Proprietors of Charles River Bridge v. Proprietors of, 36 U.S. 420 (1837)]

If we are acting as a federal "public official" or contractor, then we are representing the "United States** federal corporation". That corporation is a statutory "U.S. citizen" under 8 U.S.C. §1401 which is completely subject to all federal law.

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

Federal Rule of Civil Procedure 17(b) says that when we are representing that corporation as "officers" or "employees", we therefore become statutory "U.S. citizens" completely subject to federal territorial law:

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:
(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
(2) for a corporation, by the law under which it was organized; and
(3) for all other parties, by the law of the state where the court is located, except that:
(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

[Federal Rule of Civil Procedure 17(b)]

Yet on every government (any level) document we sign (e.g. Social Security, Marriage License, Voter Registration, Driver License, BATF 4473, etc.) they either require you to be a "citizen of the United States" or they ask "are you a resident of Illinois?". They are in effect asking you to assume or presume the second definition, the "United States**", when you fill out the form, but they don't want to tell you this because then you would realize they are asking you to commit perjury on a government form under penalty of perjury. They in effect are asking you if you wish to act in the official capacity of a public employee or officer of the federal corporation. The form you are filling out therefore is serving the dual capacity of a federal job application and an application for "benefits". The reason this must be so, is that they are not allowed to pay PUBLIC "benefits" to PRIVATE humans and can only lawfully pay them to public statutory "employees", public officers, and contractors. Any other approach makes the government into a thief. See the article below for details on this scam:

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

If you accept the false and self-serving presumption of your public dis-servants, or you answer "Yes" to the question of whether you are a "citizen of the United States" or a "U.S. citizen" on a federal or state form, usually under penalty of perjury, then you have committed perjury under penalty of perjury and also voluntarily placed yourself under their exclusive/plenary legislative jurisdiction as a public official/"employee" and are therefore unlawfully subject to Federal & State Codes and Regulations (Statutes). The Social Security Number they ask for on the form, in fact, is prima facie evidence that you are a federal statutory employee, in fact. Look at the evidence for yourself, paying particular attention to sections 6.1, 6.2 and 6.6:

Resignation of Compelled Social Security Trustee, Form #06.002
http://sedm.org/Forms/FormIndex.htm

Most statutes passed by government are, in effect, PRIVATE law only for government. They are private law or contract law that act as the equivalent of a government employment agreement.

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

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

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

We the People, as the Sovereigns, cannot lawfully become the proper subject to exclusive federal jurisdiction unless and until we surrender our sovereignty by signing a government employment agreement that can take many different forms: I.R.S. Form W-4 and 1040, SSA Form SS-5, etc.

California Civil Code
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
TITLE 1. NATURE OF A CONTRACT
CHAPTER 3. CONSENT

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

[SOURCE:
http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590]

The I.R.S. Form W-4 is what both we and the government refer to as a federal "election" form and you are the ***only*** voter. They are asking you if you want to elect yourself into "public office", and if you say "yes", then you got the job and a cage is reserved for you on the federal plantation:

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

By making you into a DE FACTO "public official" or statutory "employee", they are intentionally destroying the separation of powers that is the main purpose of the Constitution and which was put there to protect your rights.

> *"To the contrary, **the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power." Coleman v. Thompson, 501 U.S. 722, 759 (1991)** (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458 . See The Federalist No. 51, p. 323. (C. Rossiter ed. 1961)."*
> *[New York v. United States, 505 U.S. 144 (1992)]*

They are causing you to voluntarily waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1601-1611. 28 U.S.C. §1605(a)(2) of the act says that those who conduct "commerce" within the legislative jurisdiction of the "United States" (federal zone), whether as public official or federal benefit recipient, surrender their sovereign immunity.

> *TITLE 28 > PART IV > CHAPTER 97 > § 1605*
> *§ 1605. General exceptions to the jurisdictional immunity of a foreign state*
>
> *(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—*
>
> *(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial [employment or federal benefit] activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;*

They are also destroying the separation of powers by fooling you into declaring yourself to be a ***statutory*** "U.S.** citizen" under 8 U.S.C. §1401. 28 U.S.C. §1603(b)(3) and 28 U.S.C. §1332(e) specifically exclude such statutory "U.S. citizens" from being foreign sovereigns who can file under statutory diversity of citizenship. This is also confirmed by the Department of State Website:

> *"Section 1603(b) defines an "agency or instrumentality" of a foreign state as an entity*
>
> *(1) which is a separate legal person, corporate or otherwise, and*
>
> *(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and*
>
> ***(3) which is neither a citizen of the a state of the United States as defined in Sec. 1332(e) nor created under the laws of any third country."***
> *[Department of State Website, http://travel.state.gov/law/info/judicial/judicial_693.html]*

In effect, they kidnapped your legal identity and made you into a "resident alien federal employee" working in the "king's castle", what Mark Twain called "the District of Criminals", and changed your status from "foreign" to "domestic" by creating false presumptions about citizenship and using the Social Security Number, IRS Form W-4, and SSA Form SS-5 to make you into a "subject citizen" and a "public employee" with no constitutional rights.

The nature of most federal law as private/contract law is carefully explained below:

Requirement for Consent, Form #05.003 http://sedm.org/Forms/FormIndex.htm

As you will soon read, the government uses various ways to mislead and trick us into their private/contract laws (outside our Constitutional protections) and make you into the equivalent of their "employee", and thereby commits a great fraud on the American People. It is the purpose of this document to expose the most important aspect of that willful deception, which is the citizenship trap.

2.4 Why the STATUTORY Geographical "United States" does not include states of the Union

A common point of confusion is the comparison between STATUTORY and CONSTITUTIONAL contexts for the "United States". Below is a question posed by a reader about this confusion:

*Your extensive citizenship materials say that the term "United States" described in 8 U.S.C. §1101(a)(38) , (a)(36) , and 8 C.F.R. §215.1(f) includes only DC, Puerto Rico, Guam, USVI, and CNMI and excludes all Constitutional Union states. In fact, a significant portion of what your materials say hinges on the interpretation that the term "United States" per 8 U.S.C. §1101(a)(38) includes only DC, Puerto Rico, Guam, USVI, and CNMI and excludes all Constitutional Union states. Therefore, it is important that your readers are confident that this is the correct interpretation of 8 U.S.C. §1101(a)(38). The problem that most of your readers are going to have is that the text for 8 U.S.C. §1101(a)(38) say the "United States" means continental United States, **Alaska, Hawaii**, Puerto Rico, Guam, and the Virgin Islands of the United States.*

Please explain to me how the term "United States" described in 8 U.S.C. §1101(a)(38), (a)(36) , and 8 C.F.R. §215.1(f) can exclude all Constitution Union states when 8 U.S.C. §1101(a)(38) explicitly lists list Alaska and Hawaii as part of "United States". Alaska and Hawaii were the last two Constitutional states to join the Union and they became Constitutional Union states on August 21, 1959 and January 3, 1959 respectfully. The only possible explanation that I can think of is that the Statutes at Large that 8 U.S.C. §1101(a)(38) is a codification of never got updated after Alaska and Hawaii joined the Union. Do you agree? How can one provide legal proof of this? This proof needs to go into your materials since this is such a key and pivotal issue to understanding your correct political and civil status. It appears that the wording used in 8 U.S.C. §1101(a)(38) is designed to obfuscate and confuse most people into thinking that it is describing United States when in fact is it describing only a portion of United States**. If this section of code is out of date, why has Congress never updated it to remove Alaska and Hawaii from the definition of "United States" ?*

The definitions that lead to this question are as follows:

8 U.S.C. §1101(a)(38)

The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

_____

8 U.S.C. §1101(a)(36)

The term "State" includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

_____

8 C.F.R. §215.1(f)

The term continental United States means the District of Columbia and the several States, except Alaska and Hawaii.

In response to this question, we offer the following explanation:

1. 40 U.S.C. §§3111 and 3112 say that federal jurisdiction does not exist within a state except on land ceded to the national government. Hence, no matter what the geographical definitions are, they do not include anything other than federal territory.
2. All statutory terms are limited to territory over which Congress has EXCLUSIVE GENERAL jurisdiction. All of the statuses indicted in the statutes (including those in 8 U.S.C. §§1401 and 1408) STOP at the border to federal territory and do not apply within states of the Union. One cannot have a status in a place that they are not civilly domiciled, and especially a status that they do NOT consent to and to which rights and obligations attach. Otherwise, the Declaration of Independence is violated because they are subjected to obligations that they didn't consent to and are a slave. This is proven in:

   Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf
3. As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state. The states of the Union are NOT "territory" as legally defined, and therefore, all of the civil statuses found in Title 8 of the U.S. Code do not extend into or relate to anyone civilly domiciled in a constitutional state, regardless of what the definition of "United States" is and whether it is GEOGRAPHICAL or GOVERNMENT sense.

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

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

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

4. The U.S. Supreme Court has held that Congress enjoys no legislative jurisdiction within a constitutional state. Hence, those in constitutional states can have no civil "status" under the laws of Congress.

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

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*"It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**"*
[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

5. The U.S. Supreme Court has held that Congress can only tax or regulate that which it creates. Since it didn't create humans, then all statuses under Title 8 MUST be artificial PUBLIC offices.

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

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

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

6. It is a legal impossibility to have more than one domicile and if you are domiciled in a state of the Union, then you are domiciled OUTSIDE of federal territory and federal civil jurisdiction. See:

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

7. Just like in the Internal Revenue Code, the term "United States" within Title 8 of the U.S. Code is ONLY defined in its GEOGRAPHICAL sense but the GEOGRAPHICAL sense is not the only sense. The OTHER sense is the GOVERNMENT as a legal person.
8. There is no way provided to distinguish the GEOGRAPHICAL use and the GOVERNMENT use in all the cases we have identified. This leaves the reader guessing and also gives judges unwarranted and unconstitutional discretion to apply either context.
9. The Great IRS Hoax, Form #11.302, Section 5.2.13 talks about the meaning and history of United States in the Internal Revenue Code. It proves that "United States" includes only the federal zone and not the Constitutional states or land under the exclusive jurisdiction of said states.

Great IRS Hoax, Form #11.302, Section 5.2.13 http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm

10. The term "United States" as used in 8 U.S.C. §1401 within "national and citizen of the United States** at birth" does not expressly invoke the GEOGRAPHIC sense and hence, must be presumed to be the GOVERNMENT sense, where "citizen" is a public officer in the government.

The whole point of Title 8 is confuse state citizens with federal citizens and to thereby usurp jurisdiction over them. The tools for usurping that jurisdiction are described in:

Federal Jurisdiction, Form #05.018 http://sedm.org/Forms/FormIndex.htm

A citizen of the District of Columbia is certainly within the meaning of 8 U.S.C. §1401. All you do by trying to confuse THAT citizen with a state citizen is engage in the Stockholm Syndrome and facilitate identity theft of otherwise sovereign state nationals by thieves in the District of Criminals. If you believe that an 8 U.S.C. §1401 "national and citizen of the United States" includes state citizens, then you have the burden of describing WHERE those domiciled in federal territory are described in Title 8, because the U.S. Supreme Court held that these two types of citizens are NOT the same. Where is your proof?

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.* ***No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.*** *It had been the occasion of much discussion in the courts, by the executive departments and in the public journals.* ***It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens****. Whether this proposition was sound or not had never been judicially decided."*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

> ***The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401 STATUTORY citizen]****. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States * * * are citizens of the United States * * *.' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.* ***While conceding that Bellei is an American citizen****, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution.* ***I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others****. [. . .]*
>
> ***The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.***
>
> *[. . .]*
>
> *Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.*

[Rogers v. Bellei, 401 U.S. 815 (1971)]

In summary, all of the above items cannot simultaneously be true and at the same time, the geographical "United States" including states of the Union within any act of Congress. The truth cannot conflict with itself or it is a LIE. Any attempt to rebut the evidence and resulting conclusions of fact and law within this section must therefore deal with ALL of the issues addressed and not cherry pick the ones that are easy to explain.

Our conclusion is that the United States**, the area over which the EXCLUSIVE sovereignty of the United States government extends, is divided into two areas in which one can establish their domicile:

1. American Samoa and
2. "United States" as described in 8 U.S.C. §1101(a)(38), (a)(36) , and 8 C.F.R. §215.1(f).

This is very clear after looking at 8 U.S.C. §1401 and 8 U.S.C. §1408. The term "United States" described in 8 U.S.C. §1101(a)(38), (a)(36), and 8 C.F.R. §215.1(f) is not the inhabited area of United States** as previously mentioned in Appendix A of this document, but rather it is one of the two areas within United States** that one can establish a domicile in. The inhabited areas of the United States** would be "United States" per 8 U.S.C. §1101(a)(38) AND American Samoa. Those born in "United States" per 8 U.S.C. §1101(a)(38) are "citizens of the "United States**", where "United States" is described in 8 U.S.C. §1101(a)(38), and "nationals of United States**" per 8 U.S.C. §1101(a)(22) . Those born in American Samoa are "non-citizens of the "United States**", where "United States" is described in 8 U.S.C. §1101(a)(38). United States** = "United States", where "United States" is described in 8 U.S.C. §1101(a)(38), American Samoa, and all of the uninhabited territories of the U.S., including the federal enclaves within the exterior borders of the Constitutional Union states.

For further supporting evidence about the subject of this section, see:

Tax Deposition Questions, Form #03.016, Section 14: Citizenship http://sedm.org/Forms/FormIndex-SinglePg.htm

2.5 Why the CONSTITUTIONAL Geographical "United States" does NOT include federal territory

The case of Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998) very clearly determines that the CONSTITUTIONAL "United States", when used in a GEOGRAPHICAL context, means states of the Union and EXCLUDES federal territories. Below is the text of that holding:

> ***The principal issue in this petition is the territorial scope of the term "the United States" in the Citizenship Clause of the Fourteenth Amendment.*** *U.S. Const. amend. XIV, § 1 ("All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United States territory, argues she was "born ... in the United States" and is therefore a United States citizen. [3]*
>
> *Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang v. INS, 35 F.3d 1449, 1452 (9th Cir.1994) ("**No court has addressed whether persons born in a United States territory are born 'in the United States,' within the meaning of the Fourteenth Amendment**."), cert. denied sub nom. Sanidad v. INS, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, **the Ninth Circuit held that "birth in the Philippines during the territorial period does not constitute birth 'in the United States' under the Citizenship Clause of the Fourteenth Amendment**, and thus does not give rise to United States citizenship." Rabang, 35 F.3d at 1452. We agree. [4]*

[3] Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. § 1105a(a)(5).

[4] For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. Dorr v. United States, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); Rabang, 35 F.3d at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing Downes v. Bidwell, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. United States v. Verdugo-Urquidez, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056,

Despite the novelty of petitioner's argument, ***the Supreme Court in the Insular Cases [5] provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment****. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States.* ***The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union****. U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("****[I]t can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives."****); Rabang, 35 F.3d at 1452.* ***Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787****.*

The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend XIV, § 1 (emphasis added). ***The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are no[t] part of the Union" to which the Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773, Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States '] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union****. Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("****[I]n dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located."****). [6]*

Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its status as a United States territory, was not a part of the United States*. See Hooven & Allison Co. v. Evatt, 324 U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("****As we have seen, [the Philippines] are not a part of the United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution, as do the states which are united by and under it.****"); see id. at 673-74, 65 S.Ct. at 881 (****Philippines "are territories belonging to, but not a part of, the Union of states under the Constitution,****" and therefore imports "brought from the Philippines into the United States ... are brought from territory, which is not a part of the United States, into the territory of the United States.").*

Accordingly, the Supreme Court has observed*, without deciding,* ***that persons born in the Philippines prior to its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States****. See Barber v. Gonzales, 347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the Philippines during the territorial period were "nationals" of the United States, they were not "United States citizens"); Rabang v. Boyd, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("****The inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of the United States, do not possess right of free entry into the United States.****" (emphasis added) (citation and internal quotation marks omitted)).*

Petitioner, notwithstanding this line of Supreme Court authority since the Insular Cases, argues that the Fourteenth Amendment codified English common law principles that birth within the territory or dominion of a sovereign confers citizenship. Because the United States exercised complete sovereignty over the Philippines during its territorial period, petitioner asserts that she is therefore a citizen by virtue of her birth within the territory and dominion of the United States. ***Petitioner argues that the term "the United States" in the Fourteenth Amendment should be interpreted to mean "within the dominion or territory of the United States****." Rabang, 35 F.3d at 1459 (Pregerson, J., dissenting); see United States v. Wong Kim Ark, 169 U.S. 649, 693, 18 S.Ct. 456, 473-74, 42 L.Ed. 890 (1898) (relying on the English common law and holding that the Fourteenth Amendment "affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country" (emphasis added)); Inglis v. Sailors' Snug Harbour, 28 U.S. (3 Pet.) 99, 155, 7 L.Ed. 617 (1830) (Story, J., concurring and dissenting) (citizenship is conferred by "birth locally within the dominions of the sovereign; and ... birth within the protection and obedience ... of the sovereign").*

1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[ ]").

[5] De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

[6] Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

We decline petitioner's invitation to construe Wong Kim Ark and Inglis so expansively. Neither case is reliable authority for the citizenship principle petitioner would have us adopt. The issue in Wong Kim Ark was whether a child born to alien parents in the United States was a citizen under the Fourteenth Amendment. That the child was born in San Francisco was undisputed and "it [was therefore] unnecessary to define 'territory' rigorously or decide whether 'territory' in its broader sense (i.e. outlying land subject to the jurisdiction of this country) meant 'in the United States' under the Citizenship Clause." Rabang, 35 F.3d at 1454.[7] *Similarly, in Inglis, a pre-Fourteenth Amendment decision, the Court considered whether a person, born in the colonies prior to the Declaration of Independence, whose parents remained loyal to England and left the colonies after independence, was a United States citizen for the purpose of inheriting property in the United States. Because the person's birth within the colonies was undisputed, it was unnecessary in that case to consider the territorial scope of common law citizenship.*

The question of the Fourteenth Amendment's territorial scope was not before the Court in Wong Kim Ark or Inglis and we will not construe the Court's statements in either case as establishing the citizenship principle that a person born in the outlying territories of the United States is a United States citizen under the Fourteenth Amendment. *See Rabang, 35 F.3d at 1454. "[G]eneral expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision." Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 399, 5 L.Ed. 257 (1821) (Marshall, C.J.).*

In sum, persons born in the Philippines during its status as a United States territory were not "born ... in the United States" under the Fourteenth Amendment*. Rabang, 35 F.3d at 1453 (Fourteenth Amendment has an "express territorial limitation which prevents its extension to every place over which the government exercises its sovereignty."). Petitioner is therefore not a United States citizen by virtue of her birth in the Philippines during its territorial period.*

Petitioner makes several additional arguments that we address and dispose of quickly. First, contrary to petitioner's argument, ***Congress' classification of the inhabitants of the Philippines as "nationals" during the Philippines' territorial period did not violate the Thirteenth Amendment****. The Thirteenth Amendment "proscribe[s] conditions of 'enforced compulsory service of one to another.' " Jobson v. Henne, 355 F.2d. 129, 131 (2d Cir.1966) (quoting Hodges v. United States, 203 U.S. 1, 16, 27 S.Ct. 6, 8, 51 L.Ed. 65 (1906)).*

Furthermore, contrary to petitioner's argument, Congress had the authority to classify her as a "national" and then reclassify her as an alien to whom the United States immigration laws would apply. Congress' authority to determine petitioner's political and immigration status was derived from three sources. Under the Constitution, Congress has authority to "make all needful Rules and Regulations respecting the Territory ... belonging to the United States," see U.S. Const. art. IV, § 3, cl. 2, and "[t]o establish an uniform Rule of Naturalization," id. art. I, § 8, cl.4. The Treaty of Paris provided that "the civil rights and political status of the native inhabitants ... shall be determined by Congress." Treaty of Paris, supra, art. IX, 30 Stat. at 1759. This authority was confirmed in Downes where the Supreme Court stated that the "power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be.*" Downes, 182 U.S. at 279, 21 S.Ct. at 784; see Rabang v. Boyd, 353 U.S. 427, 432, 77 S.Ct. 985, 988, 1 L.Ed.2d. 956 (1957) (rejecting argument that Congress did not have authority to alter the immigration status of persons born in the Philippines).*

Congress' reclassification of Philippine "nationals" to alien status under the Philippine Independence Act was not tantamount to a "collective denaturalization" as petitioner contends*. See Afroyim v. Rusk, 387 U.S. 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (****holding that Congress has no authority to revoke United States citizenship). Philippine "nationals" of the United States were not naturalized United States citizens.*** *See Manlangit v. INS, 488 F.2d. 1073, 1074 (4th Cir.1973) (****holding that Afroyim addressed the rights of a naturalized American citizen and therefore does not stand as a bar to Congress' authority to revoke the non-citizen, "national" status of the Philippine inhabitants****).*
[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

2.6 Meaning of "United States" in various contexts within the U.S. Code

2.6.1 Tabular summary

Next, we must conclusively determine which "United States" is implicated in various key sections of the U.S. Code and supporting regulations. Below is a tabular list that describes its meaning in various contexts, the reason why we believe that meaning applies, and the authorities that prove it.

[7] This point is well illustrated by the Court's ambiguous pronouncements on the territorial scope of common law citizenship. See Rabang, 35 F.3d at 1454; compare Wong Kim Ark, 169 U.S. at 658, 18 S.Ct. at 460 (under the English common law, "every child born in England of alien parents was a natural-born subject" (emphasis added)), and id. at 661, 18 S.Ct. at 462 ("Persons who are born in a country are generally deemed citizens and subjects of that country." (citation and internal quotation marks omitted; emphasis added)), with id. at 667, 18 S.Ct. at 464 (citizenship is conferred by "birth within the dominion").

Table 2: Meaning of "United States" in various contexts

#	Code section	Term	Meaning	Authorities	Reason
1	8 U.S.C. §1101(a)(38)	Geographical "United States" defined	United States**	8 U.S.C. §1101(a)(36) defines "State" to EXCLUDE constitutional states.	
2	8 U.S.C. §1101(a)(38)	"continental United States"	United States**		
3	8 U.S.C. §1101(a)(22)	"national of the United States" defined	United States**		
4	8 U.S.C. §1101(a)(22)(A)	"citizen of the United States" referenced	United States**		Uses the same phrase as 8 U.S.C. §1421 and therefore must be the same.
5	8 U.S.C. §1101(a)(22)(B)	"non-citizen national of the United States" referenced	United States**	Marquez-Almanzar v. INS, 418 F.3d. 210 (2005) Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975)	
6	8 U.S.C. §1401	"national and citizen of the United States at birth" defined	United States**	Rogers v. Bellei, 401 U.S. 815 (1971)	"citizen" in this section is a revocable privilege. Rights cannot be revoked but privileges can.
7	8 U.S.C. §1408	"non-citizen national of the United States at birth" defined	United States**	Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)	
8	8 U.S.C. §1421	"citizen of the United States" referenced	United States***	Eche v. Holder, 694 F.3d. 1026 (2012)	Naturalization is available ONLY in states of the Union or the "United States". Not available in unincorporated territories.
9	8 U.S.C. §1452(a)	"United States citizenship"	United States**	Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982 Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683	
10	8 U.S.C. §1452(b)	"non-citizen national" referenced	United States**	Black's Law Dictionary, Sixth Edition, p. 517 ("ejusdem generis") Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696	
11	8 C.F.R. §215.1(e)	"United States" defined for "aliens" ONLY	United States*		Section refers to departing aliens, which Congress has jurisdiction over throughout the country. U.S. Const. Art. 1, Section 8, Clause 4
12	Fourteenth Amendment	"citizen of the United States"	United States***	Downes v. Bidwell, 182 U.S. 244 (1901) O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)	Geographical "United States" in the contexts means states of the Union and excludes federal territory. See *Why the Fourteenth Amendment is Not a Threat to Your Freedom*, Form #08.015
13	26 C.F.R. §1.1-1(c)	"citizen"	United States**	8 U.S.C. §1401	26 C.F.R. §1.1-1(c) says "subject to IT'S jurisdiction" rather than "subject to THE jurisdiction". It also references 8 U.S.C. §1401.
14	26 U.S.C. §7701(a)(30)	"citizen" in the context of Title 26	United States**	26 C.F.R. §1.1-1(c) 26 U.S.C. §7701(a)(9) and (a)(10)	"United States" for the purposes of 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d) do not include constitutional statues. Therefore this citizen is domiciled on federal territory not within a constitutional state.

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2.6.2 Supporting evidence

Below is a list of the content of some of the above authorities showing the meaning of each status:

1. Geographical "United States**", 8 U.S.C. §1101(a)(38).

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. [Aliens and Nationality]*
> *Sec. 1101. - Definitions*
>
> *(a)(36): State [Aliens and Nationality]*
>
> *The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.*

2. "continental United States**", 8 U.S.C. §1101(a)(38).

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. [Aliens and Nationality]*
> *Sec. 1101. - Definitions*
>
> *(a)(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands **of** the United States.*

3. "citizen of the United States**", 8 U.S.C. §1101(a)(22)(A).

> ***"Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the "United States[***]." This limitation "prevents its extension to every place over which the government exercises its sovereignty.**** Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA's transition date.*
>
> *The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo may, of course, submit new applications for naturalization once they have satisfied the statutory requirements." [Eche v. Holder, 694 F.3d. 1026]*

4. "non-citizen national of the United States**", 8 U.S.C. §1101(a)(22)(B).

> *We have previously indicated that Marquez-Almanzar's construction of § 1101(a)(22)(B) is erroneous, but have not addressed the issue at length. In Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975) (per curiam), the petitioner, as a defense to deportation, argued that she qualified as a U.S.**[*]** national under § 1101(a)(22) (B) because she had resided exclusively in the United States for twenty years, and thus "`owe[d] allegiance'" to the United States**[*]**. Without extensively analyzing the statute, we found that the petitioner could not be "a `national' as that term is understood in our law." Id. We pointed out that the petitioner still owed allegiance to Canada (her country of birth and citizenship) because she had not taken the U.S. naturalization oath, to "`renounce and abjure absolutely and entirely all allegiance and fidelity to any [foreign state of] ... which the petitioner was before a subject or citizen.'" Id. at 428 (quoting INA § 337(a)(2), 8 U.S.C. §1448(a)(2)). In making this observation, we did not suggest that the petitioner in Oliver could have qualified as a U.S.**[*]** national by affirmatively renouncing her allegiance to Canada or otherwise swearing "permanent allegiance" to the United States. In fact, in the following sentence we said that Title III, Chapter 1 of the INA9 "indicates that, **with a few exceptions not here pertinent, one can satisfy [8 U.S.C. §1101(a)(22)(B)] only at birth; thereafter the road lies through naturalization**, which leads to becoming a citizen and not merely a `national.'"10 Id. at 428.*
>
> *Our conclusion in Oliver, which we now reaffirm, is consistent with the clear meaning of 8 U.S.C. §1101(a)(22)(B), read in the context of the general statutory scheme. The provision is a subsection of 8 U.S.C. §1101(a). **Section 1101(a) defines various terms as they are used in our immigration and nationality laws, U.S.Code tit. 8, ch. 12, codified at 8 U.S.C. §§1101-1537. The subsection's placement indicates that it was designed to describe the attributes of a person who has already been deemed a non-citizen national elsewhere in Chapter 12 of the U.S.Code, rather than to establish a means by which one may obtain that status.** For example, 8 U.S.C. § 1408, the only statute in Chapter 12 expressly conferring "non-citizen national" status on anyone, describes four categories of persons who are "nationals, but not citizens, of the United States**[**]** at birth." All of these categories concern persons who were either born in an "outlying possession" of the United States**[**]**, see 8 U.S.C. §1408(1), or "found" in an "outlying possession" at a young age, see id. § 1408(3), or*

*who are the children of non-citizen nationals, see id. §§ 1408(2) & (4).11 Thus, § 1408 establishes a category of persons who qualify as non-citizen nationals; those who qualify, in turn, are described by § 1101(a)(22)(B) as owing "permanent allegiance" to the United States**[*]**. In this context the term "permanent allegiance" merely describes the nature of the relationship between non-citizen nationals and the United States, a relationship that has already been created by another statutory provision. See Barber v. Gonzales, 347 U.S. 637, 639, 74 S.Ct. 822, 98 L.Ed. 1009 (1954) ("It is conceded that respondent was born a national of the United States; that as such he owed permanent allegiance to the United States...."); cf. Philippines Independence Act of 1934, § 2(a)(1), Pub.L. No. 73-127, 48 Stat. 456 (requiring the Philippines to establish a constitution providing that "pending the final and complete withdrawal of the sovereignty of the United States[,] ... [a]ll citizens of the Philippine Islands shall owe allegiance to the United States").*

Other parts of Chapter 12 indicate, as well, that §1101(a)(22) (B) describes, rather than confers, U.S. [*] nationality. The provision immediately following § 1101(a)(22) defines "naturalization" as "the conferring of nationality of a state upon a person after birth, by any means whatsoever." 8 U.S.C. §1101(a)(23). *If Marquez-Almanzar were correct, therefore, one would expect to find "naturalization by a demonstration of permanent allegiance" in that part of the U.S.Code entitled "Nationality Through Naturalization," see INA tit. 8, ch. 12, subch. III, pt. II, codified at 8 U.S.C. §§1421-58. Yet nowhere in this elaborate set of naturalization requirements (which contemplate the filing by the petitioner, and adjudication by the Attorney General, of an application for naturalization, see, e.g., 8 U.S.C. §§1427, 1429), did Congress even remotely indicate that a demonstration of "permanent allegiance" alone would allow, much less require, the Attorney General to confer U.S. national status on an individual.*

Finally, the interpretation of the statute underlying our decision in Oliver comports with the historical meaning of the term "national" as it is used in Chapter 12. The term (which as §§ 1101(a)(22)(B)American War, namely the Philippines, Guam, and Puerto Ricoin the early twentieth century, who were not granted U.S. [***] citizenship, yet were deemed to owe "permanent allegiance" to the United States[***] and recognized as members of the national community in a way that distinguished them from aliens. *See 7 Charles Gordon et al., Immigration Law and Procedure, § 91.01[3]* ***(2005); see also Rabang v. Boyd, 353 U.S. 427, 429-30, 77 S.Ct. 985, 1 L.Ed.2d. 956 (1957) ("The Filipinos, as nationals, owed an obligation of permanent allegiance to this country. . . . In the [Philippine Independence Act of 1934], the Congress granted full and complete independence to [the Philippines], and necessarily severed the obligation of permanent allegiance owed by Filipinos who were nationals of the United States."). The term "non-citizen national" developed within a specific historical context and denotes a particular legal status. The phrase "owes permanent allegiance" in § 1101(a)(22)(B) is thus a term of art that denotes a legal status for which individuals have never been able to qualify by demonstrating permanent allegiance, as that phrase is colloquially understood.12***
[Marquez-Almanzar v. INS, 418 F.3d. 210 (2005)]

5. "national and citizen of the United States** at birth", 8 U.S.C. §1401. See section 4.1 earlier.

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei. *The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States**[***]** are citizens of the United States**[***]**.' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States**[***]** and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.*

While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' *Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution.* ***I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.***

[. . .]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-

conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[. . .]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.
[Rogers v. Bellei, 401 U.S. 815 (1971)]

6. "non-citizen national of the United States** at birth", 8 U.S.C. §1408.

Having jurisdiction, the Court turns to defendants' motion to dismiss under Rule 12(b)(6) for failure to state a claim. Plaintiffs' claims all hinge upon one legal assertion:

the Citizenship Clause guarantees the citizenship of people born in American Samoa. *Defendants argue that this assertion must be rejected in light of the Constitution's plain language, rulings from the Supreme Court and other federal courts, longstanding historical practice, and pragmatic considerations. See generally Defs.' Mem.; Gov't's Reply in Supp. of Their Mot. to Dismiss ("Defs.' Reply") [Dkt. # 20]; Amicus Br. Unfortunately for the plaintiffs, I agree.* ***The Citizenship Clause does not guarantee birthright citizenship to American Samoans****. As such, for the following reasons, I must dismiss the remainder of plaintiffs' claims.*

The Citizenship Clause of the Fourteenth Amendment provides that "[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States[***] and of the State wherein they reside." U.S. Const, amend. XIV, section 1. Both parties seem to agree that American Samoa is "subject to the jurisdiction" of the United States, and other courts have concluded as much. *See Pls.' Opp'n at 2; Defs.' Mem. at 14 (citing Rabang as noting that the territories are "subject to the jurisdiction" of the United States).* ***But to be covered by the Citizenship Clause, a person must be born or naturalized "in the United States and subject to the jurisdiction thereof." Thus, the key question becomes whether American Samoa qualifies as a part of the "United States" as that is used within the Citizenship Clause.8***

The Supreme Court famously addressed the extent to which the Constitution applies in territories in a series of cases known as the Insular Cases.9 In these cases, the Supreme Court contrasted "incorporated" territories those lands expressly made part of the United States by an act of Congress with "unincorporated territories" that had not yet become part of the United States and were not on a path toward statehood. See, e.g., Downes, 182 U.S. at 312; Dorr v. United States, 195 U.S. 138, 143 (1904); see also United States v. Verdugo-Urquidez, 494 U.S. 259, 268 (1990); Eche v. Holder, 694 F.3d. 1026, 1031 (9th Cir. 2012) (citing Boumediene v. Bush, 553 U.S. 723, 757-58 (2008)).10 ***In an unincorporated territory, the Insular Cases held that only certain "fundamental" constitutional rights are extended to its inhabitants. Dorr, 195 U.S. 148-49; Balzac v. Porto Rico, 258 U.S. 298, 312 (1922); see also Verdugo-Urquidez, 494 U.S. at 268. While none of the Insular Cases directly addressed the Citizenship Clause, they suggested that citizenship was not a "fundamental" right that applied to unincorporated territories.11***

For example, in the Insular Case of Downes v. Bidwell, the Court addressed, via multiple opinions, whether the Revenue Clause of the Constitution applied in the unincorporated territory of Puerto Rico. In an opinion for the majority, Justice Brown intimated in dicta that ***citizenship was not guaranteed to unincorporated territories. See Downes, 182 U.S. at 282 (suggesting that citizenship and suffrage are not "natural rights enforced in the Constitution" but rather rights that are "unnecessary to the proper protection of individuals."). He added that "it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions, and modes of life, shall become at once citizens of the United States." Id. at 279-80. He also contrasted the Citizenship Clause with the language of the Thirteenth Amendment, which prohibits slavery "within the United States[***], or in any place subject to their jurisdiction." Id. at 251 (emphasis added). He stated:***

[T]he 14th Amendment, upon the subject of citizenship, declares only that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside." Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place "subject to their jurisdiction."

Id. (emphasis added). In a concurrence, Justice White echoed this sentiment, arguing that the practice of acquiring territories "could not be practically exercised if the result would be to endow the inhabitants with citizenship of the United States." Id. at 306.

Plaintiffs rightly note that Downes did not possess a singular majority opinion and addressed the right to citizenship only in dicta. Pls.' Opp'n at 25-27. ***But in the century since Downes and the Insular Cases were decided, no federal court has recognized birthright citizenship as a guarantee in unincorporated territories. To the contrary, the Supreme Court has continued to suggest that citizenship is not guaranteed to people born in unincorporated territories. For example, in a case addressing the legal status of an individual born in the Philippines while it was a territory, the Court noted without objection or concern that "persons born in the Philippines during [its territorial period] were American nationals" and "until 1946, [could not] become United States citizens. Barber v. Gonzales, 347 U.S. 637, 639 n.1 (1954). Again, in Miller v. Albright, 523 U.S. 420, 467 n.2 (1998), Justice Ginsberg noted in her dissent that "the only remaining noncitizen nationals are residents of American Samoa and Swains Island" and failed to note anything objectionable about their noncitizen national status. More recently, in Boumediene v. Bush, the Court reexamined the Insular Cases in holding that the Constitution's Suspension Clause applies in Guantanamo Bay, Cuba. 553 U.S. 723, 757-59 (2008). The Court noted that the Insular Cases "devised . . . a doctrine that allowed [the Court] to use its power sparingly and where it would most be needed. This century-old doctrine informs our analysis in the present matter." Id. at 759.***

[. . .]

Indeed, other federal courts have adhered to the precedents of the Insular Cases in similar cases involving unincorporated territories. For example, the Second, Third, Fifth, and Ninth Circuits have held that the term "United States" in the Citizenship Clause did not include the Philippines during its time as an unincorporated territory. See generally Nolos v. Holder, 611 F.3d. 279 (5th Cir. 2010); Valmonte v. I.N.S., 136 F.3d. 914 (2d Cir. 1998); Lacap v. INS, 138 F.3d. 518 (3d Cir. 1998); Rabang, 35 F.3d. 1449. These courts relied extensively upon Downes to assist with their interpretation of the Citizenship Clause. See Nolos, 611 F.3d. at 282-84; Valmonte, 136 F.3d. at 918-21; Rabang, 35 F.3d. at 1452-53. Indeed, one of my own distinguished colleagues in an earlier decision cited these precedents to reaffirm that the Citizenship Clause did not include the Philippines during its territorial period. See Licudine v. Winter, 603 F.Supp.2d. 129, 132-34 (D.D.C. 2009) (Robinson, J.).12

[. . .]

Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality, such a practice requires special scrutiny before being set aside. *See, e.g., Jackman v. Rosenbaum Co., 260 U.S. 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it[.]"); Walz v. Tax Comm'n, 397 U.S. 664, 678 (1970) ("It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use . . . . Yet an unbroken practice . . . is not something to be lightly cast aside."). And while Congress cannot take away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not within the Constitution's breadth. See U.S. Const, art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory belonging to the United States**[**]**."); id. at art. I, § 8, cl. 4 (Congress may "establish an uniform Rule of Naturalization . . .."). To date, Congress has not seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must and will respect that choice.16*
[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]

7. "citizen of the United States***" for the purposes of naturalization, 8 U.S.C. §1421.

Eche and Lo rely on this observation, but our decision in Rodiek did not turn on any constitutional issue. Moreover, because Hawaii was an incorporated territory, our observation about the Naturalization Clause must be read in that context. ***The CNMI [Commonwealth of the Northern Mariana Islands] is not an incorporated territory. While the Covenant is silent as to whether the CNMI is an unincorporated territory, and while we have observed that it may be some third category, the difference is not material here because the Constitution has "no greater" force in the CNMI "than in an unincorporated territory."*** *Comm. of Northern Mariana Islands v. Atalig, 723 F.2d. 682, 691 n. 28 (9th Cir.1984); see Wabol v. Villacrusis, 958 F.2d. 1450, 1459 n. 18 (9th Cir.1990).* ***The Covenant extends certain clauses of the United States Constitution to the CNMI, but the Naturalization Clause is not among them****. See Covenant §501, 90 Stat. at 267. The Covenant provides that the other clauses of the Constitution "do not apply of their own force," even though they may apply with the mutual consent of both governments. Id*

The Naturalization Clause does not apply of its own force and the governments have not consented to its applicability. ***The Naturalization Clause has a geographic limitation: it applies "throughout the United States[***]." The federal courts have repeatedly construed similar and even identical language in other clauses to include states and incorporated territories, but not unincorporated territories. In Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme Court held that the***

Revenue Clause's identical explicit geographic limitation, "throughout the United States[***]," did not include the unincorporated territory of Puerto Rico, which for purposes of that Clause was "not part of the United States[***]." *Id. at 287, 21 S.Ct. 770.* ***The Court reached this sensible result because unincorporated territories are not on a path to statehood. See Boumediene v. Bush, 553 U.S. 723, 757–58, 128 S.Ct. 2229, 171 L.Ed.2d. 41 (2008) (citing Downes, 182 U.S. at 293, 21 S.Ct. 770). In Rabang v. I.N.S., 35 F.3d. 1449 (9th Cir.1994), this court held that the Fourteenth Amendment's limitation of birthright citizenship to those "born ... in the United States" did not extend citizenship to those born in the Philippines during the period when it was an unincorporated territory****. U.S. Const., 14th Amend., cl. 1; see Rabang, 35 F.3d. at 1451.* ***Every court to have construed that clause's geographic limitation has agreed. See Valmonte v. I.N.S., 136 F.3d. 914, 920–21 (2d Cir.1998); Lacap v. I.N.S., 138 F.3d. 518, 519 (3d Cir.1998); Licudine v. Winter, 603 F.Supp.2d. 129, 134 (D.D.C.2009).***

Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the "United States." This limitation "prevents its extension to every place over which the government exercises its sovereignty.*" Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA's transition date.*

The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo may, of course, submit new applications for naturalization once they have satisfied the statutory requirements.
[Eche v. Holder, 694 F.3d. 1026]

8. "United States** citizenship", 8 U.S.C. §1452(a). The "domicile" used in connection with federal statutes can only mean federal territory not within any state because of the separation of powers. Therefore "United States" can only mean "United States**".

*"****Domicile and citizen are synonymous in federal courts****, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683."*
[Black's Law Dictionary, Fourth Edition, p. 311]

The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." Jeffcott v. Donovan, C.C.A.Ariz., 135 F.2d. 213, 214; and from "domicile," Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d. 351, 354; First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d. 350, 351. ***The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, L. & W.R. Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557****; citizen inhabitant and resident often synonymous, Jonesboro Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co., D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. Messick v. Southern Pa. Bus Co., D.C.Pa., 59 F.Supp. 799, 800.*
[Black's Law Dictionary, Fourth Edition, p. 310]

"Citizenship and domicile are substantially synonymous. Residency and inhabitance are too often confused with the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."
[Baker v. Keck, 13 F.Supp. 486 (1936)]

*"****The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially synonymous with the term 'domicile'****. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557."*
[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]

9. "non-citizen national" or "U.S.** non-citizen national", 8 U.S.C. §1452(b). Uses the same "United States**" as that found in 8 U.S.C. §1452(a). Otherwise, the ejusdem generis rule is violated.

*"****Ejusdem generis****. Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the "ejusdem generis rule" is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.*

Under "ejusdem generis" cannon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696."

[Black's Law Dictionary, Sixth Edition, p. 517]

10. "United States*", 8 C.F.R. §215.1(e). Definition is not identified as geographical, and therefore is political. "subject to THE jurisdiction" is political per .

8 C.F.R. §215.1 Definitions.
Title 8 - Aliens and Nationality

*(e) The term **United States[*] means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States[*]**.*

_____

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

11. "citizen of the United States***", Fourteenth Amendment.

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

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States[***] within the meaning [meaning only ONE meaning] of the Constitution."
[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

*"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. **Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens [within the Constitution].**"*
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

12. Statutory "citizen" (of the United States**), 8 C.F.R. §1.1-1(c).

26 C.F.R. §1.1-1 Income tax on individuals

(c) Who is a citizen.

*Every person born or naturalized in the [federal] United States[**] and **subject to ITS jurisdiction is a citizen**. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. §14011459). "*

13. Statutory "citizen" in the context of "U.S.** person", 26 U.S.C. §7701(a)(30).

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.
Sec. 7701. - Definitions

(a)(30) United States person

*The term "United States**[**]** person" means -*
(A) a citizen or resident of the United States[**].
(B) a domestic partnership,
(C) a domestic corporation,
(D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and
(E) any trust if -
*(i) a court within the United States**[**]** is able to exercise primary supervision over the administration of the trust, and*
*(ii) one or more United States**[**]** persons have the authority to control all substantial decisions of the trust.*

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

(a) Definitions

(9) United States

*The term "United States'**[**]**' when used in a geographical sense includes only the States and the District of Columbia.*

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

(a) Definitions

(10)State

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

2.6.3 Position on conflicting stare decisis from federal courts

We agree with the court authorities above because:

1. The term "citizen" as used in federal court means DOMICILE, not nationality. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557." Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944).
2. Federal Rule of Civil Procedure 17(b) limits the applicability of federal civil law to those domiciled on federal territory and no place else. You can only be domiciled in ONE place at a time, and therefore ONLY be a STATUTORY "citizen" in EITHER the state or the national government but not both.
3. Those domiciled in a state of the Union:
   3.1. Are NOT domiciled within the exclusive jurisdiction of Congress and hence are not subject to federal civil law.
   3.2. Cannot have a civil statutory STATUS under the laws of Congress to which any obligations attach, especially including "citizen" without such a federal domicile.
4. "citizen" as used in 8 U.S.C. §1101(a)(22)(A) cannot SIMULTANEOUSLY be a STATUTORY/CIVIL status AND a CONSTITITUTIONAL/POLITICAL status. It MUST be ONE or the other in the context of this statute. This is so because:
   4.1. "United States***" in the constitution is limited to states of the Union.
   4.2. "United States**" in federal statutes is limited to federal territory and excludes states of the Union for every title OTHER than Title 8. See 26 U.S.C. §7701(a)(9) and (a)(10).

The federal courts are OBLIGATED to recognize, allow, and provide a STATUS under Title 8 for those who STARTED OUT as STATUTORY "citizens of the United States**", including those under 8 U.S.C. §1401 ("nationals and citizens of the United States**"), and who decided to abandon ALL privileges, benefits, and immunities to restore their sovereignty as CONSTITUTIONAL but not STATUTORY "citizens". This absolute right is supported by the following maxims of law:

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

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

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

In addition to the above maxims of law on "benefits", it is an unconstitutional deprivation to turn CONSTITUTIONAL rights into STATUTORY privileges under what the U.S. Supreme Court calls the "Unconstitutional Conditions Doctrine".

"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."
*[*Harman v. Forssenius, *380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

An attempt to label someone with a civil status under federal statutory law against their will would certainly fall within in the Unconstitutional Conditions Doctrine. See:

Government Instituted Slavery Using Franchises, Form #05.030, Section 26.2 http://sedm.org/Forms/FormIndex.htm

Furthermore, if the Declaration of Independence says that Constitutional rights are Unalienable, then they are INCAPABLE of being sold, given away, or transferred even WITH the consent of the PRIVATE owner.

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

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

Some people argue that the Declaration of Independence cited above is not "LAW" and they are wrong. The very first enactment of Congress on p. 1 of volume 1 of the Statutes At Large incorporated the Declaration of Independence as the laws of this country.

The only place that UNALIENABLE CONSTITUTIONAL rights can be given away, is where they don't exist, which is among those domiciled AND present on federal territory, where everything is a STATUTORY PRIVILEGE and PUBLIC right and there are no PRIVATE rights except by Congressional grant/privilege.

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

2.6.4 Challenge to those who disagree

Those who would argue with the conclusions of section 2.5 (such a federal judge) are challenged to answer the following questions WITHOUT contradicting either themselves OR the law. We guarantee they can't do it. However, our answers to the following questions are the only way to avoid conflict. Those answers appear in the next section, in fact. Anything that conflicts with itself or the law simply cannot be true.

1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don't require our consent to enforce?
2. Certainly, if we DO NOT want "protection" or "benefits, privileges, and immunities" of being a STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
3. If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31), can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

> *8 U.S.C. §1101 Definitions [for the purposes of citizenship]*
>
> *(a) As used in this chapter—*
>
> *(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that **may be dissolved eventually at the instance either of the United States[**] or of the individual**, in accordance with law.*

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

> ***citizen.*** *One who, under the Constitution and laws of the United States[***], or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY] rights.** All persons born or naturalized in the United States[***], and subject to the jurisdiction thereof, are citizens of the United States[***] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.*
>
> ***"Citizens" are members of a political community who, in their associated capacity, have** established or **submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their***

[8] Earlier versions of the following regulation prove this:

> *26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.*
>
> *A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***
> *[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]*

general welfare and the protection of their individual as well as collective rights. *Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.*
[Black's Law Dictionary, Sixth Edition, p. 244]

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

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

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

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

9. If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am FORCED to obey Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and a civil "subject", isn't there:
   9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?
   9.2. Involuntary servitude?
10. What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".
11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent to be subject to. See *Alden v. Maine*, 527 U.S. 706 (1999).
   11.1. Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
   11.2. Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state against the consent of a specific inhabitant who is protected by the Constitution?
   11.3. Isn't a STATUTORY "citizen" just a CUSTOMER of government services?
   11.4. Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property and what you consent to buy and pay for?
   11.5. Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by government? That's how the current system works. Government REFUSES to recognize those such as state nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".
   11.6. What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.
12. If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:
   12.1. A POLITICAL but not STATUTORY/CIVIL "citizen of the United States" under Title 8?
   12.2. A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the other titles?
   12.3. A "nonresident non-person" for every act of Congress.
   12.4. No domicile on federal territory or within the STATUTORY United States and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b) .

12.5. A PRIVATE "person" only under the common law with a domicile on private land protected by the constitution but OUTSIDE "the State", which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY "State" and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY "State".

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

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

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

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

Readers wishing to read a detailed debate covering the meaning of the above terms in each context should refer to the following. You will need a free forum account and must be logged into the forums before clicking on the below links, or you will get an error.

1. SEDM Member Forums:
   http://sedm.org/forums//index.php?showtopic=2502
2. Family Guardian Forums:
   http://famguardian.org/forums/index.php?showtopic=3951

Lastly, please do not try to challenge the content of this section WITHOUT first reading the above debates IN THEIR entirety. We and the Sovereignty Education and Defense Ministry (SEDM) HATE having to waste our time repeating ourselves.

2.6.5 Our answers to the Challenge

It would be unreasonable for us to ask anything of our readers that we ourselves wouldn't be equally obligated to do. Below are our answers to the challenge in the previous section. They are entirely consistent with ALL the organic law, the rulings of the U.S. Supreme Court, and the Bible. We allege that they are also the ONLY way to answer the challenge without contradicting yourself and thereby proving you are a LIAR, a THIEF, a terrorist, and an identity thief engaged in human trafficking of people's legal identity to what Mark Twain called "the District of Criminals".

1. QUESTION: If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don't require our consent to enforce?
   OUR ANSWER: Yes.
2. QUESTION: Certainly, if we DO NOT want "protection" or "benefits, privileges, and immunities" of being a STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
   OUR ANSWER: Yes. Absolutely. One can be protected by the COMMON law WITHOUT being a "person" under the CIVIL law. If one has a right to NOT contract and NOT associate, then that right BEGINS with the right to not procure ANY civil statutory status under what the U.S. Supreme Court calls "the social compact". All compacts are contracts. Yet that doesn't make such a person "lawless" because they are still subject to the COMMON law, which hasn't been repealed.
3. QUESTION: If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31), can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

OUR ANSWER: Yes. All that is required is to notice the government that you don't consent. Everything beyond that point becomes a tort under the common law.

4. QUESTION: If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of "citizen" carry any federal obligations whatsoever for those domiciled within a constitutional state and outside of federal territory?
   OUR ANSWER: They don't. Federal civil and criminal law has no bearing upon anyone OTHER than public officers within a constitutional state. Those officers, in turn, come under federal civil law by virtue of the domicile of the OFFICE they represent and their CONSENT to occupy said office under 4 U.S.C. §72 and Federal Rule of Civil Procedure 17. Otherwise, rule 17 forbids quoting federal civil law against a state citizen domiciled OUTSIDE of federal territory.
5. QUESTION: If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress, INCLUDING that of "citizen"?
   OUR ANSWER: You CAN'T. The only reason people believe otherwise is because of propaganda and untrustworthy publications of the government designed to destroy the separation of powers that is the foundation of the Constitution.[9]
6. QUESTION: Isn't a "nonresident non-person" just someone who refuses to be a customer of specific services offered by government using the civil statutory law? Why can't I choose to be a nonresident for specific franchises or interactions because I don't consent to procure the product or service.[10]
   OUR ANSWER: Yes. You can opt out of specific franchise by changing your status under each franchise. They all must act independently or the Unconstitutional Conditions Doctrine is violated.[11]
7. QUESTION: If the "citizen of the United States** at birth" under 8 U.S.C. §1401 involves TWO components, being "national" and "citizen", can't we just abandon the STATUTORY "citizen" part for specific transactions by withdrawing consent and allegiance for those transactions or relationships? Wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?
   OUR ANSWER: Yes. You own yourself and your property. That right of ownership includes the right to exclude all others, including governments, from using or benefitting from the use of your property. See:

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

8. QUESTION: How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the common law that we may REFUSE to accept a "benefit"?
   OUR ANSWER: They don't have the authority to demand that we buy or pay for anything that we don't want. It's a crime to claim otherwise in violation of:
   8.1. The Fifth Amendment takings clause.
   8.2. Extortion, 18 U.S.C. §872.
   8.3. Mailing threatening communications, if they try to collect it, 18 U.S.C. §876.
   8.4. Racketeering, 18 U.S.C. Chapter 95.
9. QUESTION: If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am FORCED to obey Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and

[9] See *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023; http://sedm.org/Forms/FormIndex.htm.

[10] Earlier versions of the following regulation prove this:

> *26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.*
>
> *A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States.* ***A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***
> *[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]*

[11] For details on the Unconstitutional Conditions Doctrine of the U.S. Supreme Court, see: *Government Instituted Slavery Using Franchises, Form #05.030, Section 26.2*; http://sedm.org/Forms/FormIndex.htm.

a civil "subject", isn't there:
OUR ANSWER:

9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?
OUR ANSWER: Yes.

9.2. Involuntary servitude?
OUR ANSWER: Yes.

10. QUESTION: What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".
OUR ANSWER: YOU the sovereign are the "customer". The customer is always right. A government of delegated powers can have not more powers or sovereignty than the INDIVIDUAL PRIVATE HUMANS who make it up and whom it "serves".

11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent to be subject to. See *Alden v. Maine*, 527 U.S. 706 (1999).

11.1. QUESTION: Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
OUR ANSWER: Yes. Humans also have sovereign immunity. Only their own consent and actions can undermine or remove that sovereignty. It's insane and schizophrenic to conclude that a government of delegated powers can have any more sovereignty than the humans who made it up or delegated that power. Likewise, it's a violation of maxims of law to conclude that the COLLECTIVE can have any more rights than a SINGLE HUMAN.[12]

11.2. QUESTION: Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state against the consent of a specific inhabitant who is protected by the Constitution?
OUR ANSWER: They are. To suggest that they can pass any law that they themselves are not ALSO subject to in the context of those protected by the constitution amounts to an unconstitutional Title of Nobility to the "United States" federal corporation as a legal person.

11.3. QUESTION: Isn't a STATUTORY "citizen" just a CUSTOMER of government services?
OUR ANSWER: Yes. The "services" derived by this customer are called "privileges and immunities". Those who aren't "customers" are: 1. "non-resident non-persons"; 2. Not "subjects". 3. Immune from the civil statutory law under Federal Rule of Civil Procedure 17; 4. Protected only by the common law under principles of equity and the constitution alone.

11.4. QUESTION: Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property and what you consent to buy and pay for?
OUR ANSWER: Yes. The main purpose of any government is to protect your EXCLUSIVE ownership over your PRIVATE property and the right to deprive ANYONE and EVERYONE from using or benefitting from the use of your PRIVATE property. If they won't do that, then there IS not government, but just a big corporation employer in which the citizen/government relationship has been replaced by the EMPLOYER/EMPLOYEE relationship. That's the essence of what "ownership" is legally defined as: The RIGHT to exclude others. If you can exclude everyone BUT the government, and they can exclude you without your consent, then THEY are the real owner and you are just a public officer employee acting as a custodian over what is REALLY government property. Hence, the government is SOCIALIST, because socialism is based on GOVERNMENT ownership and/or control of ALL property or NO private property at all.

11.5. QUESTION: Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by government? That's how the current system works. Government REFUSES to recognize those such as state nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".
OUR ANSWER: Yes, absolutely. Under such a malicious enforcement mechanism, uncoerced consent is literally and rationally IMPOSSIBLE.

[12] "Derativa potestas non potest esse major primitiva. The power which is derived cannot be greater than that from which it is derived." [Bouvier's Maxims of Law, 1856; SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]

11.6. QUESTION: What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.
OUR ANSWER: No other business can do that or should be able to do that, and hence, the government has "supernatural" and "superior powers" and has established not only a Title of Nobility, but a RELIGION in which "taxes" become unconstitutional tithes to a state-sponsored religion, civil rulers are "gods" with supernatural powers, you are the compelled "worshipper", and "court" is the church building.[13]

12. QUESTION: If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:
OUR ANSWER:
12.1. QUESTION: A POLITICAL but not STATUTORY/CIVIL "citizen of the United States" under Title 8?
OUR ANSWER: You can.
12.2. QUESTION: A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the other titles?
OUR ANSWER: You can. Under the Uniform Commercial Code, YOU can be a Merchant in relation to every government franchise selling YOUR private property to the government, and specifying terms that SUPERSEDED or replace the government's author. If they can offer franchises, you can defend yourself with ANTI-FRANCHISES under the concept of equal protection.
12.3. QUESTION: A "nonresident non-person" for every act of Congress.
OUR ANSWER: Yes. Domicile outside of federal territory makes one a nonresident and transient foreign under federal civil law, unless already a public officer lawfully serving in an elected or appointed position WITHIN a constitutional state.
12.4. QUESTION: No domicile on federal territory or within the STATUTORY United States and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b) .
OUR ANSWER: Yes. Absolutely. Choice of law rules and criminal "identity theft" occurs if rule 17 is transgressed and you are made involuntary surety for a public office called "citizen" domiciled in what Mark Twain calls "the District of Criminals".
12.5. QUESTION: A PRIVATE "person" only under the common law with a domicile on private land protected by the constitution but OUTSIDE "the State", which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY "State" and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY "State".
OUR ANSWER: Yes. By refusing to consent to the privileges or benefits of STATUTORY citizenship, you retain your sovereign immunity, retain ALL your constitutional rights, and are victim of a tort of the federal government refuses to leave you alone. The right to be left alone, in fact, is the very DEFINITION of justice itself and the purpose of courts it to promote and protect justice.[14]

13. QUESTION: Is the "citizen" in Title 8 of the U.S. Code the same "citizen" that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of "citizen of the United States" under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same "citizen" as the one in Title 8?
OUR ANSWER: If it is, a usurpation is occurring according to the U.S. Supreme Court in Osborn v. Bank of the United States.

> *"But if the plain dictates of our senses be relied on, what state of facts have we exhibited here? 898*898* ***Making a person, makes a case****; and thus, a government which cannot exercise jurisdiction unless an alien or citizen of another State be a party, makes a party which is neither alien nor citizen, and then claims jurisdiction because it has made a case.* ***If this be true, why not make every citizen a corporation sole, and thus bring them all into the Courts of the United States quo minus? Nay, it is still worse, for there is not only an evasion of the constitution implied in this doctrine, but a positive power to violate it. Suppose every***

[13] For exhaustive proof, see: *Socialism: The New American Civil Religion*, Form #05.016; http://sedm.org/Forms/FormIndex.htm.

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

> ***individual of this corporation were citizens of Ohio, or, as applicable to the other case, were citizens of Georgia, the United States could not give any one of them, individually, the right to sue a citizen of the same State in the Courts of the United States; then, on what principle could that right be communicated to them in a body? But the question is equally unanswerable, if any single member of the corporation is of the same State with the defendant, as has been repeatedly adjudged."***
> *[Osborn v. Bank of U.S. , 22 U.S. 738 (1824); SOURCE: http://scholar.googl...760256043512250]*

14. QUESTION: If the Bible says that Christians can't consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar's laws such as STATUTORY "citizen"? The Bible says I can't have a king above me.
    OUR ANSWER: Those not domiciled on federal territory and who refuse to accept or consent to any civil status under Caesar's laws retain their sovereign and sovereign immunity and therefore are on an EQUAL footing with any and every government. They are neither a "subject" nor a "citizen", but also are not "lawless" because they are still subject to the COMMON law and must be dealt with ONLY as an EQUAL in relation to everyone else, rather than a government SLAVE or SUBJECT. See Exodus 23:32-33, Isaiah 52:1-3, and Judges 2:1-4 on why God forbids Christians to consent to ANYTHING government/Caesarea does, and why this implies that they can't be anything OTHER than equal and sovereign in relation to Caesar.
15. QUESTION: If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract "rent" called "income tax" upon what belongs to God? Isn't Caesar therefore simply renting out STOLEN property and laundering money if he charges "taxes" on the use of that which belongs to God?
    OUR ANSWER: Yes he is according to God. The Holy Bible says the Heaven and the Earth belong NOT to Caesar, but the God. Deut. 10:15. Caesar, on the other hand, falsely claims that HE owns everything by "divine right", which means he STOLE the ownership from God. Like Satan, he is a THIEF. He is renting out STOLEN property and therefore MONEY LAUNDERING in violation of God's laws.

3. "STATUTORY" v. "CONSTITUTIONAL" CITIZENS

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

STATUTORY citizenship is a CIVIL status that designates a person's domicile while CONSTITUTIONAL citizenship is a POLITICAL status that designates a person's nationality. Understanding the distinction between nationality and domicile is absolutely critical.

1. Nationality:
    1.1. Is not necessarily consensual or discretionary. For instance, acquiring nationality by birth in a specific place was not a matter of choice whereas acquiring it by naturalization is.
    1.2. Is a political status.
    1.3. Is defined by the Constitution, which is a political document.
    1.4. Is synonymous with being a "national" within statutory law.
    1.5. Is associated with a specific COUNTRY.
    1.6. Is called a "political citizen" or a "citizen of the United States in a political sense" by the courts to distinguish it from a STATUTORY citizen. See Powe v. United States, 109 F.2d. 147 (1940).
2. Domicile:
    2.1. Always requires your consent and therefore is discretionary. See:

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

    2.2. Is a civil status.
    2.3. Is not even addressed in the constitution.
    2.4. Is defined by civil statutory law RATHER than the constitution.
    2.5. Is in NO WAY connected with one's nationality.
    2.6. Is usually connected with the word "person", "citizen", "resident", or "inhabitant" in statutory law.
    2.7. Is associated with a specific COUNTY and a STATE rather than a COUNTRY.
    2.8. Implies one is a "SUBJECT" of a SPECIFIC MUNICIPAL but not NATIONAL government.

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

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

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

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

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

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

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

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

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

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

Later versions of Black's Law Dictionary attempt to cloud this important distinction between nationality and domicile in order to unlawfully and unconstitutionally expand federal power into the states of the Union and to give federal judges unnecessary and unwarranted discretion to kidnap people into their jurisdiction using false presumptions. They do this by

trying to make you believe that domicile and nationality are equivalent, when they are EMPHATICALLY NOT. Here is an example:

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

We establish later in section 12.14 that federal courts regard the term "citizenship" as equivalent to domicile, meaning domicile on federal territory.

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

Hence:

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

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

3.1 CONTEXT is EVERYTHING in the field of citizenship

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

> *Citizenship of the United States is defined by the Fourteenth Amendment and federal statutes,* ***but the requirements for citizenship of a state generally depend not upon definition but the constitutional or statutory context in which the term is used. Risewick v. Davis, 19 Md. 82, 93 (1862); Halaby v. Board of Directors of University of Cincinnati, 162 Ohio St. 290, 293, 123 N.E.2d 3 (1954) and authorities therein cited.***
>
> ***The decisions illustrate the diversity of the term's usage.*** *In Field v. Adreon, 7 Md. 209 (1854), our predecessors held that an unnaturalized foreigner, residing and doing business in this State, was a citizen of Maryland within the meaning of the attachment laws. The Court held that the absconding debtor was a citizen of the State for commercial or business purposes, although not necessarily for political purposes. Dorsey v. Kyle, 30 Md. 512, 518 (1869), is to the same effect. Judge Alvey, for the Court, said in that case, that 'the term citizen, used in the formula of the affidavit prescribed by the 4th section of the Article of the Code referred to, is to be taken as synonymous with inhabitant or permanent resident.'*
>
> ***Other jurisdictions have equated residence with citizenship of the state for political and other non-commercial purposes. In re Wehlitz, 16 Wis. 443, 446 (1863), held that the Wisconsin statute designating 'all able-bodied, white, male citizens' as subject to enrollment in the militia included an unnaturalized citizen who was a resident of the state. 'Under our complex system of government,' the court said, 'there may be a citizen of a state, who is not a citizen of the United States in the full sense of the term.' McKenzie v. Murphy, 24 Ark. 155, 159 (1863), held that an alien, domiciled in the state for over ten years, was entitled to the homestead exemptions provided by the Arkansas statute to 'every free white citizen of this state, male or female, being a householder or head of a family * * *.' The court said: 'The word 'citizen' is often used in common conversation and writing, as meaning only an inhabitant, a resident of a town, state, or county, without any implication of political or civil***

privileges; and we think it is so used in our constitution.' Halaby v. Board of Directors of University, supra, involved the application of a statute which provided free university instruction to citizens of the municipality in which the university is located. The court held that the plaintiff, an alien minor whose parents were residents of and conducted a business in the city, was entitled to the benefits of that statute, saying: 'It is to be observed that the term, 'citizen,' is often used in legislation where 'domicile' is meant and where United States citizenship has no reasonable relationship to the subject matter and purpose of the legislation in question.'

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

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

The Maryland Constitution provides that the Governor, Judges and the Attorney General shall be qualified voters, and therefore, by necessary implication, citizens of the United States. Article II, Section 5, Article IV, Section 2, and Article V, Section 4. The absence of a similar requirement as to the qualifications of sheriffs is significant. So also, in our opinion, is the absence of any period of residence for a sheriff except that he shall have been a citizen of the State for five years. The Governor, Judges and Attorney General in addition to being citizens of the State and qualified voters, must have been a resident of the State for various periods. The conjunction of the requisite period of residence with state citizenship in the qualifications for sheriff strongly indicates that, as in the authorities above referred to, state citizenship, as used in the constitutional qualifications for this office, was meant to be synonymous with domicile, and that citizenship of the United States is not required, even by implication, as a qualification for this office. The office of sheriff, under our Constitution, is ministerial in nature; a sheriff's function and province is to execute duties prescribed by law. See Buckeye Dev. Crop. v. Brown & Schilling, Inc., Md., 220 A.2d. 922, filed June 23, 1966 and the concurring opinion of Le Grand, C. J. in Mayor & City Council of Baltimore v. State, ex rel. Bd. of Police, 15 Md. 376, 470, 488-490 (1860).

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

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

Reum dealt only with the question of jurisdiction of federal courts under the diversity of citizenship clause of the federal Constitution. That a state cannot affect that jurisdiction by granting state citizenship to an unnaturalized

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

Absent any unconstitutional discrimination, a state has the right to extend qualification for state office to its citizens, even though they are not citizens of the United States. This, we have found, is what Maryland has done in fixing the constitutional qualifications for the office of sheriff. The appellant meets the qualifications which our Constitution provides.

[Crosse v. Board of Sup'rs of Elections of Baltimore City, 221 A.2d. 431, 243 Md. 555 (Md., 1966)]

3.2 Comparison of STATUTORY "U.S.** citizen" with CONSTITUTIONAL "U.S.*** citizen" on the subject of voting

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

Citizens living in Puerto Rico, like all U.S. citizens living in U.S. territories, possess more limited voting rights than U.S. citizens living in a State. *Puerto Rico does not elect voting representatives to the U.S. Congress. It is represented in the House of Representatives by a Resident Commissioner who is "entitled to receive official recognition... by all of the departments of the Government of the United States," but who is not granted full voting rights. See 48 U.S.C. §891; see also Juan R. Torruella, Hacia Donde vas Puerto Rico?, 107 Yale L.J. 1503, 1519-20 & n.105 (1998) (reviewing Jose Trias Monge, Puerto Rico: The Trials of the Oldest Colony in the World (1997)). In addition, citizens residing in Puerto Rico do not vote for the President and Vice President of the United States. Indeed, the Constitution does not directly confer on any citizens the right to vote in a presidential election. Article II, section 1 provides instead that "[e]ach state shall appoint, in such manner as the legislature thereof may direct, a number of electors," whose function is to select the President. The Constitution thus confers the right to vote in presidential elections on electors designated by the States, not on individual citizens. See Bush v. Gore, 121 S.Ct. 525, 529 (2000).* ***Accordingly, no U.S. citizen, whether residing in a State or territory or elsewhere, has an expressly declared constitutional right to vote for electors in presidential elections. See McPherson v. Blacker, 146 U.S. 1, 25 (1892)*** *("The clause under consideration does not read that the people or the citizens shall appoint, but that 'each state shall....'"). Despite the fact that the Constitution confers the power to appoint electors on States rather than on individual citizens, most U.S. citizens have a limited, constitutionally enforceable right to vote in presidential elections as those elections are currently configured. The States have uniformly exercised their Article II authority by delegating the power to appoint presidential (and vice-presidential) electors to U.S. citizens residing in the State to be exercised in democratic elections. In so delegating the power to appoint electors, States are barred under the Constitution from delegating that power in any way that "violates other specific provisions of the Constitution." Williams v. Rhodes, 393 U.S. 23, 29 (1968); see also Anderson v. Celebrezze, 460 U.S. 780, 794-95 n.18 (1983). U.S. citizens who are residents of Puerto Rico and the other U.S. territories have not received similar rights to vote for presidential electors because the process set out in Article II for the appointment of electors is limited to "States" and does not include territories. U.S. territories (including Puerto Rico) are not States, and therefore those Courts of Appeals that have decided the issue have all held that the absence of presidential and vice-presidential voting rights for U.S. citizens living in U.S. territories does not violate the Constitution. See Igartua de la Rosa v. United States, 32 F.3d. 8, 9-10 (1st Cir. 1994) (per curiam) ("Igartua I"); Attorney General of the Territory of Guam v. United States, 738 F.2d. 1017, 1019 (9th Cir. 1984) ("Since Guam... is not a state, it can have no electors, and plaintiffs cannot exercise individual votes in a presidential election."); see also Igartua de la Rosa v. United States, 229 F.3d. 80, 83-85 Page 124 (1st Cir. 2000) (per curiam) ("Igartua II") (reaffirming the holding of Igartua I).*

The question we face here is a slightly different one -- not whether Puerto Ricans have a constitutional right to vote for the President, but rather whether Equal Protection is violated by the UOCAVA, in that it provides presidential voting rights to former residents of States residing outside the United States but not to former

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

Given the deference owed to Congress in making "all needful Rules and Regulations respecting the Territory" of the United States, U.S. Const. art. IV §3, we conclude that the UOCAVA's distinction between former residents of States now living outside the United States and former residents of States now living in the U.S. territories is not subject to strict scrutiny. *As then-Judge Ginsburg observed in Quiban v. Veterans Administration, 928 F.2d. 1154, 1160 (D.C. Cir. 1991), "[t]o require the government... to meet the most exacting standard of review... would be inconsistent with Congress's `[l]arge powers' [under Article IV] to `make all needful Rules and Regulations respecting the Territory... belonging to the United States.'" Id. (citations omitted). We need not decide, however, the precise standard governing the limits of Congress's authority to confer voting rights in federal elections on former residents of States now living outside the United States while not conferring such rights on former residents of States now living in a U.S. Territory. For we conclude that regardless whether this distinction is appropriately analyzed under rational basis review or intermediate scrutiny, or under some alternative analytic framework independent of the three-tier standard that has been established in Equal Protection cases, see Gautier Torres, 435 U.S. at 3 n.4 ("Puerto Rico has a relationship with the United States `that has no parallel in our history.'" (quoting Examining Bd. v. Flores de Otero, 426 U.S. 572, 596 (1976))), Congress may distinguish between those U.S. citizens formerly residing in a State who live outside the U.S., and those who live in the U.S. territories. The distinction drawn by the UOCAVA between U.S. citizens moving from a State to a foreign country and U.S. citizens moving from a State to a U.S. territory is supported by strong considerations, and the statute is well tailored to serve these considerations. For one thing, citizens who move outside the United States, many of whom are United States military service personnel, might be completely excluded from participating in the election of governmental officials in the United States but for the UOCAVA. In contrast, citizens of a State who move to Puerto Rico may vote in local elections for officials of Puerto Rico's government (as well as for the federal post of Resident Commissioner). In this regard, it is significant to note that in excluding citizens who move from a State to Puerto Rico from* ***the statute's benefits****, the UOCAVA treats them in the same manner as it treats citizens of a State who leave that State to establish residence in another State. Had Romeu left New York to become a resident of Florida, he would similarly not have been permitted to exercise the right created by the UOCAVA to vote in the federal elections conducted in New York. And if a citizen of Puerto Rico took up residence outside the United States, the UOCAVA would entitle that citizen to continue, despite her foreign residence, to participate in Puerto Rico's elections for the federal office of Resident Commissioner. Congress thus extended voting rights in the prior place of residence to those U.S. citizens who by reason of their move outside the United States would otherwise have lacked any U.S. voting rights, without similarly extending such rights to U.S. citizens who, having moved to another political subdivision of the United States, possess voting rights in their new place of residence. See McDonald v. Board of Election Comm'rs, 394 U.S. 802, 807, 809 (1969) (upholding absentee voting statutes that were "designed to make voting more available to some groups who cannot easily get to the polls," without making voting more available to all such groups, on the ground that legislatures may "take reform `one step at a time'" (quoting Williamson v. Lee Optical of Oklahoma, Inc., 348 U.S. 483, 489 (1955))); see also Bush v. Gore, 121 S.Ct. 525, 550 (2000) (Ginsburg, J., dissenting) (531 U.S. at ---, 121 S.Ct. at 539) (citing and quoting McDonald and Williamson); Katzenbach v. Morgan, 384 U.S. 641, 657 (1966) (applying to voting rights reform legislation the rule that "a statute is not invalid under the Constitution because it might have gone farther than it did" (internal quotation marks omitted)). Moreover, if the UOCAVA had done what plaintiff contends it should have done - namely, extended the vote in federal elections to U.S. citizens formerly citizens of a State now residing in Puerto Rico while not extending it to U.S. citizens residing in Puerto Rico who have never resided in a State - the UOCAVA would have created a distinction of questionable fairness among Puerto Rican U.S. citizens, some of whom would be able to vote for President and others not, depending whether they had previously resided in a State. The arguable unfairness and potential divisiveness of this distinction might be exacerbated by the fact that access to the vote might effectively turn on wealth. Puerto Rican voters who could establish a residence for a time in a State would retain the right to vote for the President after their return to Puerto Rico, while Puerto Rican voters who could not arrange to reside for a time in a State would be permanently excluded. In sum, the considerations underlying the UOCAVA's distinction are not insubstantial. As a result, we hold that Congress acted in accordance with the requirements of the Equal Protection Clause in requiring States and territories to extend voting rights in federal elections to former resident citizens residing outside the United States, but not to former resident citizens residing in either a State or a territory of the United States.*

[Romeu v. Cohen, 265 F.3d. 118 (2nd Cir., 2000)]

3.3 LEGAL/STATUTORY CIVIL status v. POLITICAL/CONSTITUTIONAL Status

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

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

So:

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

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

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

We know that "nationality" per 8 U.S.C. §1101(a)(21) and 14th Amendment Constitutional citizenship are NOT the same. So, much like the "Chicken and the Egg" analogy -- what happens first, nationality or 14th Amendment Constitutional citizenship? Or does that occur simultaneously? It might at first appear from the analysis in this pamphlet that 14th Amendment Constitutional citizenship also applies to inhabitants of unincorporated and unorganized territory, but as pointed out by the court in Wong Kim Ark, supra., the domicile determines civil status, thus 14th Amendment Constitutional citizenship on U.S. Territory is inferior to that of 14th Amendment Constitutional citizenship on the Union -- but only by virtue of domicile. Change domicile and improve/denigrate your legal status either for the better or worse, as the case may be.

"Nationality" therefore cannot be the same thing as Constitutional citizenship, because citizens of American Samoa and Swains Island are not Constitutional Citizens according to the courts, yet they have the following statuses:

1. Political Status:
   1.1. "national" of the United States* - 8 U.S.C. §1101(a)(21).
   1.2. "national of the United States**" – 8 U.S.C. §1101(a)(22).

1.3. "a person who, though not a citizen of the United States, owes permanent allegiance to the United States" per 8 U.S.C. §1101(a)(22)(B).

2. Civil Status: "national but not citizen of the United States** at birth" - 8 U.S.C. §1408 and 8 U.S.C. §1452.

So it must be concluded that nationality and Constitutional (e.g. Fourteenth Amendment) citizenship are NOT the same.

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

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

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

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

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

For diagrams that depict how domicile and nationality interact to determine the legal status of a person, see section 11 and following later.

3.4 Supreme Court definition of "Constitutional citizen"

The U.S. Supreme Court defined what a constitutional citizen is in the following ruling:

> *"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities --* ***to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations****.* ***It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood.*** *When distributing the judicial power, that article extends it to controversies between 'citizens' of different states.* ***This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."***
>
> ***"Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment, for it is not liable to corporeal penalties -- that it can perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from the decisions of the cases of Bank of the United States v. Deveaux and of Cincinnati & Louisville Railroad Company v. Letson afford some illustration of the effects which must ever follow a departure from the settled principles of the law. These principles are always traceable to a wise and deeply founded experience; they are therefore ever consentaneous and in harmony with themselves and with reason, and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion. Conducted***

> ***by these principles, consecrated both by time and the obedience of sages, I am brought to the following conclusions:***
>
> ***1st. That by no sound or reasonable interpretation, can a corporation -- a mere faculty in law, be transformed into a citizen or treated as a [CONSTITUTIONAL] citizen.***
>
> ***2d. That the second section of the Third Article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different states, cannot be made to embrace controversies to which corporations and not citizens are parties, and that the assumption by those courts of jurisdiction in such cases must involve a palpable infraction of the article and section just referred to.***
>
> ***3d. That in the cause before us, the party defendant in the circuit court having been a corporation aggregate created by the State of New Jersey, the circuit court could not properly take cognizance thereof, and therefore this cause should be remanded to the circuit court with directions that it be dismissed for the want of jurisdiction."***
> *[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]*

In the above ruling, what we call a "statutory citizen" is referenced and described as:

1. Artificial
2. Incorporeal.
3. Theoretical.
4. Invisible creation.
5. A mere creature of the mind (meaning a creation of CONGRESS).
6. Invisible and intangible.

Note also that even a CONSTITUTIONAL citizen and therefore human being above is referred to as:

> *". . .**a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations**".*
> *[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]*

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

3.5 Statutory citizen/resident status is entirely voluntary and discretionary. Constitutional citizen/nationality status is NOT

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

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

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

1. Contract with other parties, including the government. The purpose of establishing government, in fact, is to protect your right to both CONTRACT and NOT CONTRACT as you see fit. You don't become a "person" under a private contract until you SIGN or consent in some way to the contract or agreement.
2. Politically and legally associate with groups you choose to associate with. The right of freedom of association and freedom from COMPELLED association is protected by the First Amendment to the United States Constitution.
3. Choose or nominate the civil government that you want to protect your right to life, liberty, and property.
   3.1. Choosing a domicile is an act of political association that has legal consequences in which you nominate a specific municipal government to protect your rights and property.

3.2. If you never nominate such a government, then you retain the right to protect yourself and are not entitled to the protection of a specific municipal government protector.

This is why the Declaration of Independence says that all just powers of government are derived from the ***consent*** of the people. Those who don't consent can't be civilly governed. Yes, they are still liable for criminal infractions because the criminal laws do not require consent. Civil statutory laws, however DO require consent of the governed, and all such civil statutory laws attach to and associate with your choice of legal domicile.

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

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

> ***citizen.*** *One who, under the Constitution and laws of the United States[***], or of a particular state, is a* ***member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights.*** *All persons born or naturalized in the United States[***], and subject to the jurisdiction thereof, are citizens of the United States[***] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.*
>
> ***"Citizens" are members of a political community who, in their associated capacity, have*** *established or* ***submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights.*** *Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.*
> *[Black's Law Dictionary, Sixth Edition, p. 244]*

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

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

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

1 "nonresident"

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2 “transient foreigner”
3 "stateless person"
4 “in transitu”
5 “transient”
6 “sojourner”

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

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

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

> *“7 Foreign Affairs Manual (F.A.M.), Section 012(a)*
>
> *a. U.S. Nationals Eligible for Consular Protection and Other Services:*
>
> ***Nationality is the principal relationship that connects an individual to a State.*** *International law recognizes the right of a State to afford diplomatic and consular protection to its* ***nationals*** *and to represent their interests.* ***Under U.S. law the term "national" is inclusive of citizens but "citizen" is not inclusive of nationals. All U.S. citizens are U.S. nationals.*** *Section 101(a)(22) INA (8 U.S.C. 1101(a)(22)) provides that the term "national of the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. U.S. nationals are eligible for U.S. consular protection.*
> *[SOURCE: http://www.state.gov/documents/organization/86556.pdf]*

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

> ***In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States and be domiciled within the State. See Robertson v. Cease, 97 U.S. 646, 648-649 (1878) ; Brown v. Keene, 8 Pet. 112, 115 (1834) . The problem in this case is that Bettison, although a United States citizen, has no domicile in any State. He is therefore "stateless" for purposes of § 1332(a)(3). Subsection 1332(a)(2), which confers jurisdiction in the District Court when a citizen of a State sues aliens only, also could not be satisfied because Bettison is a United States citizen. [490 U.S. 829]***
>
> *When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of the diversity statute for each defendant or face dismissal. Strawbridge v. Curtiss, 3 Cranch 267 (1806) .{1}* ***Here, Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States citizenship destroyed complete diversity under § 1332(a)(2)****. Instead of dismissing the case, however, the Court of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d. 417 (1987). The panel, in an opinion by Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors. 832 F.2d. at 420, citing Federal Rule of Civil Procedure 19(b). The panel then proceeded to the merits of the case, ruling in Newman-Green's favor in large part, but remanding to allow the District Court to quantify damages and to resolve certain minor issues.{2}*
> *[Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)]*

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

> *The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are found' were stated as follows: '****When private individuals of one nation [states of the Unions are “nations” under the law of nations] spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual***

> ***infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country.*** *Nor can the foreign sovereign have any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it.* ***The implied license, therefore, under which they enter, can never be construed to grant such exemption.' 7 Cranch, 144.***
>
> *In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory with its permission, and of their foreign ministers and public ships of war; and that* ***the implied license, under which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants, for purposes of business or pleasure, can never be construed to grant to them an exemption from the jurisdiction of the country in which they are found.*** *See, also, Carlisle v. U.S. (1872) 16 Wall. 147, 155; Radich v. Hutchins (1877) 95 U.S. 210; Wildenhus' Case (1887) 120 U.S. 1, 7 Sup.Ct. 385; Chae Chan Ping v. U.S. (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.*
> *[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

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

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

> *"**Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.**" Perkins v. Elg., 1939, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320. In order to be relieved of the duties of allegiance, consent of the sovereign is required. Mackenzi v. Hare, 1915, 239 U.S. 299, 36 S.Ct. 106, 60 L.Ed. 297. Congress has provided that the right of expatriation is a natural and inherent right of all people, and has further made a legislative declaration as to what acts shall amount to an exercise of such right. The enumerated methods set out in the chapter are expressly made the sole means of expatriation."*
>
> *"...municipal [civil] law determines how citizenship may be acquired..."*
>
> *"The renunciations not being given a result of free and intelligent choice, but rather because of mental fear, intimidation and coercion, they were held void and of no effect."*
> *[Tomoya Kawakita v. United States, 190 F.2d. 506 (1951)]*

But acquiring nationality and constitutional citizen status, for most of us, is NOT discretionary in most cases because:

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

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

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

3.6 CONSTITUTIONAL citizenship is NOT a revocable "privilege", nor are Any of the Bill of Rights contingent on having that status. The Bill of Rights is applicable to ALL, and not merely CONSTITUTIONAL citizens

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

> *"All privileges granted to citizen by Amnds 1 to 10 against infringement by federal government HAVE NOT been absorbed by this amendment as privileges incident to citizenship of the United States and by this clause protected against infringement by the states."*
> *[Watkins v. Oaklawn Jockey Club. D.C.Ark.1949, 86 F.Supp. 1006, affirmed 183 F.2d. 440]*

> *"The principle to be deduced from these various cases is that the rights claimed by the plaintiff in error rest with the state governments, and are not protected by the particular clause of the amendment under discussion. "*
> *[Maxwell v. Dow, Utah 1900, 20 S.Ct. 448, 176 U.S. 581, 601, 44 L.Ed. 597]*

> *"Although it has been vigorously asserted that the rights specified in the Amends. 1 to 8 are among the privileges and immunities protected by this clause, and although this view has been defended by many distinguished jurists, including several justices of the federal Supreme Court, that [this] court holds otherwise and asserts that it is the character of the right claimed, whether specified as above or not, that is controlling."*
> *[State v. Felch, 1918, 105 A. 23, 92 Vt. 477]*

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

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

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

For further details on this important subject, refer to section 17.2.1 later.

3.7 Comparison

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

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

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

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

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

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

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

[. . .]

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

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

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

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

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

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

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

Statutory citizenship, however, does not derive from citizenship under the constitution of a state of the Union. Statutory citizenship equates with the status of being a "national of the United States**". The types of "citizens" spoken of in the United States Constitution are ONLY biological people and not artificial creations such as corporations. Here is what the Annotated Fourteenth Amendment published by the Congressional Research Service has to say about this subject:

> ***"Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States.***[14]

> _____

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

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

1. There are only two types of Americans citizens: Statutory and Constitutional.
2. The ONLY one of the two types of "citizens" who is, in fact, expressly identified by the U.S. Supreme Court as a human being and emphatically NOT an artificial entity or corporation IS a constitutional or Fourteenth Amendment "citizen of the United States***".
3. If you are born or naturalized here and deny being a constitutional citizen, the only other thing you can be is a statutory citizen.

We talk about this common freedom fighter fallacy in more detail later in section 17.2.2. It seems truly ironic that ignorant freedom lovers who don't read the law and who even want to avoid being associated with a corporation would do that to themselves, don't you think? Some people might try to escape this logic by saying that there are TWO types of Constitutional citizens: "citizen of the United States***" as identified in the Fourteenth Amendment and the "Citizen" of the original Constitution. However, the following case holds that the Fourteenth Amendment "citizen of the United States***" is a SUPERSET that includes EVERYONE, including the white capital "C" males of the original constitution, so this assertion is clearly flawed:

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

> ***[****. . .]*

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

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

> *"The amendment, in clear words and in manifest intent, includes the children born within the territory of the United States of all other persons, of whatever race or color, domiciled within the United States.* ***Every citizen or subject of another country, while domiciled here [the COUNTRY, not the statutory "United States"], is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States[***].*** *His allegiance to the United States is direct and immediate, and, although but local and temporary, continuing only so long as he remains within our territory, is yet, in the words of Lord Coke in Calvin's Case, 7 Coke, 6a, 'strong enough to make a natural subject, for, if he hath issue here, that issue is a natural-born subject'; and his child, as said by Mr. Binney in his essay before quoted, '****If born in the country, is as much a citizen as the natural-born child of a citizen, and by operation of the same principle.****' It can hardly be denied that an alien is completely subject to the* ***political jurisdiction*** *of the country in which he resides, seeing that, as said by Mr. Webster, when secretary of state, in his report to the president on Thrasher's case in 1851, and since repeated by this court:*

*'Independently of a residence with intention to continue such residence; independently of any domiciliation; independently of the taking of any oath of allegiance, or of renouncing any former allegiance,—**it is well known that by the public law an alien, or a stranger born, for so long a time as he continues within the dominions of a foreign government, owes obedience to the laws of that government, and may be punished for treason or other crimes as a native-born subject might be, unless his case is varied by some treaty stipulations.**' Executive Documents H. R. No. 10, 1st Sess. 32d Cong. p. 4; 6 Webster's Works, 526; U.S. v. Carlisle, 16 Wall. 147, 155; Calvin's Case, 7 Coke, 6a; Ellesmere, Postnati, 63; 1 Hale, P. C. 62; 4 Bl.Comm. 74, 92."*
[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

The case below is talking about constitutional and not statutory citizenship:

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

Below are a few additional case cites that prove that those who are NOT domiciled in a Constitutional state of the Union but domiciled SOMEWHERE in the United States* such as those domiciled on federal territory in the District of Columbia, are Statutory and not Constitutional citizens:

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

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

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

Table 3: Statutory v. Constitutional "Citizens" compared

#	*Characteristic*	*"Statutory" citizen or resident*	*"Constitutional" citizen or resident*
1	Status of "person" holding this status	Artificial being OR human beings. All these "citizens" are public officers in the government partaking of government franchises.	Human being ONLY and NOT artificial entities or corporations. See Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870); Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1869); Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869); Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) ; Berea College v. Kentucky, 211 U.S. 45 (1908) ; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928) ; Grosjean v. American Press Co., 297 U.S. 233, 244 (1936).
2	Nature of this status	LEGAL status under statutory civil law	POLITICAL status under the Constitution
3	Status created by	Congressional grant by statute (public right)	We the People in the Constitution
4	Status is	A privilege/franchise	1. A right that cannot be taken away, once granted. 2. A privilege for permanent residents who apply for it but not for those who ALREADY have it.
5	Type of jurisdiction created	Legislative/statutory jurisdiction	Political jurisdiction
6	Jurisdiction called	"Subject to ITS jurisdiction" in 26 C.F.R. §1.1-1(c)	"Subject to THE jurisdiction" in the Fourteenth Amendment
7	"citizen" defined in	8 U.S.C. §1401 26 C.F.R. §1.1-1(c) 26 C.F.R. §31.3121-1(e);	1. Fourteenth Amendment, Section 1 2. 8 U.S.C. §1101(a)(21)
8	Domicile located in	Federal statutory "State" (territory) as defined in 4 U.S.C. §110(d)	State of the Union, as used in the Constitution
9	A "U.S. person" as defined in 26 U.S.C. §7701(a)(30)?	Yes	No
10	May lawfully be issued a "Social Security Number" or "Taxpayer Identification Number"?	Yes	No (see: *Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"*, Form #04.205; http://sedm.org/Forms/FormIndex.htm)
11	Human beings called	1. "U.S. citizen" 2. "citizen of the United States**" 3. "national and citizen of the United States"	1. "national" but not a "citizen" 2. "national" (see 8 U.S.C. §1101(a)(21)) 3. "American citizen" (see 1 Stat. 477) 4. "citizen of the United States*** **of America**" (see 1 Stat. 477) 5. "citizen of the United States***"
12	"resident" (alien) defined in	8 U.S.C. §1101(a)(3) 26 U.S.C. §7701(b)(1)(A) 26 C.F.R. §1.1441-1(c)(3)(i)	Not defined
13	Sovereign?	No (A "SUBJECT citizen")	Yes
14	"Rights" protected by	Enactments of Congress (privileges, not rights)	Constitution of the United States, Bill of Rights State Constitution

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

3.8 STATUTORY "Citizen of the United States" is a corporation franchise

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

> *46 C.F.R. §356.5 - Affidavit of U.S. Citizenship.*
>
> *CFR*
> *Updates*
> *Authorities (U.S. Code)*
>
> *§ 356.5 Affidavit of U.S. Citizenship.*
>
> ***(a)** In order to establish that a corporation or other entity is a Citizen of the United States within the meaning of section 2(c) of the 1916 Act, or where applicable, section 2(b) of the 1916 Act, the form of Affidavit is hereby prescribed for execution in behalf of the owner, charterer, Mortgagee, or Mortgage Trustee of a Fishing Industry Vessel. Such Affidavit must include information required of parent corporations and other stockholders whose stock ownership is being relied upon to establish that the requisite ownership in the entity is owned by and vested in Citizens of the United States. A certified copy of the Articles of Incorporation and Bylaws, or comparable corporate documents, must be submitted along with the executed Affidavit.*
>
> ***(b)** This Affidavit form set forth in paragraph (d) of this section may be modified to conform to the requirements of vessel owners, Mortgagees, or Mortgage Trustees in various forms such as partnerships, limited liability companies, etc. A copy of an Affidavit of U.S. Citizenship modified appropriately, for limited liability companies, partnerships (limited and general), and other entities is available on MARAD's internet home page at* http://www.marad.dot.gov.
>
> ***(c)** As indicated in § 356.17, in order to renew annually the fishery endorsement on a Fishing Industry Vessel, the owner must submit annually to the Citizenship Approval Officer evidence of U.S. Citizenship within the meaning of section 2(c) of the 1916 Act and 46 App. U.S.C. 12102(c).*
>
> ***(d)** The prescribed form of the Affidavit of U.S. Citizenship is as follows:*
>
> *State of ____ County of ____ Social Security Number: _____*
>
> *I, _____, (Name) of _____, (Residence address) being duly sworn, depose and say:*
>
> *1. That I am the ____ (Title of office(s) held) of ____, (Name of corporation) a corporation organized and existing under the laws of the State of____ (hereinafter called the "Corporation"), with offices at _____, (Business address) in evidence of which incorporation a certified copy of the Articles or Certificate of Incorporation (or Association) is filed herewith (or has been filed) together with a certified copy of the corporate Bylaws. [Evidence of continuing U.S. citizenship status, including amendments to said Articles or Certificate and Bylaws, should be filed within 45 days of the annual documentation renewal date for vessel owners. Other parties required to provide evidence of U.S. citizenship status must file within 30 days after the annual meeting of the stockholders or annually, within 30 days after the original affidavit if there has been no meeting of the stockholders prior to that time.];*
>
> *2. That I am authorized by and in behalf of the Corporation to execute and deliver this Affidavit of U.S. Citizenship;*
>
> *3. That the names of the Chief Executive Officer, by whatever title, the Chairman of the Board of Directors, all Vice Presidents or other individuals who are authorized to act in the absence or disability of the Chief Executive Officer or Chairman of the Board of Directors, and the Directors of the Corporation are as follows: [1]*
>
> ---
>
> *Footnote(s):*
>
> *[1] Offices that are currently vacant should be noted when listing Officers and Directors in the Affidavit.*

Notice the OFFICER of the corporation who files the above must have a Social Security Number, which in turn functions as a license to represent a public office in the national but not federal government.

The "Citizen of the United States" they are referring to in the above regulation can ONLY mean a STATUTORY citizen. CONSTITUTIONAL citizens include ONLY human beings according to the U.S. Supreme Court.

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

_____

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

[Annotated Fourteenth Amendment, Congressional Research Service.
SOURCE: http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1]

3.9 You're not a STATUTORY "citizen" under the Internal Revenue Code[15]

As was proved exhaustively so far, there are TWO contexts in which one may be a "citizen", and these two contexts are mutually exclusive and not overlapping:

1. *Statutory*: Relies on statutory definitions of "United States", which mean federal territory that is no part of any state of the Union.
2. *Constitutional*. Relies on the Constitutional meaning of "United States", which means states of the Union and excludes federal territory.

Within the field of citizenship, CONTEXT is everything in discerning the meaning of geographical terms. By "context", we mean ONE of the two contexts as indicated above:

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

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

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

Closely in point to the interpretation of the constitutional provision here involved is a report of the Committee of Elections of the House of Representatives, made in 1823. A petitioner had objected to the right of a Delegate to

[15] Source: *Great IRS Hoax*, Form #11.302, Section 5.2.19, Version 4.54; http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm.

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

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

The Maryland Constitution provides that the Governor, Judges and the Attorney General shall be qualified voters, and therefore, by necessary implication, citizens of the United States. Article II, Section 5, Article IV, Section 2, and Article V, Section 4. The absence of a similar requirement as to the qualifications of sheriffs is significant. So also, in our opinion, is the absence of any period of residence for a sheriff except that he shall have been a citizen of the State for five years. The Governor, Judges and Attorney General in addition to being citizens of the State and qualified voters, must have been a resident of the State for various periods. The conjunction of the requisite period of residence with state citizenship in the qualifications for sheriff strongly indicates that, as in the authorities above referred to, state citizenship, as used in the constitutional qualifications for this office, was meant to be synonymous with domicile, and that citizenship of the United States is not required, even by implication, as a qualification for this office. The office of sheriff, under our Constitution, is ministerial in nature; a sheriff's function and province is to execute duties prescribed by law. See Buckeye Dev. Crop. v. Brown & Schilling, Inc., Md., 220 A.2d. 922, filed June 23, 1966 and the concurring opinion of Le Grand, C. J. in Mayor & City Council of Baltimore v. State, ex rel. Bd. of Police, 15 Md. 376, 470, 488-490 (1860).

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

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

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

Absent any unconstitutional discrimination, a state has the right to extend qualification for state office to its citizens, even though they are not citizens of the United States. This, we have found, is what Maryland has done

in fixing the constitutional qualifications for the office of sheriff. The appellant meets the qualifications which our Constitution provides."

[Crosse v. Board of Sup'rs of Elections of Baltimore City, 221 A.2d. 431, 243 Md. 555 (Md., 1966)]

The confusion over citizenship prevalent today is caused by a deliberate confusion of the above two contexts with each other so as to make every American appear to be a statutory citizen and therefore an public officer of the "United States Inc" government corporation. This fact was first identified by the U.S. Supreme Court as follows:

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

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

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

_____

***"The principal issue in this petition is the territorial scope of the term "the United States" in the Citizenship Clause of the Fourteenth Amendment.** U.S. Const. amend. XIV, § 1 ("All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United States territory, argues she was "born ... in the United States" and is therefore a United States citizen. [16]*

*Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang v. INS, 35 F.3d 1449, 1452 (9th Cir.1994) ("**No court has addressed whether persons born in a United States territory are born 'in the United States,' within the meaning of the Fourteenth Amendment**."), cert. denied sub nom. Sanidad v. INS, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, **the Ninth Circuit held that "birth in the Philippines during the territorial period does not constitute birth 'in the United States' under the Citizenship Clause of the Fourteenth Amendment**, and thus does not give rise to United States citizenship." Rabang, 35 F.3d at 1452. We agree. [17]*

[16] Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. § 1105a(a)(5).

[17] For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. Dorr v. United States, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); Rabang, 35 F.3d at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing Downes v. Bidwell, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. United States v. Verdugo-Urquidez, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056,

*Despite the novelty of petitioner's argument, **the Supreme Court in the Insular Cases [18] provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment**. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. **The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union**. U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("**[I]t can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives."**); Rabang, 35 F.3d at 1452. **Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787**.*

*The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend XIV, § 1 (emphasis added). **The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are no[t] part of the Union" to which the Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773, Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States '] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union**. Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("**[I]n dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.**"). [19]*

***Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its status as a United States territory, was not a part of the United States**. See Hooven & Allison Co. v. Evatt, 324 U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("**As we have seen, [the Philippines] are not a part of the United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution, as do the states which are united by and under it.**"); see id. at 673-74, 65 S.Ct. at 881 (**Philippines "are territories belonging to, but not a part of, the Union of states under the Constitution,**" and therefore imports "brought from the Philippines into the United States ... are brought from territory, which is not a part of the United States, into the territory of the United States.").*

***Accordingly, the Supreme Court has observed**, without deciding, **that persons born in the Philippines prior to its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States**. See Barber v. Gonzales, 347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the Philippines during the territorial period were "nationals" of the United States, they were not "United States citizens"); Rabang v. Boyd, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("**The inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of the United States, do not possess right of free entry into the United States.**" (emphasis added) (citation and internal quotation marks omitted)).*
[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

The STATUTORY context for the term "citizen" described in 26 C.F.R. §1.1-1(c) and 26 U.S.C.§3121(e) relies on the geographical term "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d), which means federal territory and not a state of the Union. Therefore, the "citizen" and "U.S. person" found in the Internal Revenue Code is a TERRITORIAL rather than a STATE citizen. For details on why STATUTORY "citizens" are all public officers and not private humans, read:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037 FORMS PAGE: http://sedm.org/Forms/FormIndex.htm DIRECT LINK: http://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf

1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[ ]").

[18] De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

[19] Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

The U.S. Supreme Court has held in Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945) that there are THREE different meanings and contexts for the word "United States". Hence, there are THREE different types of "citizens of the United States" as used in federal statutes and the Constitution. All three types of citizens are called "citizens of the United States", but each relies on a different meaning of the "United States". The meaning that applies depends on the context. For instance, the meaning of "United States" as used in the Constitution implies states of the Union and excludes federal territory, while the term "United States" within federal statutory law means federal territory and excludes states of the Union. Here is an example demonstrating the Constitutional context. Note that they use "part of the United States within the meaning of the Constitution", and the word "the" and the use of the singular form of "meaning" implies only ONE meaning, which means states of the Union and excludes federal territory:

> *"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, **if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution.**"*
> *[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]*

The U.S. Supreme Court and lower courts have also held specifically that:

1. The statutes conferring citizenship in Title 8 of the U.S. Code are a PRIVILEGE and not a CONSTITUTIONAL RIGHT, and are therefore not even necessary in the case of state citizens.

> *"**Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right.**"*
> *[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

2. A citizen of the District of Columbia is NOT equivalent to a constitutional citizen. Note also that the "United States" as defined in the Internal Revenue Code, for instance, includes the "District of Columbia" and nowhere expressly includes states of the Union in 26 U.S.C. §7701(a)(9) and (a)(10). We therefore conclude that the statutory term "citizen of the United States" as used in 8 U.S.C. §1401 includes District of Columbia citizens and all those domiciled on federal territory "statutory citizens" and EXCLUDES those domiciled within states of the Union:

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. **No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.** It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. **It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens.**"*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

3. An 8 U.S.C. §1401 "national and citizen of the United States** at birth" born on federal territory is NOT a CONSTITUTIONAL citizen mentioned in the Fourteenth Amendment when it held:

> *"**The Court today holds that Congress can indeed rob a citizen of his citizenship just so long as five members of this Court can satisfy themselves that the congressional action was not 'unreasonable, arbitrary,' ante, at 831; 'misplaced or arbitrary,' ante, at 832; or 'irrational or arbitrary or unfair,**' ante, at 833. My first comment is that not one of these 'tests' appears in the Constitution. Moreover, it seems a little strange to find such 'tests' as these announced in an opinion which condemns the earlier decisions it overrules for their resort to clichés, which it describes as 'too handy and too easy, and, like most cliché s, can be misleading'. Ante, at 835. That description precisely fits those words and clauses which the majority uses, but which the Constitution does not.*
>
> *The Constitution, written for the ages, cannot rise and fall with this Court's passing notions of what is 'fair,' or 'reasonable,' or 'arbitrary.'[. . .]*
>
> ***The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei**. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States * * * are citizens of the United States * * *.' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. **While conceding that Bellei is an American citizen**, the*

majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. ***I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others****. [. . .]*

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[. . .]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.
[Rogers v. Bellei, 401 U.S. 815 (1971)]

The Internal Revenue Code relies on the statutory definition of "United States", which means federal territory. The term "citizen" is nowhere defined within the Internal Revenue Code and is defined twice within the implementing regulations at 26 C.F.R. §1.1-1 and 26 C.F.R. §31.3121(e)-1 . Below is the first of these two definitions:

26 C.F.R. §1.1-1 Income tax on individuals

(c) **Who is a citizen.**

Every person born or naturalized in the United States and subject to ***its*** *jurisdiction is a citizen.* ***For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1401-1459)****. For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489), Schneider v. Rusk, (1964) 377 U.S. 163, and Rev. Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.*

Notice the term "born or naturalized in the United States and subject to **its** jurisdiction", which means the exclusive legislative jurisdiction of the federal government within the District of Columbia and its territories and possessions under Article 1, Section 8, Clause 17 of the Constitution and Title 48 of the U.S. Code. If they meant to include states of the Union, they would have used "**their** jurisdiction" or "**the** jurisdiction" as used in section 1 of the Fourteenth Amendment instead of "**its** jurisdiction".

"The 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude 'within the United States, or in any place ***subject to their jurisdiction,' is also significant as showing that there may be places within the jurisdiction of the United States that are no part of the Union.*** *To say that the phraseology of this amendment was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible interpretation that those states were no longer a part of the Union, is to confess the very point in issue, since it involves an admission that, if these states were not a part of the Union, they were still subject to the jurisdiction of the United States.*

Upon the other hand, the 14th Amendment, upon the subject of citizenship, declares only that 'all persons born or naturalized in the United States, and subject to ***the*** *jurisdiction thereof, are citizens of the United States, and of the state wherein they reside.'* ***Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place 'subject to their jurisdiction.'****"*
[Downes v. Bidwell, 182 U.S. 244 (1901)]

The above definition of "citizen" applying exclusively to the Internal Revenue Code reveals that it depends on 8 U.S.C. §1401 means a human being and NOT artificial person born anywhere in the country but domiciled in the *federal* United

States**/federal zone, which includes territories or possessions and excludes states of the Union. These people possess a special "non-constitutional" class of citizenship that is not covered by the Fourteenth Amendment or any other part of the Constitution.

People born in states of the Union are technically not STATUTORY "nationals and citizens of the United States**" under 8 U.S.C. §1401, but instead are STATUTORY "non-resident non-persons" with a legislatively but not constitutionally foreign domicile under 8 U.S.C. §1101(a)(21). The term "national" is defined in 8 U.S.C. §1101(a)(21) as follows:

> *(a) (21) The term "national"' means a person owing permanent allegiance to a **state**.*

In the case of "nationals" who are also statutory "non-resident non-persons" under 8 U.S.C. §1101(a)(21), these are people who owe their permanent allegiance to the confederation of states in the Union called the "United States of America***" and NOT the "United States****", which is the government and legal person they created to preside ONLY over community property of states of the Union and foreign affairs but NOT internal affairs within the states..

The definition of "citizen of the United States" found in 26 C.F.R. §31.3121(e)-1 corroborates the above conclusions, keeping in mind that "United States" within that definition means the federal zone instead of the states of the Union. Remember: "United States" or "United States of America" in the Constitution means the states of the Union while "United States" in federal statutes means the federal zone only and excludes states of the Union.

> *26 C.F.R. §31.3121(e)-1 State, United States, and citizen*
>
> *(e)…The term 'citizen of the United States' includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.*

Puerto Rico, the Virgin Islands, Guam, and American Samoa are all U.S. *territories* and *federal* "States" that are within the federal zone. They are not "states" under the Internal Revenue Code. The proper subjects of Internal Revenue Code, Subtitle A are *only* the people who are born in these federal "States", and these people are the *only* people who are in fact "citizens and nationals of the United States" under 8 U.S.C. §1401 and under 26 C.F.R. §1.1-1(c).

The basis of citizenship in the United States is the English doctrine under which nationality meant "birth within allegiance of the king". The U.S. Supreme Court helped explain this concept precisely in the case of *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898) :

> *"The supreme court of North Carolina, speaking by Mr. Justice Gaston, said: 'Before our Revolution, all free persons born within the dominions of the king of Great Britain, whatever their color or complexion, were native-born British subjects; those born out of his allegiance were aliens.' '**Upon the Revolution, no other change took place in the law of North Carolina than was consequent upon the transition from a colony dependent on an European king to a free and sovereign [169 U.S. 649, 664] state.**' 'British subjects in North Carolina became North Carolina freemen;' 'and all free persons born within the state are born citizens of the state.' '**The term 'citizen,' as understood in our law, is precisely analogous to the term 'subject' in the common law, and the change of phrase has entirely resulted from the change of government. The sovereignty has been transferred from the man to the collective body of the people; and he who before was a 'subject of the king' is now 'a citizen of the state.**" State v. Manuel (1838) 4 Dev. & b. 20, 24-26. "*
> *[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

In our country following the victorious Revolution of 1776, the "king" was therefore replaced by "the people", who are collectively and individually the "sovereigns" within our republican form of government. The group of people within whatever "body politic" one is referring to who live within the territorial limits of that "body politic" are the thing that you claim allegiance to when you claim "nationality" to any one of the following three distinctive political bodies:

1. A state the Union.
2. The *country* "United States", as defined in our Constitution.
3. The municipal government of the federal zone called the "District of Columbia", which was chartered as a federal corporation under 16 Stat. 419 §1 and 28 U.S.C. §3002(15)(A).

Each of the three above political bodies have "citizens" who are distinctively their own. When you claim to be a "citizen" of any one of the three, you aren't claiming allegiance to the *government* of that "body politic", but to the *people* (the sovereigns) that the government *serves*. If that government is rebellious to the will of the people, and is outside the boundaries of the Constitution that defines its authority so that it becomes a "de facto" government rather than the original "de jure" government

it was intended to be, then your allegiance to the ***people*** must be ***superior*** to that of the ***government*** that ***serves*** the people. In the words of Jesus Himself in John 15:20:

> *"Remember the word that I said to you, 'A servant is not greater than his master.'"*
> *[John 15:20, Bible, NKJV]*

The "master" or "sovereign" in this case, is the ***people***, who have expressed their sovereign will through a written and unchangeable Constitution.

> *"The glory of our American system of government is that it was created by a written constitution which protects the people against the exercise of arbitrary, unlimited power, and the limits of which instrument may not be passed by the government it created, or by any branch of it, or even by the people who ordained it, except by amendment or change of its provisions."*
> *[Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770 (1901)]*

This is a crucial distinction you ***must*** understand in order to fully comprehend the foundations of our republican system of government. Let's look at the definition of "citizen" according to the U.S. Supreme Court in order to clarify the points we have made so far on what it means to be a "citizen" of our glorious republic:

> *"There cannot be a nation without a people. The very idea of a* ***political community****, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association.* ***He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.***
>
> *"For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and* ***the relation he bears to the nation****. For this purpose the words 'subject,' 'inhabitant,' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government.* ***Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.****"*
>
> *"****To determine, then, who were citizens of the United States before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.***
>
> *"Looking at the Constitution itself we find that it was ordained and established by 'the people of the United States,'3 and then going further back, we find that these were the people of the several States that had before dissolved the political bands which connected them with Great Britain, and assumed a separate and equal station among the powers of the earth,4 and that had by Articles of Confederation and Perpetual Union, in which they took the name of 'the United States of America,' entered into a firm league of [88 U.S. 162, 167] friendship with each other for their common defence, the security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to or attack made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever. 5*
>
> *"****Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were.*** *"*
> *[Minor v. Happersett, 88 U.S. 162 (1874), emphasis added]*

The thing to focus on in the above is the phrase "he owes allegiance and is entitled to its protection". People domiciled in states of the Union have ***dual*** allegiance and ***dual*** nationality: They owe allegiance to ***two*** governments not one, so they are "***dual-nationals***". They are "dual nationals" because the states of the Union are independent nations[20]:

[20] See *Bank of Augusta v. Earle*, 38 U.S. (13 Pet.) 519, *10 L.Ed. 274 (1839)*, in which the Supreme Court ruled:

*"****The States between each other are sovereign and independent****. They are distinct and separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution.* **They continue to be nations,** ***with all their rights, and under all their national obligations, and with all the rights of nations in every particular****; except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute."*

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> ***Dual citizenship.*** *Citizenship in two different **countries**. Status of citizens of United States who reside within a state; i.e., person who are born or naturalized in the U.S. are citizens of the U.S. and the state wherein they reside. [Black's Law Dictionary, Sixth Edition, p. 498]*

Likewise, those people who live in a federal "State" like Puerto Rico also owe dual allegiance: one to the District of Columbia, which is their *municipal* government and which possesses the police powers that protect them, and the other allegiance to the government of the United States *of America*, which is the general government for the whole *country*. As we said before, Congress wears *two* hats and operates in *two* capacities or jurisdictions simultaneously, each of which covers a different and mutually exclusive geographical area:

1. As the *municipal* government for the District of Columbia and all U.S. territories. All "acts of Congress" or federal statutes passed in this capacity are referred to as "private international law". This political community is called the "National Government".
2. As the *general* government for the states of the Union. All "acts of Congress" or federal statutes passed in this capacity are called "public international law". This political community is called the "Federal Government."

Each of the two capacities above has *different* types of "citizens" within it and each is a unique and separate "body politic". Most laws that Congress writes pertain to the *first* jurisdiction above *only*. Below is a summary of these two classes of "citizens":

Table 4: Types of citizens

#	Jurisdiction	Land area	Name of "citizens"
1	Municipal government of the District of Columbia and all U.S. territories. Also called the "National Government"	"Federal zone" (District of Columbia + federal "States")	"Statutory citizens" or "citizens and nationals of the United States" as defined in 8 U.S.C. §1401
2	General government for the states of the Union. Also called the "Federal Government"	"United States *of America*" *(50 Union "states")*	"Constitutional citizens" or "nationals but not citizens of the United States" as defined in 8 U.S.C. §1101(a)(21).

The U.S. Supreme Court recognized the above two separate political and legislative jurisdictions and their respective separate types of "citizens" when it held the following:

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. **No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.** It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. **It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens.** Whether this proposition was sound or not had never been judicially decided."*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

Federal statutes and "acts of Congress" *do not* and *cannot* prescribe the STATUTORY citizenship status of human beings born in and domiciled in states of the Union and *outside* of the exclusive or general legislative jurisdiction of Congress. 8 U.S.C. §1408(2) comes the closest to defining their citizenship status, but even that definition doesn't address most persons born in states of the Union neither of whose parents ever resided in the federal zone. No federal statute or "act of Congress" directly can or does prescribe the citizenship status of people born in states of the Union because *state law*, and *not federal law*, prescribes their status under the *Law of Nations*.[21] The reason is because no government may write civil laws that apply *outside* of their subject matter or exclusive territorial jurisdiction, and states of the Union are STATUTORILY but not CONSTITUTIONALLY "foreign" to the United States government for the purposes of police powers and legislative jurisdiction. Here is confirmation of that fact which the geographical definitions within federal also CONFIRM:

> *"Judge Story, in his treatise on the Conflict of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First, 'that every nation possesses an exclusive sovereignty and jurisdiction within its own territory'; secondly, **'that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.'** The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon*

[21] See *The Law of Nations, Vattel*, available on our website at: http://famguardian.org/Publications/LawOfNations/vattel.htm

the laws and municipal regulation of the matter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent.' Story on Conflict of Laws, §23."
[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

Congress is given the authority under the Constitution, Article 1, Section 8, Clause 4 to write "an uniform Rule of Naturalization" and they have done this in Title 8 of the U.S. Code called the "Aliens and Nationality", but they were ***never*** given any authority under the Constitution to prescribe laws for the states of the Union relating to citizenship by birth ***rather than*** naturalization. That subject is, and always has been, under the *exclusive* jurisdiction of states of the Union. Naturalization is only one of ***two*** ways by which a person can acquire citizenship, and Congress has jurisdiction only over ***one*** of the two ways of acquiring citizenship.

"The question, now agitated, depends upon another question; whether the State of Pennsylvania, since the 26th of March, 1790, (when the act of Congress was passed) has a right to naturalize an alien? And this must receive its answer from the solution of a third question; whether, according to the constitution of the United States, the authority to naturalize is exclusive, or concurrent? ***We are of the opinion, then, that the States, individually, still enjoy a concurrent authority upon this subject; but that their individual authority cannot be exercised so as to contravene the rule established by the authority of the Union.***

"The true reason for investing Congress with the power of naturalization has been assigned at the Bar: --It was to guard against too narrow, instead of too liberal, a mode of conferring the rights of citizenship. *Thus, the individual States cannot exclude those citizens, who have been adopted by the United States; but they can adopt citizens upon easier terms, than those which Congress may deem it expedient to impose.*

"But the act of Congress itself, furnishes a strong proof that the power of naturalization is concurrent. *In the concluding proviso, it is declared, 'that no person heretofore proscribed by any State, shall be admitted a citizen as aforesaid, except by an act of the Legislature of the State, in which such person was proscribed.'* ***Here, we find, that Congress has not only circumscribed the exercise of its own authority, but has recognized the authority of a State Legislature, in one case, to admit a citizen of the United States; which could not be done in any case, if the power of naturalization, either by its own nature, or by the manner of its being vested in the Federal Government, was an exclusive power.****"*
[Collet v. Collet, 2 U.S. 294, 1 L.Ed. 387 (1792)]

Many freedom fighters overlook the fact that the STATUTORY "citizen" mentioned in 26 C.F.R. §1.1-1 can also be a corporation, and this misunderstanding is why many of them think that they are the only proper subject of the Subtitle A federal income tax. In fact, a corporation is also a STATUTORY "person" and an "individual" and a "citizen" within the meaning of the Internal Revenue Code.

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

Corporations, however, ***cannot*** be either a CONSTITUTIONAL "person" or "citizen" nor can they have a legal existence outside of the sovereignty that they were created in.

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

_____

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

[Annotated Fourteenth Amendment, Congressional Research Service.
SOURCE: http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1]

Consequently, the only corporations who are "citizens" and the only "corporate profits" that are subject to tax under Internal Revenue Code, Subtitle A are those that are formed under the laws of the District of Columbia, and ***not*** those under the laws

of states of the Union. Congress can ONLY tax or regulate that which it creates as a VOLUNTARY franchise, and corporations are just such a franchise. Here is why:

> *"Now, a grant of corporate existence is a grant of special privileges to the corporators, enabling them to act for certain designated purposes as a single individual, and exempting them (unless otherwise specifically provided) from individual liability. The corporation being the mere creation of local law, can have no legal existence beyond the limits of the sovereignty where created. As said by this court in Bank of Augusta v. Earle, 'It must dwell in the place of its creation and cannot migrate to another sovereignty.' The recognition of its existence even by other States, and the enforcement of its contracts made therein, depend purely upon the comity of those States—a comity which is never extended where the existence of the corporation or the exercise of its powers are prejudicial to their interests or repugnant to their policy."*
> *[Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed. 357 (1868)]*

In conclusion, you ***aren't*** the STATUTORY "citizen" described in 26 C.F.R. §1.1-1 who is the proper subject of Internal Revenue Code, Subtitle A, nor are you a "resident" of the "United States" defined in 26 U.S.C. §7701(a)(9) if you were born in a state of the Union and are domiciled there. Internal Revenue Code, Subtitle A *only* applies to persons domiciled in the federal zone and payments originating from within the United States government. If you are domiciled in a state of the Union, then you aren't domiciled in the federal zone. Consequently, the only type of person you can be as a person born in a state of the Union is:

1. A "national" as defined in 8 U.S.C. §1101(a)(21).
2. A CONSTITUTIONAL "person".
3. A statutory "non-resident non-person".
4. NOT any of the following:
   - 4.1. A STATUTORY "person"
   - 4.2. A statutory "national and citizen of the United States** at birth" as defined in 8 U.S.C. §1401.
   - 4.3. A "National but not citizen of the United States** at birth" under 8 U.S.C. §1408.
   - 4.4. "a person who, though not a citizen of the United States, owes permanent allegiance to the United States[**]" under 8 U.S.C. §1101(a)(22)(B).
   - 4.5. A "U.S.[**] non-citizen national" under 8 U.S.C. §1452.

We call the confluence of the above a "non-citizen national", not to be confused with anything in items 4.3 through 4.5 above. You only become a statutory "nonresident alien" as defined in 26 U.S.C. §7701(b)(1)(B) when you surrender your PRIVATE, sovereign status and sovereign immunity by entering into contracts with the government, such as accepting a public office or a government "benefit".

The reason most Americans falsely think they owe income tax and why they continue to illegally be the target of IRS enforcement activity is because they file the wrong tax return form and thereby create false presumptions about their status in relation to the federal government. IRS Form 1040 is only for use by resident aliens, not those who are non-residents such as state nationals. The "individual" mentioned in the upper left corner of the form is defined in 26 C.F.R. §1.1441-1(c)(3) as a STATUTORY but not CONSTITUTIONAL "alien" or a "nonresident alien". STATUTORY "citizens" are not included in the definition and this is the only definition of "individual" anywhere in the Internal Revenue Code (I.R.C.) or the Treasury Regulations. It also constitutes fraud for a state national to declare themselves to be a resident alien. A state national who chooses a domicile in the federal zone is classified as a statutory "U.S.** citizen" pursuant to 8 U.S.C. §1101(a)(22)(A) and NOT a "resident" (alien). It is furthermore a criminal violation of 18 U.S.C. §911 for a state national to impersonate a statutory "U.S. citizen". The only tax return form a state national can file without committing fraud or a crime is IRS Form 1040NR, and even then he or she is committing a fraud unless lawfully serving in a public office in the national government.

If you still find yourself confused or uncertain about citizenship in the context of the Internal Revenue Code after having read this section, you might want to go back and reread the following to refresh your memory, because these resources are the foundation to understanding this section:

1. *Citizenship and Sovereignty Course*, Form #12.001- basic introduction
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/LibertyU/CitAndSovereignty.pdf
   VIDEO: http://www.youtube.com/watch?v=xMrSiiAqJAU
2. This memorandum of law.
3. *Great IRS Hoax*, Form #11.302, Sections 4.11 through 4.11.11.
   http://sedm.org/Forms/FormIndex.htm

4. *Citizenship Status v. Tax Status*, Form #10.011
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm

Lastly, this section does NOT suggest the following LIES found on Wikipedia (click here, for instance) about its content:

> *Fourteenth Amendment*
>
> *Some tax protesters argue that all Americans are citizens of individual states as opposed to citizens of the United States, and that the United States therefore has no power to tax citizens or impose other federal laws outside of Washington D.C. and other federal enclaves[7][20] The first sentence of Section 1 of the Fourteenth Amendment states:*
>
> *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.*
>
> *[Wikipedia: Tax Protester Constitutional Arguments, Downloaded 1/16/2013, http://en.wikipedia.org/wiki/Tax_protester_constitutional_arguments]*

The power to tax of the national government extends to wherever STATUTORY "citizens" or federal territory are found, including states of the Union. HOWEVER, those domiciled in states of the Union are NOT STATUTORY "citizens" under 8 U.S.C. §1401 or 26 C.F.R. §1.1-1 and the ONLY statutory "citizens" or STATUTORY "taxpayers" described in the Internal Revenue Code Subtitles A or C are in fact PUBLIC OFFICERS within the national but not state government. For exhaustive proof on this subject, see:

Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008 DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

We contend that Wikipedia, like most federal judges and prosecutors, are deliberately confusing and perpetuating the confusion between STATUTORY and CONSTITUTIONAL contexts in order to unlawfully enforce federal law in places that they KNOW they have no jurisdiction. The following forms PREVENT them from doing the very thing that Wikipedia unsuccessfully tried to do, and we encourage you to use this every time you deal with priests of the civil religion of socialism called "attorneys" or "judges":

1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001 (OFFSITE LINK)- use this in administrative correspondence
   http://sedm.org/Forms/FormIndex.htm
2. *Citizenship, Domicile, and Tax Status Options*, Form #10.003 (OFFSITE LINK)- use this in all legal settings. Attach to your original complaint or response.
   http://sedm.org/Forms/FormIndex.htm

3.10 Who started the STATUTORY v. CONSTITUTIONAL citizen confusion SCAM

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

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

instructed to pass a law demanding that the People return ALL of their gold to the bankers or be subjected to a stiff fine and jail time. Roosevelt's Proclamations were taken word for word from the Resolution adopted by Federal Reserve.

Resolution Adopted by the Federal Reserve Board of New York.

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

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

Note: **Bold faced** and single underlines are added by the author for emphasis and understanding. Double underlines and ~~strike-through deletions~~ are Amendments to the original "Trading With the Enemy Act" made in the Act of March 9, 1933.

SIXTY FIFTH CONGRESS Sess. I Chapter 106, Page 411, October 6, 1917, 48 Stat. 1

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

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

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

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

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

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

*[this section then continues to define an "ally of an enemy" in the same terms as the "enemy" and again states, "**other than citizens of the United States**,"]*

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

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

*SEC. 5(b) "During time of war or during any other period of national emergency declared by the President, the President may through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions of foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit~~s in any form (other than credits relating solely to transactions to be executed wholly within the United States)~~ between or payments by banking institutions as defined by the President, and export, hoarding melting, or earmarking of gold or silver coin or bullion or currency by any person within the United States or any place subject to the jurisdiction thereof; ~~and transfers of evidences of indebtedness or of ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or~~ and ~~he~~ the President may require any ~~such~~ person engaged in any such transaction **referred to in this subdivision** to*

furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. ***Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both;'…"***

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

1. Wikipedia Article: Executive Order 6102
   http://en.wikipedia.org/wiki/Executive_Order_6102
2. Text of Executive Order 6102
   http://www.presidency.ucsb.edu/ws/index.php?pid=14611&st=&st1=

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

THE AMERICAN CONSTITUTION IS NON-SUSPENDIBLE!

*"****No emergency justifies the violation of any of the provisions of the United States Constitution.***[22] *An emergency, however, while it cannot create power, increase granted power, or remove or diminish the restrictions imposed upon the power granted or reserved, may allow the exercise of power already in existence, but not exercised except during an emergency.* [23]

The circumstances in which the executive branch may exercise extraordinary powers under the Constitution are very narrow.[24] *The danger must be immediate and impending, or the necessity urgent for the public service, such as will not admit of delay, and where the action of the civil authority would be too late in providing the means which the occasion calls for.* [25] *For example, there is no basis in the Constitution for the seizure of steel mills during a wartime labor dispute, despite the President's claim that the war effort would be crippled if the mills were shut down.* [26]"
[16 American Jurisprudence 2d, Constitutional Law, §52 (1999)]

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

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

3.11 STATUTORY and CONSTITUTIONAL "aliens" are equivalent under U.S.C. Title 8

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

[22] As to the effect of emergencies on the operation of state constitutions, see § 59.

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

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

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

[25] Mitchell v. Harmony, 54 U.S. 115, 13 How. 115, 14 L.Ed. 75 (1851).

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

1. Title 8 covers TWO opposites based on its name: "Aliens and nationality". You are either an "alien" or a "national". Statutory citizens under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) are a SUBSET of "nationals". A "citizen" under U.S. Code Titles 8, 26, and 42 is a "national of the United States**" domiciled on federal territory.
2. A "nonresident alien" under 26 U.S.C. §7701(b)(1)(B) is someone who is:
   2.1. Neither a STATUTORY "national and citizen of the United States** at birth" under 8 U.S.C. §1401 nor a "resident" (alien" of the United States**).
   2.2. A foreign domiciled party or a "non-citizen national of the United States**" under 8 U.S.C. §1101(a)(22)(B), 8 U.S.C. §§1408, 1452. . .AND
   2.3. A public officer in the national government. If they are not a public officer, they would be a "non-resident non-person".
3. The context for whether one is a "national" is whether they were born or naturalized "within allegiance to the sovereign" or on territory within a country or place that has allegiance. That is what the "pledge of allegiance" is about, in fact. The flag flies in lots of places, not just on federal territory or even constitutional states. As described in the United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936), the "United States of America" is THAT country, and that entity is a POLITICAL and not a GEOGRAPHIC entity. The U.S. supreme court calls this entity "the body politic". It is even defined politically as a CORPORATION and not a geographic region in United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936). "States" are not geography, but political groups. "citizens" are political members of this group. Physical presence on territory protected by a "state" does not imply political membership. Rather, the coincidence of DOMICILE and NATIONALITY together establish membership. Without BOTH, you can't be a member of the political group. THIS group is called "We the People" in the U.S.A. Constitution and it is PEOPLE, not territory or geography.
4. The terms "CONSTITUTIONAL" and "STATUTORY" only relate to the coincidence of DOMICILE and the GEOGRAPHY it is tied to. It has nothing to do with nationality, because nationality is not a source of civil jurisdiction or civil status. "national", in fact, is a political status, not a civil status. The allegiance that gives rise to nationality is, in fact, political and not territorial in nature. Abandoning that allegiance is an expatriating act according to 8 U.S.C. §1481.

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

1. "nonresident aliens" are NOT a SUBSET of "aliens" but a SUPERSET.
2. Those who are state nationals per 8 U.S.C. §1101(a)(21) or "non-citizen nationals" under 8 U.S.C. §1101(a)(22)(B) can be "nonresident aliens" under 26 U.S.C. §7701(b)(1)(B) but STILL not be STATUTORY "aliens" as defined in 26 U.S.C. §7701(b)(1)(A). This exception would apply to both "non-citizen nationals of the United States**" defined in 8 U.S.C. §1408 as well as state citizens/nationals.

4. PROOF THAT STATUTORY CITIZENS/RESIDENTS ARE A FRANCHISE STATUS THAT HAS NOTHING TO DO WITH YOUR DOMICILE

The following subsections will prove that statutory "U.S.** citizen" or "national and citizen of the United States** at birth" status found in 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c) is a franchise status that has nothing to do with one's domicile. As a franchisee, they are treated as officers of a corporation and "persons" under federal law, and thereby act as the equivalent of a corporation sole wholly owned by the U.S. government. The U.S. Supreme Court has already declared that turning citizens and residents into the equivalent of a "corporation sole" unconstitutional and thereby illegal:

> *"But if the plain dictates of our senses be relied on, what state of facts have we exhibited here? 898*898* **Making a person, makes a case**; and thus, a government which cannot exercise jurisdiction unless an alien or citizen of another State be a party, makes a party which is neither alien nor citizen, and then claims jurisdiction because it has made a case. **If this be true, why not make every citizen a corporation sole, and thus bring them all into the Courts of the United States quo minus? Nay, it is still worse, for there is not only an evasion of the constitution implied in this doctrine, but a positive power to violate it. Suppose every individual of this corporation were citizens of Ohio, or, as applicable to the other case, were citizens of Georgia, the United States could not give any one of them, individually, the right to sue a citizen of the same State in the Courts of the United States; then, on what principle could that right be communicated to them in a body? But the question is equally unanswerable, if any single member of the corporation is of the same State with the defendant, as has been repeatedly adjudged."***
> *[Osborn v. Bank of U.S. , 22 U.S. 738 (1824); SOURCE: http://scholar.googl...760256043512250]*

If you would like to know more about the devious abuse of franchises to destroy your rights and break the chains of the Constitution that bind your public servants and protect your rights, see:

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

4.1 Background

The biggest complaint most people have about the government is that it imposes mandatory obligations that appear to institute involuntary servitude. How do they do it without violating the Thirteenth Amendment prohibition on involuntary servitude or the Fifth Amendment prohibition on taking PRIVATE property without compensation? This section will attempt to answer that question.

The "obligations" owed to the state by STATUTORY "citizens" (8 U.S.C. §1401) are spoken of in Baker v. Keck, 13 F.Supp. 486 (1936):

> *"**Citizenship and domicile are substantially synonymous. Residency and inhabitance are too often confused with the terms and have not the same significance. Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691.**"*
> *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

The above obligations are civil STATUTORY obligations. Yet the Thirteenth Amendment forbids involuntary servitude. The following series of facts is the ONLY thing that explains how these statutes can impose DUTIES or obligations against those who are STATUTORY citizens WITHOUT violating the Thirteenth Amendment:

1. There are, in fact, two capacities in which every human can act: PUBLIC and PRIVATE. Here is a maxim of law on the subject:

   > *"Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*
   > *When two rights [PUBLIC right v. PRIVATE right] concur in one person, it is the same as if they were **two separate persons**. 4 Co. 118.*
   > *[Bouvier's Maxims of Law, 1856;*
   > *SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]*

2. Consent of the PRIVATE human being is required to FILL said PUBLIC office.
   2.1. The only way anything PUBLIC can attach to otherwise PRIVATE property is WITH the EXPRESS CONSENT of the OWNER of that property. Otherwise there has been an unconstitutional Fifth Amendment taking.
   2.2. When we refer to the method of connecting humans to government/public offices, we simply say that the PUBLIC (office) and the PRIVATE (human) cannot be connected together and thereby become an object of legislation WITHOUT the CONSENT of the human that is BEING connected. That connection, in fact is called the "res" or "thing" that is the only thing Congress can legislate against.

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

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

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2.3. If the PUBLIC and PRIVATE never get connected, the PUBLIC OFFICE is civilly dead and constitutes an abandoned estate.
2.4. Remember: All just powers of the government derive from CONSENT. The implication is that anything not traceable BACK to consent is inherently UNJUST, UNCONSTITUTIONAL, and ILLEGAL.

3. ALL the powers of the government, including its authority to enact civil laws imposing an obligation upon you, depend EITHER on a public office or a contract made with otherwise PRIVATE people. Since the average American has no contracts with the national government, then the ONLY way for the obligations of BEING a STATUTORY "citizen" can attach is through a public office called "U.S.** citizen" or "citizen of the United States**".

> *"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them."*[27]
> *[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]*

> *"All the powers of the government [*including ALL of its civil enforcement powers *against the public] must be carried into operation* ***by individual agency, either through the medium of public officers, or contracts made with [private] individuals.****"*
> *[Osborn v. Bank of U.S.,* 22 U.S. 738 *(1824)]*

Those who disagree with the assertion in this step are asked simply to prove HOW a person can "obey" or be the "subject" of a specific statute WITHOUT "executing" it as indicated above? The answer is that it is IMPOSSIBLE!

4. The statutory obligations must attach to a PUBLIC office and privilege called STATUTORY "U.S.** citizen" and not to the PRIVATE human being FILLING said office.

> ***"Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality, such a practice requires special scrutiny before being set aside.*** *See, e.g., Jackman v. Rosenbaum Co., 260 U.S. 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it[.]"); Walz v. Tax Comm'n, 397 U.S. 664, 678 (1970) ("It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use . . . . Yet an unbroken practice . . . is not something to be lightly cast aside."). And while Congress cannot take away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not within the Constitution's breadth. See U.S. Const, art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory belonging to the United States****[**]****."); id. at art. I, § 8, cl. 4 (Congress may "establish an uniform Rule of Naturalization . . .."). To date, Congress has not seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must and will respect that choice.16*
> *[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

5. "Citizenship" must be voluntary, because the Thirteenth Amendment outlaws INVOLUNTARY servitude EVERYWHERE, including federal territory. Certainly, being compelled to occupy a PUBLIC OFFICES in the government would qualify as unconstitutional involuntary servitude.
6. When a public office is associated with a specific person, it is called "citizenship" by the courts.
7. Those who refuse the public office called STATUTORY "U.S.** citizen":
   7.1. Are called "nonresidents" and are NOT protected by the civil statutory law.
   7.2. Lack STATUTORY diversity of citizenship no matter WHERE they are domiciled, under 28 U.S.C. §1332.
   7.3. Can ONLY invoke CONSTITUTIONAL diversity of citizenship under Article III, Section 2.
   7.4. Have a civil domicile on geographic territory and are NOT subject to civil statutory law.
   7.5. Cannot lawfully have the choice of law switched to federal territory because they are not within the STATUTORY geographical "United States" under 26 U.S.C. §7701(a)(9) and (a)(10).
8. You must declare yourself to BE a STATUTORY "citizen" (8 U.S.C. §1401, born on federal territory) in order to invoke the PRIVILEGES of the PUBLIC office.
9. Federal territory is NOT protected by the Constitution or the Bill of Rights:

> *"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that* ***the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every***

[27]

> ***state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them.' Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British Crown colony than a republican state of America****, and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by the President. It was not until they had attained a certain population that power was given them to organize a legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."*
> *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

10. STATUTORY citizens (8 U.S.C. §1401, born on federal territory), by definition, are both domiciled on federal territory AND present there, and hence HAVE no constitutional rights. Otherwise, they wouldn't BE STATUTORY citizens but rather "stateless persons" and "nonresidents". You can't have a CIVIL STATUS in a place unless you are DOMICILED there.
11. Those who invoke the congressionally granted statutory PRIVILEGES of the PUBLIC OFFICE, meaning those who are STATUTORY "citizens" (8 U.S.C. §1401, born on federal territory) are not covered by the Thirteenth Amendment or the legal obligations imposed upon them would be unconstitutional.
    11.1. If these STATUTORY "U.S. citizens" aren't protected by the Thirteenth Amendment, then they must NOT be protected by ANY part of the REST of the Bill of Rights either!
    11.2. The question then becomes: why would ANYONE want to be a STATUTORY citizen if they are not protected by the Constitution and have no CONSTITUTIONAL rights? The answer is that they are AN IDIOT!
12. Do you REALLY have to give up ALL your constitutional rights to become a STATUTORY citizen? The answer is YES! Here is what one court said on that subject:

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

Notice based on the above, that the power of the government to control and regulate you REQUIRES that you FIRST VOLUNTEER become a STATUTORY "citizen". Otherwise you would be EXCLUSIVELY PRIVATE and beyond their control. If you don't want to be controlled or regulated then don't volunteer to become a citizen and instead be a "non-resident non-person" protected ONLY by the common law.

> *"Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good."*
> *[Munn v. Illinois, 94 U.S. 113 (1876),*
> *SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]*

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*"…**we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.***

*"**Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers.** It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. "*
[Hale v. Henkel, 201 U.S. 43 (1906)]

13. The U.S. Supreme Court also confirmed that PUBLIC officers of the national government such as STATUTORY "U.S. citizens" (8 U.S.C. §1401, born on federal territory) have no constitutional rights, when it held:

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

14. These same STATUTORY "U.S. citizens" MUST be public officers, because when they serve on jury duty, they are identified in statutes as said officers, and they CAN'T serve on jury duty in federal court WITHOUT being STATUTORY "U.S. citizens" WITH a domicile on federal territory NOT within any state of the Union.

TITLE 18 > PART I > CHAPTER 11 > § 201
*§ 201. Bribery of **public officials** and witnesses*

(a) For the purpose of this section—

*(1) **the term "public official" means** Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, **or a juror**;*

So WHERE did the above public office come from: the JUROR status or the STATUTORY "U.S. citizen" status that is the PREREQUISITE for BEING a juror? We think it came from the STATUTORY "U.S. citizen" status and that jury service, like voting, is a PUBLIC PRIVILEGE and a PUBLIC FRANCHISE rather than a PRIVATE RIGHT that

can be lawfully exercised ONLY by a public officer in the government. All franchises presume the actors are public officers.

> *"Long ago in Yick Wo v. Hopkins, 118 U.S. 356, 370, 6 S.Ct. 1064, 1071, 30 L.Ed. 220* ***the Court referred to 'the political franchise of voting' as a 'fundamental political right, because preservative of all rights.'*** *Recently in Reynolds v. Sims, 377 U.S. 533, 561—562, 84 S.Ct. 1362, 1381, 12 L.Ed.2d. 506, we said, 'Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since* ***the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.' There we were considering charges that voters in one part of the State had greater representation per person in the State Legislature than voters in another part of the State.*** *We concluded:*
>
> *'A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of 'government of the people, by the people, (and) for the people.' The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.' Id., at 568, 84 S.Ct. at 1385."*
> *[Harper v. Virginia State Board of Elections Butts v. Harrison, 383 U.S. 663, 86 S.Ct. 1079, 16 L.Ed.2d. 169, 1965 WL 130114 (1966)]*

> *"The National Government and the States may not deny or abridge the right to vote on account of race.* ***The Amendment reaffirms the equality of races at the most basic level of the democratic process, the exercise of the voting franchise****. It protects all persons, not just members of a particular race. Important precedents give instruction in the instant case. The Amendment was quite sufficient to invalidate a grandfather clause that did not mention race but instead used ancestry in an attempt to confine and restrict* ***the voting franchise****, Guinn v. United States, 238 U.S. 347, 364 365; and it sufficed to strike down the white primary systems designed to exclude one racial class (at least) from* ***voting****, see, e.g., Terry v. Adams, 345 U.S. 461, 469 470."*
> *[Rice v Cayetano, 528 U.S. 495, 120 S.Ct. 1044, 145 L.Ed.2d. 1007 (2000)]*

> *". ..there are some matters so related to state sovereignty that, even though they are important rights of a resident of that state, discrimination against a nonresident is permitted.* [28] ***These privileges which states give only to their own residents are not secured to residents of other states by the Federal Constitution. Included are such matters as the elective franchise, the right to sit upon juries, and the right to hold public office.*** *The reasons are obvious. If a state were to entrust the elective franchise to residents of another state, its sovereignty would not rest upon the will of its own citizens; and if it permitted its offices to be filled and their functions to be exercised by persons from other states, the state citizens to that extent would not enjoy the right of self-government.* [29] *here are also numerous privileges that may be accorded by a state to its own people in which citizens of other states may not participate except in conformity to such reasonable regulations as may be established by the state.* [30] *For instance, a state cannot forbid citizens of other states to sue in its courts, that right being enjoyed by its own people; but it may require a nonresident, although a citizen of another state, to give a bond for costs, although such bond is not required of a resident.* [31] *A statute restricting the right to carry a concealed weapon to state residents does not violate the Privileges and Immunities Clause of the Fourteenth Amendment; the factor of residence has a legitimate connection with the statute, since substantial danger to the public interest would be caused by an unrestricted flow of dangerous weapons into and through the state.* [32] *"*
> *[16B American Jurisprudence 2d, Constitutional law, §751: State citizenship and its privileges (1999)]*

4.2 "national and citizen of the United States** at birth" in 8 U.S.C. §1401 is a PUBLIC PRIVILEGE, not a PRIVATE RIGHT

Many people wrongfully presume that "national and citizen of the United States" described in 8 U.S.C. §1401 governs the rules for extending CONSTITUTIONAL citizenship. This is not true because:

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[28] Presser v. People of State of Ill., 116 U.S. 252, 6 S.Ct. 580, 29 L.Ed. 615 (1886); Schulz v. New York State Executive, Pataki, 960 F.Supp. 568 (N.D.N.Y. 1997).

[29] Steed v. Harvey, 18 Utah 367, 54 P. 1011 (1898).

[30] Duehay v. Acacia Mut. Life Ins. Co., 105 F.2d. 768, 124 A.L.R. 1268 (App.D.C D.C. Cir. 1939).

[31] Blake v. McClung, 172 U.S. 239, 19 S.Ct. 165, 43 L.Ed. 432 (1898).

[32] Application of Ware, 474 A.2d. 131 (Del. 1984).

1. STATUTORY citizenship within 8 U.S.C. §1401 is a PRIVILEGE/FRANCHISE, rather than a CONSTITUTIONAL right.

> ***"Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right."***
> *[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

2. The PUBLIC PRIVILEGE is revocable. PRIVATE rights are NOT revocable. PUBLIC rights ARE revocable.
   2.1. Afroyim v. Rusk, 387 U.S. 253, 87 S.Ct. 1660, 18 L.Ed.2d. 757 (1967) declared that constitutional citizenship was NOT revocable without the consent of the citizen.
   2.2. Rogers v. Bellei, 401 U.S. 815 (1971) declared that STATUTORY citizenship under 8 U.S.C. §1401 IS revocable at the whim of Congress.

> *"**The Court today holds that Congress can indeed rob a citizen of his citizenship just so long as five members of this Court can satisfy themselves that the congressional action was not 'unreasonable, arbitrary,' ante, at 831; 'misplaced or arbitrary,' ante, at 832; or 'irrational or arbitrary or unfair,' ante, at 833**. My first comment is that not one of these 'tests' appears in the Constitution. Moreover, it seems a little strange to find such 'tests' as these announced in an opinion which condemns the earlier decisions it overrules for their resort to clichés, which it describes as 'too handy and too easy, and, like most cliché s, can be misleading'. Ante, at 835. That description precisely fits those words and clauses which the majority uses, but which the Constitution does not.*
>
> *The Constitution, written for the ages, cannot rise and fall with this Court's passing notions of what is 'fair,' or 'reasonable,' or 'arbitrary.'*
>
> *[. . .]*
>
> ***The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei.*** *The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States * * * are citizens of the United States * * *.' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.*
>
> ***While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.'*** *Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution.* ***I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.***
>
> *[. . .]*
>
> ***The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.***
>
> *[. . .]*
>
> *Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident*

that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.
[Rogers v. Bellei, 401 U.S. 815 (1971)]

3. Like all other government granted franchises, the effective domicile or residence of those participating is federal territory. The geographical place within which it can be granted does not expressly include constitutional states of the Union and therefore purposefully excludes them. The term "State", "United States", and "continental United States" defined in Title 8 of the U.S. Code EXCLUDE constitutional states. The "United States" definition came from the Immigration and Nationality Act of 1940, before Alaska and Hawaii became CONSTITUTIONAL states, and they never bothered to go back and change it, even though it needs to be changed. However, the definitions in 8 C.F.R. §215.1 were published AFTER Alaska and Hawaii became CONSTITUTIONAL states and are more accurate.

8 C.F.R. §215.1(f)
Section 215.1: Definitions

*(f) The term **continental United States** means the District of Columbia and the several **States**, except Alaska and Hawaii.*

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8 U.S.C. §1101(a)(36): State [Aliens and Nationality]

The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. [Aliens and Nationality]
Sec. 1101. - Definitions

*(a)(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands **of** the United States.*

In summary, the CREATOR of the right establishes who the OWNER of the right is. 8 U.S.C. §1401 is a statutory privilege created and granted by Congress. It is a FRANCHISE and a PUBLIC right, not a PRIVATE right. The "citizen" status it created was NOT created by the Constitution or even the Fourteenth Amendment. All POLITICAL statuses granted by the Constitution are PRIVATE. All CIVIL statuses granted by Congressional enactment are PUBLIC, franchises, and PRIVILEGES. Hence, the 8 U.S.C. §1401 "national and citizen of the United States at birth" is a PUBLIC right rather than a PRIVATE right and continues to be property loaned to the "benefit" recipient which can be revoked at any time.

"The rich rules over the poor,
*And **the borrower is servant [SUBJECT] to the lender.**"*
[Prov. 22:7, Bible, NKJV]

Anyone accepting the "benefits" of this privilege has to suffer all the disabilities that go with invoking or using it, including its complete revocation as documented in 8 U.S.C. §1481(a) . There are therefore, in fact and in deed, MULTIPLE classes of "citizens" in our country in SPITE of the following FRAUDULENT holding:

9. Classes of citizens--Generally

In regard to the protection of our citizens in their rights at home and abroad, we have in the United States no law which divides them into classes or makes any difference whatever between them. 1859, 9 Op.Atty.Gen. 357.
[8 U.S.C.A. §1401 (2009), p. 18]

You are a SECOND CLASS citizen under legal disability if you use, benefit from, or invoke any Congressionally created status, public right, privilege, or franchise, INCLUDING "national and citizen of the United States** at birth" in 8 U.S.C. §1401. The government is SCHIZOPHRENIC to state in 8 U.S.C.A. §1401 that there are not multiple classes of citizens, and then turn around and treat any one citizen different than any other as they did above in Rogers v. Bellei, 401 U.S. 815 (1971). Earth calling the U.S. Supreme Court! George Orwell called this kind of deception "doublethink":

> *"**Doublethink** is the act of ordinary people simultaneously accepting two mutually contradictory beliefs as correct, often in distinct social contexts.[1] Doublethink is related to, but differs from, hypocrisy and neutrality. Somewhat related but almost the opposite is cognitive dissonance, where contradictory beliefs cause conflict in one's mind. Doublethink is notable due to a lack of cognitive dissonance — thus the person is completely unaware of any conflict or contradiction."*
> *[Wikipedia: Doublethink, Downloaded 6/14/2014]*

The U.S. Supreme Court in Bellei was engaging in doublethink because they either ignored the facts presented here or are willfully concealing their knowledge of them. Either way, whether through omission or malicious commission, they are a threat to your liberty and freedom. The foundation of your freedom is absolute equality, and yet they refuse to treat all "citizens" equally.

> ***"No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government."***
> *[Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)]*

> *"[l]aw . . . must be not a special rule for a particular person or a particular case, but. . .`the general law . . .' so `that **every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society.**'"*
> *[Hurtado v. California, 110 U.S. 516, 535-536 (1884)]*

Therefore, Title 8 is not "law" as defined above in Hurtado v. California, but a voluntary civil compact and civil franchise that the U.S. Supreme Court called "class legislation" in Pollock v. Farmers Loan and Trust, 157 U.S. 429. Title 8 would have to treat ALL "citizens" absolutely equally to be REAL "law". As we explain later in section 15.4, you don't need to invoke 8 U.S.C. §1401 to attain CONSTITUTIONAL citizenship and those who do are state-worshipping idolaters. Any attempt to treat anyone unequally under the civil law or subject them to any legal disability is an exercise in idolatry, where the grantor of the privilege, who is always the one with superior or "supernatural" rights or privileges, is always the thing being "worshipped".

The goal of all collectivists is to abuse civil franchises as a means to create, protect, or perpetuate INEQUALITY and class legislation, and then to use the inequality to persecute, plunder, or enslave the very people that they are supposed to be protecting by treating them equally. For more about how collectivism abuses franchises to enslave all and make itself the owner and controller of EVERYTHING, see:

Collectivism and How to Resist It, Form #12.024 http://sedm.org/Forms/FormIndex.htm

4.3 When are statutory "citizens" (8 U.S.C. §1401) liable for tax?: Only when they are privileged "residents" abroad and not in a constitutional state

The I.R.C. Subtitle A income tax is imposed upon "citizens" only when they ALSO "RESIDENT" in the place they earn the statutory "income".

> *26 C.F.R. §1.1-1 Income tax on individuals.*
>
> ***(a) General rule.***
>
> ***(1)*** *Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien individual.*
>
> ***[. . .]***
>
> ***(b) Citizens or residents of the United States liable to tax.***
>
> ***In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to the income taxes imposed by the Code whether the income is received from sources within or without the United States.*** *Pursuant to section 876, a nonresident alien individual who is a bona fide resident of a section 931 possession (as defined in § 1.931-1(c)(1) of this chapter) or Puerto Rico during the entire taxable year is, except as provided in section 931 or 933 with respect to income from sources within such possessions, subject to*

taxation in the same manner as a resident alien individual. As to tax on nonresident alien individuals, see sections 871 and 877.
[26 C.F.R. §1.1-1(a)(1)]

The statutory term "individual" includes ONLY "aliens" and "nonresident aliens" but not statutory "citizens. Therefore, a "citizen" only becomes an "individual" when they are an "alien" or "nonresident alien":

26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

(c) Definitions

(3) Individual.

(i) Alien individual.

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

(ii) Nonresident alien individual.

*The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual **who is a resident of a foreign country** under the residence article of an income tax treaty and Sec. 301.7701(b)-7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations thereunder.*

We must then ask ourselves WHEN can a statutory "citizen" (under 8 U.S.C. §1401 and identified in 26 C.F.R. §1.1-1(c)) ALSO be statutory "resident" in the same place at the same time, keeping in mind that a "resident" is an ALIEN domiciled in a place under the law of nations:

*"**Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country**. Being bound to the society by reason of their [intention of] dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizenship. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children."*
[The Law of Nations, p. 87, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington; emphasis added.]

26 C.F.R. §1.1-1(b) disproves the assertion that everything a person domiciled in any of the 50 states makes is statutory "income" subject to tax, when it states that "*All citizens of the United States, **wherever resident**,*" are liable to tax. This is because:

1. One cannot be a statutory "resident" without ALSO being a statutory "alien". See 26 U.S.C. §7701(b)(1)(A).
2. "residence" is ONLY defined in the I.R.C. to include statutory "aliens" and NOT "citizens". Nowhere is it defined to include "citizens". Therefore, a "citizen" cannot have a "residence" or be "resident" in a place without being a statutory alien in relation to that place.

Title 26: Internal Revenue
PART 1—INCOME TAXES
nonresident alien individuals
§ 1.871-2 Determining residence of alien individuals.

(b) Residence defined.

*An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. **Whether he is a transient is determined by his intentions with regard to the length and nature of his stay.** A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. **One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be***

> ***necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident**, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.*

3. One cannot simultaneously be a statutory "citizen" and a statutory "alien" in relation to the same political entity at the same time. Therefore:
   3.1. More than one political entity must be involved AND
   3.2. Those who are simultaneously "citizens" and "aliens" must be outside the country and in a legislatively foreign country.
4. One cannot have a civil status under the civil statutes of a place such as "citizen" or "resident" WITHOUT a DOMICILE in that place.
   4.1. This includes statutory "citizen" or statutory "resident".
   4.2. This is a requirement of Federal Rule of Civil Procedure 17 and the law of domicile itself.

> *§ 29. Status*
>
> *It may be laid down that the, status- or, as it is sometimes called, civil status, in contradistinction to political status - of a person depends largely, although not universally, upon domicil. The older jurists, whose opinions are fully collected by Story I and Burge, maintained, with few exceptions, the principle of the ubiquity of status, conferred by the lex domicilii with little qualification. Lord Westbury, in Udny v. Udny, thus states the doctrine broadly: **"The civil status is governed by one single principle, namely, that of domicil, which is the criterion established by law for the purpose of determining civil status. For it is on this basis that the personal rights of the party** - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or intestacy-must depend." Gray, C. J., in the late Massachusetts case of Ross v. Ross, speaking with special reference to capacity to inherit, says: **"It is a general principle that the status or condition of a person, the relation in which he stands to another person, and by which he is qualified or made capable to take certain rights in that other's property, is fixed by the law of the domicil; and that this status and capacity are to be recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."***
> *[A Treatise on the Law of Domicil, National, Quasi-National, and Municipal, M.W. Jacobs, Little, Brown, and Company, 1887, p. 89]*

Therefore, the only practical way that a statutory "citizen" can ALSO be statutory "resident" under the civil laws of a place is when they are abroad as identified in 26 U.S.C. §911: Citizens or residents of the United States living abroad. That section of code, in fact, groups STATUTORY "citizens" and "residents" ***together*** because they are both "resident" when in a foreign country outside the United States* the country:

1. They are a statutory "citizen" under 8 U.S.C. §1401 if they were born on federal territory or abroad and NOT a constitutional state. See Rogers v. Bellei, 401 U.S. 815 (1971).
2. If they avail themselves of a "benefit" under a tax treaty with a foreign country, then they are also "resident" in the foreign country they are within under the tax treaty. At that point, they ALSO interface to the United States government as a "resident" under that tax treaty.

Moreover, there are two fairly instructive Revenue Rules that clarify the phrase "wherever resident" found in 26 C.F.R. §1.1-1(b) above. See Rev.Rul. 489 and Rev.Rul. 357 as follows:

> *"**No provision of the Internal Revenue Code or the regulations thereunder holds that a citizen of the United States is a resident of the United States for purposes of its tax**. Several sections of the Code provide Federal income tax relief or benefits to citizens of the United States who are residents **without the United States** for some specified period. See sections 911, 934, and 981. **These sections give recognition to the fact that not all the citizens of the United States are residents of the United States.**"*
> *[Rev.Rul. 75-489. p. 511]*

As regards additional support, see Rev.Rul. 75-357 at p. 5, as follows:

> ***"Sections 1.1-1(b)** and **1.871-1** of the Income Tax Regulations provide that **all citizens of the United States, wherever resident,** and all resident alien individuals are liable to the income taxes imposed by the Internal Revenue Code whether the **income is received** from sources within or without the United States. **See, however, section 911 of the Code**. (Emphasis added.)"*
> *[Rev.Rul. 75-357, p. 5]*

Being that Rev.Rul. 75-357 quotes 26 C.F.R. § 1.1-1(b) directly, and duly informs every reader to see 26 U.S.C. §911, we believe an examination of 26 U.S.C. §911 and its regulations is in order to locate the appropriate application of the "***wherever resident"*** phrase in 26 C.F.R. §1.1-1(b). See 26 U.S.C. §911(d)(1)(A) as follows:

> *(d) Definitions and special rules — For purposes of this section —*
>
> *(1) Qualified individual — The term "qualified individual" means an individual whose tax home is in a foreign country and who is —*
>
> *(A) a citizen of the United States and establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year. [26 U.S.C. §911(d)(1)(A)]*

There you have it. The "citizen of the United states" must be a bona-fide "resident of a foreign country" to be a qualified individual subject to tax.

Additionally, as we know, 26 C.F.R. §1.1-1(b) states:

> *"All citizens of the United States, **wherever resident**, are liable to the income taxes imposed by the Internal Revenue Code whether the **income is received** from sources within or without the United States."*

The regulations for section 911 make the distinction between where income is received as opposed to where services are performed. See the following:

> *26 C.F.R. §1.911-3 Determination of amount of foreign earned income to be excluded.*
>
> *(a) Definition of foreign earned income.*
>
> *For purposes of section 911 and the regulations thereunder, the term "foreign earned income" means earned income (as defined in paragraph (b) of this section) from sources within a foreign country (as defined in §1.911-2(h)) that is earned during a period for which the individual qualifies under §1.911-2(a) to make an election. Earned income is from sources within a foreign country **if it is attributable to services performed by an individual in a foreign country or countries. The place of receipt of earned income is immaterial in determining whether earned income is attributable to services performed** in a foreign country or countries.*

Note the phrase "foreign country" above. That phrase obviously does not include states of the Union. We are therefore inescapably lead to the following conclusions based on the above analysis:

1. One cannot earn "income" as a statutory "citizen" under 26 C.F.R. §1.1-1(c), 26 U.S.C. §911, and 8 U.S.C. §1401 unless they are abroad in a foreign country.
2. No statute EXPRESSLY imposes a tax upon statutory "citizens" when they are NOT "abroad", meaning in a foreign country. Therefore, under the rules of statutory construction, tax is not owed under ANY other circumstance:

> *"**Expressio unius est exclusio alterius**. A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."*
> *[Black's Law Dictionary, Sixth Edition, p. 581]*

3. A state citizen under the Fourteenth Amendment is NOT a statutory "citizen" under the Internal Revenue Code at 26 C.F.R. §1.1-1(c), even when they are abroad. Rather, they are statutory "non-resident non-persons" when abroad.
4. Even when one is "abroad" as a statutory "citizen", they can cease to be a statutory "citizen" at any time by:
   4.1. Changing their domicile to the foreign country. This is because the civil status of "citizen" is a product of domicile on federal territory, not their birth…AND
   4.2. Surrendering any and all tax "benefits" of the income tax treaty. The receipt of the "benefit" makes them subject to Internal Revenue Code Subtitle A "trade or business" franchise and a public officer in receipt, custody, and control of government property, which itself IS the "benefit".
5. It is a CRIME for a state citizen to claim the civil status of STATUTORY "citizen" under 8 U.S.C. §1401. That crime is documented in 18 U.S.C. §911.

6. The claim that all state citizens domiciled in states of the Union are "citizens of the United States" under the Internal Revenue Code and that they owe a tax on ANY of their earnings is categorically false and fraudulent.

Below is a table that succinctly summarizes everything we have learned in this section in tabular form. The left column shows what you are now and the two right columns show what you can "elect" or "volunteer" to become under the authority of the Internal Revenue Code based on that status:

Table 5: Convertibility of citizenship or residency status under the Internal Revenue Code

What you are starting as	What you would like to convert to	
	"Individuals" (see 26 C.F.R. §1.1441-1(c)(3))	
	"Alien" (see 26 C.F.R. §1.1441-1(c)(3)(i))	"Nonresident alien" (see 26 C.F.R. §1.1441-1(c)(3)(ii) and 26 U.S.C. §7701(b)(1)(B))
"citizen of the United States" (see 8 U.S.C. §1401)	"citizen" may unknowingly elect to be treated as an "alien" by filing 1040, 1040A, or 1040EZ form. This election, however, is ***not*** authorized by any statute or regulation, and consequently, the IRS is ***not*** authorized to process such a return! It amounts to constructive fraud for a "citizen" to file as an "alien", which is what submitting a 1040 or 1040A form does.	No "citizen of the United States" can be a "nonresident alien", nor is he authorized under the I.R.C. to "elect" to become one. Likewise, no "nonresident alien" is authorized by the I.R.C. to elect to become a "citizen of the United States" under 8 U.S.C. §1401.
"resident" (not defined anywhere in the Internal Revenue Code)	All "residents" are "aliens". "Resident", "resident alien", and "alien" are equivalent terms.	A "nonresident alien" may elect to be treated as an "alien" and a "resident" under the provisions of 26 U.S.C. §6013(g) or (h).

4.4 Meaning of "citizenship" used by federal courts

The term "citizenship" as used by the federal courts implies the COINCIDENCE of DOMICILE AND A PUBLIC OFFICE IN THE GOVERNMENT. Without the existence of the public office, there is no "citizenship", even if there is a domicile. Below is an often quoted definition of "citizenship" by the courts which betrays this fact:

> *"**Citizenship and domicile are substantially synonymous. Residency and inhabitance are too often confused with the terms and have not the same significance. Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691.**"*
> *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

Notice the phrase:

> *"Citizenship implies more than residence [domicile]. **It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof."***

The $64,000 question is:

> *What does "identification with the state and participation in its functions" mean and how does that happen?*

The answer can only be:

> *Selecting a domicile within a specific jurisdiction and thereby becoming at least ELIGIBLE to serve on jury duty or vote, both of which are public offices in the government, as we will soon show.*

But what if you don't WANT to even be eligible to do either vote or serve on jury and simply want to be EXCLUSIVELY PRIVATE, left alone by the state, and not be the subject of any civil legislative obligations or entanglements? How would you do that? The answer is that we simply:

1. Identify the name of "the State" as THE GOVERNMENT and not a geographic place, in the case of all civil statutes.
2. Do not select a domicile or residence within the STATUTORY "State", meaning the GOVERNMENT and not a geographic place.
3. Refuse to identify ourself as a STATUTORY citizen, which is also a public office in the national government.
4. Identify all taxes based upon domicile in the STATUTORY "State" as poll taxes, which are ILLEGAL and unconstitutional and therefore you are ineligible to be a STATUTORY voter and instead are a PRIVATE elector as described in the Constitution.
5. Insist that anyone who disagrees with you has 10 days to provide evidence signed under penalty of perjury or they agree because of their failure to deny, per Federal Rule of Civil Procedure 8(b)(6) .

Below is how the deal side skirt the above using words of art so that they don't have to do their main job of protecting PRIVATE rights by simply leaving you alone and not enforcing the obligations of being a STATUTORY "citizen" against you:

1. In diversity of citizenship removal proceedings, Courts distinguish "domicile" (the civil PROTECTION franchise) from "citizenship" (the PUBLIC OFFICE franchise) in removal jurisdiction as follows:

> *"To invoke removal jurisdiction on the basis of diversity, **a notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]verments of residence are wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence [domicile] alone."***
> *[Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)]*

2. Why did the courts distinguish DOMICILE from CITIZENSHIP in the context of diversity of citizenship? The answer is that:
   2.1. "CITIZENSHIP" implies a public office domiciled at the seat of government, rather than at the place the HUMAN filling it is domiciled:

> ***"Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a [STATUTORY] citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."***
> *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

   2.2. The DOMICILE of the public office is the seat of government, rather than that of the otherwise PRIVATE human consensually filling said office:

> *TITLE 4 > CHAPTER 3 > § 72*
> *§ 72. Public offices; at seat of Government*
>
> *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.*

   2.3. The public office has an effective domicile in the District of Columbia under Federal Rule of Civil Procedure 17(b), because it REPRESENTS a federal corporation called "United States" under 28 U.S.C. §3002(15)(A).

> *IV. PARTIES > Rule 17.*
> *(b) Capacity to Sue or be Sued.*
>
> *Capacity to sue or be sued is determined as follows:*
>
> *(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;*
> ***(2) for a corporation [or the officers or "public officers" of the corporation], by the law under which it was organized; and***
> *(3) for all other parties, by the law of the state where the court is located, except that:*

> *(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and*
> *(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.*

3. In effect, the PUBLIC OFFICE is being ABUSED to effectively:
   3.1. Switch the "choice of law" to an otherwise foreign jurisdiction.

> *"For the upright will dwell in the [geographical] land,*
> *And the blameless will remain in it;*
> ***But the wicked will be cut off from the earth,***
> ***And the unfaithful will be uprooted from it [using FRANCHISES and OFFICES]."***
> *[Prov. 2:21-22, Bible, NKJV]*

   3.2. KIDNAP your civil legal identity and transport it to what Mark Twain calls "the DISTRICT OF CRIMINALS". Kidnapping is a crime if you didn't consent to it.
   3.3. Remove yourself from the protections of the common law and the Constitution and place you instead EXCLUSIVELY under the legislative jurisdiction of Congress.
4. Among the PUBLIC PRIVILEGES associated with the STATUTORY citizen franchise is the PRIVILEGE to invoke STATUTORY diversity of citizenship in federal court under 28 U.S.C. §1332:

> *When a case is originally filed in state court, a party may remove it if the case originally could have been brought in federal court. See 28 U.S.C. § 1441(a).* ***"Removal is a statutory privilege, rather than a right, and the removing party must comply with the procedural requirements mandated in the statute when desirous of availing the privilege."*** **Jerrell v. Kardoes Rubber Co.,** ***348 F.Supp.2d. 1278, 1283 (M.D.Ala.2004) (quoting*** **Shamrock Oil & Gas Corp. v. Sheets,** ***313 U.S. 100, 104, 61 S.Ct. 868, 85 L.Ed. 1214 (1941)).*** *After a case has been removed from state to federal court, the non-removing party may move for remand, which will be granted if "it appears that the district court lacks subject matter jurisdiction." See 28 U.S.C. §1447(c). Remand may also be sought on the grounds that the removing party has failed to comply with the statutory requirements for removal. See, e.g.,* Brown v. Demco, Inc., *792 F.2d. 478 (5th Cir.1986) (ordering remand due to untimeliness of removal); Jerrell, 348 F.Supp.2d at 1283 (granting motion to remand where removing party failed to comply with procedural requirements regarding timing of removal set forth in 28 U.S.C. §1446(b)). Because removal jurisdiction raises significant federalism concerns, "removal statutes are construed narrowly; where plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand." Burns, 31 F.3d. at 1095. Indeed, the "letter of the law is clear and it requires strict construction of the language of the [removal] statute" and "all doubts about removal must be resolved in favor of remand." Jerrell, 348 F.Supp.2d at 1281, 1283.*
> *[Adams v. Charter Communications VII, LLC, 356 F.Supp.2d. 1268, 1271 (M.D. 2005)]*

5. State citizens under the Fourteenth Amendment CANNOT invokes statutory diversity in a federal court. If they do, they are committing a CRIME of impersonating a STATUTORY "U.S. citizen" under 18 U.S.C. §911. Instead, they must invoke CONSTITUTIONAL diversity of citizenship under Article III, Section 2.
6. The federal courts even recognize that a STATUTORY "U.S. citizen" (8 U.S.C. §1401) isn't ALLOWED access to a REAL constitutional Article III court in the Judicial Branch, and can only use an Executive Branch Article IV TERRITORIAL court. The implication is that people born in the territories or possessions who are STATUTORY citizens (8 U.S.C. §1401) or even STATUTORY nationals (8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B)), are by implication OFFICERS of the Executive Branch who essentially are subject to their employment supervisors in the Executive Branch, which of course includes Article IV territorial courts and the judges who serve in them. It is otherwise unconstitutional for the Executive Branch to supervise PRIVATE conduct of PRIVATE human beings in a constitutional state.

> *Appellant's purported distinction between an "administrative" and a legislative court is unfounded.* ***When Congress creates a territorial court apart from Article III, it matters not whether it makes no provision for, delegates to the Executive Branch, or delegates to the Judicial Branch the power to review its rulings;*** [66] ***The [Article III] Judicial Power simply is not implicated.*** [67] *But we do not read appellant's complaint to depend utterly, in this regard, upon the distinction advanced, for it argues vigorously on appeal not for an absolute constitutional right of access to a court independent of the Executive, but for the relative right to be treated equally with the residents of the other territories.*

> *In this regard, appellant points out that of all the territories, only in American Samoa are litigants denied both trial and direct review* [68] *in "an independent or Article III court."* [69] *"Since residents of other U.S. territories can litigate their property claims in a court having both independence and finality of judgment," the Church argues, it has been denied equal protection of the law.* [70] *Furthermore, according to the Church, access to an independent court is a "fundamental right," denial of which can be justified only by a "compelling" interest, subject to strict*

scrutiny. Appellant argues that the district court erred by applying a "rational basis" test rather than some form of strict scrutiny to evaluate the constitutionality of the Samoan judicial system.

At the outset, we reject the claim that more than a rational basis is required in order to sustain the unique features of the Samoan judicial system as constitutional. ***It is clear that Congress, when it is acting under the authority of Article IV, "may treat [a territory] differently from States so long as there is a rational basis for its actions."*** *[71] The Church's argument that more is required because we deal here with an arguably "fundamental right," viz., access to an independent court, is unavailing. Regardless of whether such a right may be fundamental for other purposes,* ***the Supreme Court long ago determined that in the "unincorporated" territories, such as American Samoa, the guarantees of the Constitution apply only insofar as its "fundamental limitations in favor of personal rights" express "principles which are the basis of all free government which cannot be with impunity transcended."*** *[72] If access to an independent court for the adjudication of a land dispute were of such a fundamental nature, then--there being no real distinction between the High Court of Samoa and any other non-Article III court at least where no constitutional claim is involved [73]--it follows that there would be no place at all for the "exception from the general prescription of Art. III" for "territorial courts," which "dates from the earliest days of the Republic...." [74]* ***We conclude, therefore, that access to a court independent of Executive supervision is not a fundamental right in the territories.***

Is there a rational basis, then, for Congress' decision to preclude trial in or direct appeal to an independent court in American Samoa, and only in American Samoa, i.e., is there "any state of facts [that] reasonably may be conceived to justify it"? [75] The district court identified several factors that it thought might justify "[f]ailure to provide for direct review by an Article III court" [76]--a somewhat different situation than the one here challenged. Thus, that court pointed to "American Samoa's relatively small size, its geographical distance from any court of appeals, its desire for autonomy in local affairs, [and] the fact that it is the only territory without an organic act." [77] The Church, however, argues that the district court here "assumed facts" that were not true, and it offered to prove that there are other unorganized territories, smaller and more remote from the United States, that do have access to "a statutory or Article III court." [78] In other words, it says there is nothing unique about Samoa that justifies denying Samoan litigants access to an independent court, at least on appeal.

Appellant's offer of proof is beside the point, since we could assume the facts it offers to prove and we would still be constrained to uphold the judicial scheme applicable to Samoa as being rationally designed to further a legitimate congressional policy, viz., preserving the Fa'a Samoa by respecting Samoan traditions concerning land ownership. There can be no doubt that such is the policy. First, the Instruments of Cession by which these islands undertook allegiance to the United States provided that the United States would "respect and protect the individual rights of all people ... to their land," and would recognize such rights "according to their customs." [79] Second, the Samoan Constitution expressly provides that "[i]t shall be the policy of the Government of American Samoa to protect persons of Samoan ancestry against alienation of their lands...." [80] Such transfers would inevitably spell the end of the Fa'a Samoa. Congress initially delegated "all civil [and] judicial" power over American Samoa to the Executive, [81] but after the Secretary had approved the present Constitution of American Samoa, Congress in 1983 provided that any amendments could be "made only by Act of Congress." [82] To some extent, therefore, Congress may be viewed as having ratified the Samoan Constitution, at least in principle.

[. . .]

Finally, ***the Church was not denied due process of law because Congress put the court system of American Samoa under authority of the Executive Branch [RATHER than the Judicial Branch]****; nor was it denied equal protection since Congress, exercising its authority over the territories, did not lack a rational basis on which to justify differences between the courts of American Samoa and those in the States or the other Territories.*

[Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints v. Hodel, 830 F.2d. 374 (C.A.D.C., 1987)]

The U.S. Supreme Court case of Cook v. Tait agrees with the above conclusions, by stating that the source of the tax obligation is NEITHER the "domicile" NOT the "nationality" of a person domiciled abroad. The ONLY thing LEFT that COULD rationally be "the res" or object of the tax is therefore a public office in the national government. That public office, in turn, was occupied by Cook because he claimed to be a STATUTORY "U.S.** citizen" (8 U.S.C. §1401 born on federal territory) and he HAD to claim that status to get the U.S. Supreme Court to even HEAR the case to begin with!

"The contention was rejected that a citizen's property without the limits of the United States derives no benefit from the United States. *The contention, it was said, came from the confusion of thought in 'mistaking the scope and extent of the sovereign power of the United States as a nation and its relations to its citizens and their relation to it.'* **And that power in its scope and extent, it was decided, is based on the presumption that government by its very nature benefits the citizen and his property wherever found,** *and that opposition to it holds on to citizenship while it 'belittles and destroys its advantages and blessings by denying the possession by government of an essential power required to make citizenship completely beneficial.' In other words, the principle was declared that the*

government, by its very nature, benefits the citizen and his property wherever found, and therefore has the power to make the benefit complete. ***Or, to express it another way, the basis of the power to tax was not and cannot be made dependent upon the situs of the property in all cases, it being in or out of the United States, nor was not and cannot be made dependent upon the domicile of the citizen, that being in or out of the United States, but upon his relation as [STATUTORY] citizen to the United States [meaning PUBLIC OFFICE] and the relation of the latter to him as citizen.*** *The consequence of the relations is that the native citizen who is taxed may have domicile, and the property from which his income is derived may have situs, in a foreign country and the tax be legal—the government having power to impose the tax."*
[Cook v. Tait, 265 U.S. 47 (1924)]

Furthermore, as a state citizen born in a CONSTITUTIONAL state and domiciled in Mexico at the time, Cook WASN'T born on federal territory and committed the crime of impersonating a STATUTORY "U.S.** citizen" under 18 U.S.C. §911 to even get his case heard. The U.S. Supreme Court obliged because there was LOTS of money in it for them to do so. Can you spell CORRUPTION? And who instituted this corruption. Former President William Howard Taft, who:

1. Was the U.S. Supreme Court Chief Justice at the time of Cook v. Tait. . . .AND
2. Was the man responsible for getting the Sixteenth Amendment FRAUDULENTLY ratified in his past life as President of the United States.. AND
3. Was the ONLY U.S. Supreme Court justice AND President to EVER serve as a revenue collector BEFORE he entered government service. Something tells me that he continued that role all the way up to the U.S. Supreme Court. See:

Biography of William Howard Taft, SEDM Exhibit 11.003
http://sedm.org/Exhibits/ExhibitIndex.htm

4.5 Legal Dictionary

The legal dictionary confirms that statutory "citizen" status equates with being a "subject", AND that said "subject" status is, indeed a voluntary franchise:

*"**Subject**. Constitutional law. One that owes allegiance to a sovereign and is governed by his laws. The natives of Great Britain are subjects of the British government.* ***Men in free governments are subjects as well as citizens; as citizens they enjoy rights and franchises; as subjects they are bound to obey the laws. The term is little used, in this sense, in countries enjoying a republican form of government. Swiss Nat. Ins. Co. v. Miller, 267 U.S. 42, 45 S.Ct. 213, 214, 69 L.Ed. 504.***

Legislation. The matter of public or private concern for which law is enacted. Thing legislated about or matters on which legislature operates to accomplish a definite object or objects reasonably related one to the other. Crouch v. Benet, 198 S.C. 185, 17 S.E.2d. 320, 322. The matter or thing forming the groundwork of the act. McCombs v. Dallas County, Tex.Civ.App., 136 S.W.2d. 975,982.

The constitutions of several of the states require that every act of the legislature shall relate to but one subject, which shall be expressed in the title of the statute. But term "subject" within such constitutional provisions is to be given a broad and extensive meaning so as to allow legislature full scope to include in one act . all matters having a logical or natural connection. Jaffee v. State, 76 Okl.Cr. 95, 134 P.2d. 1027, 1032.
[Black's Law Dictionary, Sixth Edition, p. 1425]

Note from the above that:

1. They deceptively use the phrase "free GOVERNMENTS" rather than "free PEOPLE". When the GOVERNMENT is free and unaccountable, the people are SLAVES to the government. When the PEOPLE are FREE and the GOVERNMENT is accountable, the GOVERNMENT instead is their slave. That is why people in government are called "public SERVANTS" instead of "public MASTERS".

"But he who is greatest among you shall be your servant. And whoever exalts himself will be humbled, and he who humbles himself will be exalted."

"But woe to you, scribes [501c3 churches] and Pharisees [lawyers], hypocrites! For you shut up the kingdom of heaven against men [by interfering with their choice to serve God instead of Caesar]; for you neither go in yourselves, *nor do you allow those who are entering to go in."*
[Jesus in Matt. 23:11-14, Bible, NKJV]

_____

> *"You know that those who are considered rulers over the Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among you; but whoever desires to become great among you shall be your servant. And whoever of you desires to be first shall be slave of all. For even the Son of Man did not come to be served, but to serve, and to give His life a ransom for many."*
> *[Jesus in Mark 10:42-45, Bible, NKJV]*

2. Republican governments such as that in America DO NOT have "subjects". You cannot be a "taxpayer" WITHOUT being a "subject".

> *"The **term is little used, in this sense, in countries enjoying a republican form of government.** Swiss Nat. Ins. Co. v. Miller, 267 U.S. 42, 45 S.Ct. 213, 214, 69 L.Ed. 504."*

3. You have to be "in the government" to be a "subject" or statutory citizen, and that when you join the government, THE GOVERNMENT is free, but YOU, the SUBJECT, are not only NOT free, but become a slave to their protection contract, "social compact", and "employment agreement":

> *"**Men in free governments are…"***

4. Being a statutory "citizen" is identified as a voluntary franchise:

> *"Men in free governments are subjects as well as citizens; **as citizens they enjoy rights [PRIVILEGES or PUBLIC RIGHTS] and franchises**".*

The above admissions are deliberate double speak to cloud the issues, but they do state *some* of the truth plainly. They are using double speak because they know they are abusing the law to destroy rights and enslave people they are supposed to be protecting through the abuse of "words of art" and oxymorons.

> *"For **where envy and self-seeking [by a corrupted de facto government towards YOUR property] exist, [manufactured] confusion and every evil thing are there.** But the wisdom that is from above is first pure, then peaceable, gentle, willing to yield, full of mercy and good fruits, without partiality and without hypocrisy."*
> *[James 3:16-17, Bible, NKJV]*

Here is some of the Orwellian double speak designed to enforce the stealthful and unconstitutional GOVERNMENT PLUNDER of your rights and property using "words of art":

1. They say "men in free governments", implying that the GOVERNMENT is free but the "men" are NOT. No "subject" who is subservient to anyone can ever truly be "free". In any economic system, there are only two roles you can fill: predator or prey, sovereign or subject.
2. They admit that governments that are "republican in form" cannot have "subjects", but:
   2.1. They don't mention that America, in Constitution Article 4, Section 4, is republican in form.
   2.2. They deliberately don't explain how you can "govern" people who are not "subjects" but sovereigns such as those in America.

   In fact, if they dealt with the above two issues, their FRAUD would have to come to an IMMEDIATE end. It is a maxim of law that when TWO rights exist in the same person, it is as if there were TWO PERSONS. This means that the statutory "citizen" or "subject" they are REALLY talking about is a SEPARATE LEGAL PERSON who is, in fact, a public office in the U.S. government. 4 U.S.C. §72 says that office cannot lawfully exist in a constitutional state of the Union without permission from Congress that has never expressly been given and CANNOT lawfully be given without violating the separation of powers doctrine which is the foundation of the U.S. Constitution:

> *"Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*
> *When two rights [or a PRIVATE RIGHT and a PUBLIC PRIVILEGE] concur in one person, it is the same as if they were in two separate persons. 4 Co. 118."*
> *[Bouvier's Maxims of Law, 1856;*
> *SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]*

3. They use the phrase "rights and franchises". These two things cannot rationally coexist in the same person. Rights are unalienable, meaning that they cannot lawfully be surrendered or bargained away. Franchises are alienable and can be taken away at the whim of the legislature. A state citizen or state national cannot sign up for a government franchise without alienating an unalienable right. Therefore, no one who has REAL UNALIENABLE rights can also at the same time have privileges. The only people who can lawfully sign up for franchises are those who HAVE no rights because domiciled on federal territory not protected by the constitution and not within any state of the Union.

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

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

4. They don't address how the national government can lawfully implement franchises within a Constitutional state, and therefore deliver the "rights [PRIVILEGES and PUBLIC RIGHTS] and franchises" associated with being a statutory but not constitutional "citizen". The U.S. Supreme Court has held more than once that Congress CANNOT lawfully establish or enforce ANY franchise within the borders of a constitutional state of the Union. The following case has NEVER been overruled.

> *"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*
>
> *But very different considerations apply to the **internal commerce** or **domestic trade** of the **States**. Over this commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively** to the States. **No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. **Congress cannot authorize [LICENSE, using a Social Security Number] a trade or business within a State in order to tax it.**"*
> *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]*

And here is yet another example from Black's Law Dictionary proving that statutory citizenship is a franchise:

> *FRANCHISE. **A special privilege conferred by government on individual or corporation, and which does not belong to citizens of country generally of common right.** Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360. In England it is defined to be a royal privilege in the hands of a subject.*
>
> *A "franchise," as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference to a royal privilege or branch of the king's prerogative subsisting in the hands of the subject, and must arise from the king's grant, or be held by prescription, but today we understand a franchise to be some special privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general. State v. Fernandez, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.*
>
> ***In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised without legislative grant. To be a corporation is a franchise.** The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company **[e.g. Social Insurance/Socialist Security]**, and the issuing a bank note by an incorporated bank **[such as a Federal Reserve NOTE]**, are franchises. People v. Utica Ins. Co.. 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property acquired by the exercise of the franchise. Bridgeport v. New York & N. H. R. Co., 36 Conn. 255, 4 Arn.Rep. 63. Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E, 352.***
>
> *Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*
> *[Black's Law Dictionary, Fourth Edition, pp. 786-787]*

Note the phrase "a franchise is a privilege or immunity of a public nature", meaning that those who exercise it are public officers. A public officer, after all, is legally defined simply as someone who has custody and control of the property of the public, including "public rights". They also say "In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage" and by this:

1. They refer to franchises as having a "public nature", meaning that those who exercise them are public officers.

2. They can only mean STATUTORY citizens and not CONSTITUTIONAL citizens.
3. They are referring to a "Congressionally created right" and therefore statutory privilege available only to those subject to the exclusive jurisdiction of Congress because either domiciled on federal territory or representing an office that is so domiciled.

It therefore appears to us that:

1. The only "subjects" within a republican form of government are public officers IN the government and not private human beings.
2. In order to create "subjects" within a republican form of government, you must create a statutory franchise called STATUTORY "U.S. citizen" or "U.S. resident" that is a public office in the government, and then fool people through the abuse of "words of art" into volunteering into the franchise.
3. A government that abuses its legislative authority to create franchises that alienate rights that are supposed to be unalienable is engaging in TREASON and violating the Constitution. Any government that makes a profitable business or franchise out of alienating rights that are supposed to be unalienable is not a de jure government, but a de facto government. Those who abuse the public trust to make a profitable business out of alienating rights that are supposed to be unalienable are committing TREASON and making the government into a SHAM TRUST.

4.6 Criminalization of being a "citizen of the United States" in 18 U.S.C. §911

You may also wonder as we have how it is that Congress can make it a crime to falsely claim to be a statutory "U.S. citizen" in 18 U.S.C. §911.

> *TITLE 18 > PART I > CHAPTER 43 > § 911*
> *§ 911. Citizen of the United States*
>
> *Whoever falsely and willfully represents himself to be a **citizen of the United States**[**] shall be fined under this title or imprisoned not more than three years, or both.*

The reason is that you cannot tax or regulate something until abusing it becomes harmful. A "license", after all, is legally defined as permission from the state to do that which is otherwise illegal or harmful or both. And of course, you can only tax or regulate things that are harmful and licensed. Hence, they had to:

1. Create yet another franchise.
2. Attach a "status" to the franchise called "citizen of the United States**", where "United States" implies the GOVERNMENT and not any geographical place.
3. Criminalize the abuse of the "status" and the rights that attach to the status. See, for instance, 18 U.S.C. §911, which makes it a crime to impersonate a statutory "citizen of the United States**".
4. Make adopting the status entirely discretionary on the part of those participating. Hence, invoking the "status" and the "benefits" and "privileges" associated with the status constitutes constructive consent to abide by all the statutes that regulate the status.

> *California Civil Code*
> *DIVISION 3. OBLIGATIONS*
> *PART 2. CONTRACTS*
> *TITLE 1. NATURE OF A CONTRACT*
> *CHAPTER 3. CONSENT*
>
> *1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.*
>
> *[SOURCE:*
> *http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590]*

5. Impose a tax or fine or "licensing fee" for those adopting or invoking the status. That tax, in fact, is the federal income tax codified in Internal Revenue Code, Subtitle A.

Every type of franchise works and is implemented exactly the same way, and the statutory "U.S. citizen" or "citizen of the United States**" franchise is no different. This section will prove that being a "citizen of the United States**" under the

Internal Revenue Code (I.R.C.) is, in fact, a franchise, that the franchise began in 1924 by judicial pronouncement, and that because the status is a franchise and all franchises are voluntary, you don't have to participate, accept the "benefits", or pay for the costs of the franchise if you don't consent.

As you will learn in the next section, one becomes a "citizen" in a common law or constitutional sense by being born or naturalized in a country and exercising their First Amendment right of political association by voluntarily choosing a national and a municipal domicile in that country. How can Congress criminalize the exercise of the First Amendment right to politically associate with a "state" and thereby become a citizen? After all, the courts have routinely held that Congress cannot criminalize the exercise of a right protected by the Constitution.

> *"It is an unconstitutional deprivation of due process for the government to penalize a person merely because he has exercised a protected statutory or constitutional right. United States v. Goodwin, 457 U.S. 368, 372 , 102 S.Ct. 2485, 2488, 73 L.Ed.2d. 74 (1982)."*
> *[People of Territory of Guam v. Fegurgur, 800 F.2d. 1470 (9th Cir. 1986)]*

Even the U.S. Code recognizes the protected First Amendment right to ***not*** associate during the passport application process. Being a statutory and not constitutional "citizen" is an example of type of membership, because domicile is civil membership in a territorial community usually called a county, and you cannot be a "citizen" without a domicile:

> *TITLE 22 > CHAPTER 38 > § 2721*
> *§ 2721. Impermissible basis for denial of passports*
>
> *A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, **affiliation, or membership, within or outside the United States,** which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.*

The answer to how Congress can criminalize the exercise of a First Amendment protected right of political association that is the foundation of becoming a "citizen" therefore lies in the fact that the statutory "U.S.** citizen" mentioned in 18 U.S.C. §911 is ***not*** a constitutional citizen protected by the Constitution, but rather is:

1. Not a human being or a private person but a statutory creation of Congress. The ability to regulate private conduct, according to the U.S. Supreme Court, is repugnant to the U.S. Constitution and therefore Congress can ONLY regulate public conduct and the public offices and franchises that it creates.

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

2. A statutory franchise and a federal corporation created on federal territory and domiciled there. Notice the key language "***Whenever the public and private acts of the government seem to comingle [in this case, through the offering and enforcement of PRIVATE franchises to the public at large such as income taxes], a citizen or corporate body must by supposition be substituted in its place…***" What Congress did was perform this substitution in the franchise agreement itself (the I.R.C.) BEFORE the controversy ever even reached the court such that this judicial doctrine could be COVERTLY applied! They want to keep their secret weapon secret.

> *See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("`**The United States does business on business terms**'") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)); Perry v. United States, supra at 352 (1935) ("**When the United States, with constitutional authority, makes contracts [or franchises], it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent**") (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("**The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf**"); Cooke v. United States, 91 U.S. 389, 398 (1875) (**explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there**").*

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*See Jones, 1 Cl.Ct. at 85 ("**Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant**"); O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]ere [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party.*
[United States v. Winstar Corp. 518 U.S. 839 (1996)]

3. Property of the U.S. government. All franchises and statuses incurred under franchises are property of the government grantor. The government has always had the right to criminalize abuses of its property.
4. A public office in the government like all other franchise statuses.
5. An officer of a corporation, which is "U.S. Inc." and is described in 28 U.S.C. §3002(15)(A). All federal corporations are "citizens", and therefore a statutory "U.S. citizen" is really just the corporation that you are representing as a public officer.

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

Ordinarily, and especially in the case of states of the Union, domicile within that state by the state "citizen" is the determining factor as to whether an income tax is owed to the state by that citizen:

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

*"**Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes**. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter.** Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."*
[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

We also establish the connection between domicile and tax liability in the following article.

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

4.7 U.S. Supreme Court: Murphy v. Ramsey

Below is how the U.S. Supreme Court describes the political rights of those domiciled on federal territory and therefore statutory "U.S. citizens" and "U.S. residents" as follows:

*The counsel for the appellants in argument seem to question the constitutional power of Congress to pass the Act of March 22, 1882, so far as it abridges the rights of electors in the territory under previous laws. **But that question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment**. The people of the United States[***], as sovereign owners of the national territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion, they are represented by the government of the United States[**], to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms or in the purposes and objects of the power itself, for it may well be admitted in respect to this, as to every power of society over its members, that it is not absolute and unlimited. **But in ordaining government for the territories***

> ***and the people who inhabit them, all the discretion which belongs to legislative power is vested in Congress, and that extends beyond all controversy to determining by law, from time to time, the form of the local government in a particular territory and the qualification of those who shall administer it.*** *It rests with Congress to say whether in a given case any of the people resident in the territory shall participate in the election of its officers or the making of its laws, and it may therefore take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it, as it may deem expedient.* ***The right of local self-government, as known to our system as a constitutional franchise, belongs under the Constitution to the states and to the people thereof, by whom that Constitution was ordained, and to whom, by its terms, all power not conferred by it upon the government of the United States, was expressly reserved. The personal and civil rights of the inhabitants of the territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, state and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.*** *This doctrine was fully and forcibly declared by THE CHIEF JUSTICE, delivering the opinion of the Court in National Bank v. County of Yankton, 101 U.S. 129. See also American Ins. Co. v. Canter, 1 Pet. 511; United States v. Gratiot, 14 Pet. 526; Cross v. Harrison, 16 How. 164; Dred Scott v. Sandford, 19 How. 393.*
> *[Murphy v. Ramsey, 114 U.S. 15 (1885)]*

So in other words, those domiciled on federal territory are exercising "privileges" and franchises. The above case, however, does not refer and cannot refer to those domiciled within states of the Union.

4.8 U.S. Supreme Court: Cook v. Tait

The U.S. Supreme Court confirmed that the statutory "citizen of the United States**" mentioned in the Internal Revenue Code at 26 U.S.C. §911 and at 26 C.F.R. §1.1-1(c) is not associated with either domicile OR with constitutional citizenship (nationality) of the human being who is the "taxpayer" in the following case. The party they mentioned, Cook, was domiciled within Mexico at the time, which meant he was NOT a statutory "citizen of the United States**" under the Internal Revenue Code but rather a "non-resident non-person". However, because he CLAIMED to be a statutory "citizen of the United States**" and the U.S. Supreme Court colluded with that FRAUD, they treated him as one ANYWAY.

> *We may make further exposition of the national power as the case depends upon it. It was illustrated at once in United States v. Bennett by a contrast with the power of a state. It was pointed out that there were limitations upon the latter that were not on the national power.* ***The taxing power of a state, it was decided, encountered at its borders the taxing power of other states and was limited by them. There was no such limitation, it was pointed out, upon the national power, and that the limitation upon the states affords, it was said, no ground for constructing a barrier around the United States, 'shutting that government off from the exertion of powers which inherently belong to it by virtue of its sovereignty.'***

> ***"The contention was rejected that a citizen's property without the limits of the United States derives no benefit from the United States.*** *The contention, it was said, came from the confusion of thought in 'mistaking the scope and extent of the sovereign power of the United States as a nation and its relations to its citizens and their relation to it.'* **And that power in its scope and extent, it was decided, is based on the presumption that government by its very nature benefits the citizen and his property wherever found,** *and that opposition to it holds on to citizenship while it 'belittles and destroys its advantages and blessings by denying the possession by government of an essential power required to make citizenship completely beneficial.' In other words, the principle was declared that the government, by its very nature, benefits the citizen and his property wherever found, and therefore has the power to make the benefit complete.* ***Or, to express it another way, the basis of the power to tax was not and cannot be made dependent upon the situs of the property in all cases, it being in or out of the United States, nor was not and cannot be made dependent upon the domicile of the citizen, that being in or out of the United States, but upon his relation as citizen to the United States and the relation of the latter to him as citizen.*** *The consequence of the relations is that the native citizen who is taxed may have domicile, and the property from which his income is derived may have situs, in a foreign country and the tax be legal—the government having power to impose the tax."*
> *[Cook v. Tait, 265 U.S. 47 (1924)]*

How can they tax someone without a domicile in the statutory United States and with no earnings from the statutory United States in the case of Cook, you might ask? Well, the REAL "taxpayer" is a public office in the U.S. government. That office REPRESENTS the United States federal corporation. All corporations are "citizens" of the place of their incorporation, and therefore under Federal Rule of Civil Procedure 17(b), the effective domicile of the "taxpayer" is the District of Columbia.[33]

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

All taxes are a civil liability that are implemented with civil law. The only way they could have reached extraterritorially with civil law to tax Cook without him having a domicile or residence anywhere in the statutory "United States**" was through a private law franchise contract in which he was a public officer. It is a maxim of law that debt and contract know no place, meaning that they can be enforced anywhere.

> *Debt and contract [franchise agreement, in this case] are of no particular place.*
>
> *Locus contractus regit actum.*
> *The place of the contract [franchise agreement, in this case] governs the act.*
> *[Bouvier's Maxims of Law, 1856;*
> *SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]*

The feds have jurisdiction over their own public officers wherever they are but the EFFECTIVE civil domicile of all such offices and officers is the District of Columbia pursuant to Federal Rule of Civil Procedure 17(b). Hence, the ONLY thing such a statutory "citizen of the United States**" could be within the Internal Revenue Code (I.R.C.) is a statutory creation of Congress that is actually a public office which is domiciled in the statutory but not constitutional "United States**" in order for the ruling in Cook to be constitutional or even lawful. AND, according to the Cook case, having that status is a discretionary choice that has NOTHING to do with your circumstances, because Cook was NOT a statutory "citizen of the United States**" as someone not domiciled in the statutory but not constitutional "United States**". Instead, he was a statutory "non-resident non-person" but the court allowed him to accept the voluntary "benefit" of the statutory status and hence, it had nothing to do with his circumstances, but rather his CHOICE to nominate a "protector" and join a franchise. Simply INVOKING the status of being a statutory "citizen of the United States**" on a government form is the only magic word needed to give one's consent to become a "taxpayer" in that case. It is what the court called a "benefit", and all "benefits" are voluntary and the product of a franchise contract or agreement. It was a quasi-contract as all taxes are, because the consent was implied rather than explicit, and it manifested itself by using property of the government, which in this case was the STATUS he claimed.

> *"Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265 , 292, et seq. 8 S.Ct. 1370, compare Fauntleroy v. Lum, 210 U.S. 230 , 28 S.Ct. 641,* ***still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.*** ***United States v. Chamberlin, 219 U.S. 250 , 31 S.Ct. 155; Price v. United States, 269 U.S. 492 , 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence.*** *Attorney General v. Weeks, Bunbury's Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. _ _, 2 Ans.Rep. 558; see Comyn's Digest (Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. "*
> *[Milwaukee v. White, 296 U.S. 268 (1935)]*

You might reasonably ask of the Cook case, as we have, the following question:

> *"HOW did the government create the public office that they could tax and which Cook apparently occupied as a franchisee called a STATUTORY 'U.S. citizen'?"*

Well, apparently the "citizen of the United States**" status he claimed under 8 U.S.C. §1401 is a franchise, a creation of Congress, and an office in the U.S. government that carries with it the "public right" to make certain demands upon those who claim this status. Hence, it represents a "property interest" in the services of the United States federal corporation. In law:

1. All rights are property.
2. Anything that conveys rights is property.
3. Contracts convey rights and are therefore property.
4. All franchises are contracts and therefore property.

A "public officer" is legally defined as someone in charge of the property of the public, and the property Cook was in possession of was the public rights that attach to the status of being a statutory "citizen of the United States**".

> *"**Public office**. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. **Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public**, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.*
> *[Black's Law Dictionary, Fourth Edition, p. 1235]*

For Cook, the statutory status he FALSELY claimed of being a "citizen of the United States**" under 8 U.S.C. §1401 was the "res" that "identified" him within the jurisdiction of the federal courts, and hence made him a "res-ident" or "resident" subject to the tax with standing to sue in a territorial franchise court, which is what all U.S. District Courts are. In effect, he waived sovereign immunity and became a statutory "resident alien" by invoking the services of the federal courts, and as such, he had to pay for their services by paying the tax. Otherwise, he would have no standing to sue in the first place because he would be a "stateless person" and they would have had to dismiss either his case, or him as a party to it as the U.S. Supreme Court correctly did in Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) in the case of an American National domiciled in Venezuela and therefore OUTSIDE the statutory but not constitutional "United States".

> *"At oral argument before a panel of the Seventh Circuit Court of Appeals, Judge Easterbrook inquired as to the statutory basis for diversity jurisdiction, an issue which had not been previously raised either by counsel or by the District Court Judge. In its complaint, Newman-Green had invoked 28 U.S.C. §1332(a)(3), which confers jurisdiction in the District Court when a citizen of one State sues both aliens and citizens of a State (or States) different from the plaintiff's. **In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States and be domiciled within the State. See Robertson v. Cease, 97 U.S. 646, 648-649 (1878); Brown v. Keene, 8 Pet. 112, 115 (1834). The problem in this case is that Bettison, although a [CONSTITUTIONAL] United States citizen, has no domicile in any State [FEDERAL STATE, meaning a federal TERRITORY per 28 U.S.C. §1332(e)]. He is therefore "stateless" for purposes of § 1332(a)(3). Subsection 1332(a)(2), which confers jurisdiction in the District Court when a citizen of a State sues aliens only, also could not be satisfied because Bettison is a United States citizen. [490 U.S. 829]***
>
> *When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of the diversity statute for each defendant or face dismissal. Strawbridge v. Curtiss, 3 Cranch 267 (1806).{1} Here, Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States citizenship destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d. 417 (1987). The panel, in an opinion by Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors. 832 F.2d. at 420, citing Fed.Rule Civ.Proc. 19(b). The panel then proceeded to the merits of the case, ruling in Newman-Green's favor in large part, but remanding to allow the District Court to quantify damages and to resolve certain minor issues.{2}*
> *[Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)]*

Notice the above case dealt with federal franchises instead of constitutional rights, because they invoked STATUTORY diversity under 28 U.S.C. §1332 instead of Constitutional diversity under Article III, Section 2. Statutory diversity under 28 U.S.C. §1332 is for STATUTORY "U.S. citizens". Constitutional diversity under Article III, Section 2 is for CONSTITUTIONAL "citizens of the United States" under the Fourteenth Amendment.

If you would like a much more thorough discussion of all of the nuances of the Cook case, we strongly recommend the following:

Federal Jurisdiction, Form #05.018, Section 6 http://sedm.org/Forms/FormIndex.htm

Here is another HUGE clue about what they think a "U.S. citizen" really is in federal statutes. Look at the definition below, and then consider that you CAN'T own a human being as property. That's called slavery:

> TITLE 46 > Subtitle V > Part A > CHAPTER 505 > § 50501
> §50501. Entities deemed citizens of the United States
>
> (a) **In General.—**
>
> In this subtitle, **a corporation, partnership, or association is deemed to be a citizen of the United States only if the controlling interest is owned by citizens of the United States.** However, if the corporation, partnership, or association is operating a vessel in the coastwise trade, at least 75 percent of the interest must be owned by citizens of the United States.

Now look at what the U.S. Supreme Court held about "ownership" of human beings. You can't "own" a human being as chattel. The Thirteenth Amendment prohibits that. Therefore, the statutory "U.S. citizen" they are talking about above is an instrumentality and public office within the United States. They can only tax, regulate, and legislate for PUBLIC objects and public offices of the United States under Article 4, Section 3, Clause 2. The ability to regulate PRIVATE conduct of human beings has repeatedly been held by the U.S. Supreme Court to be "repugnant to the constitution" and beyond the jurisdiction of Congress.

> ***"It [the contract] is, in substance and effect, a contract for servitude, with no limitation but that of time; leaving the master to determine what the service should be, and the place where and the person to whom it should be rendered. Such a contract, it is scarcely necessary to say, is against the policy of our institutions and laws. If such a sale of service could be lawfully made for five years, it might, from the same reasons, for ten, and so for the term of one's life. The door would thus be opened for a species of servitude inconsistent with the first and fundamental article of our declaration of rights, which, proprio vigore, not only abolished every vestige of slavery then existing in the commonwealth, but rendered every form of it thereafter legally impossible.*** *That article has always been regarded, not simply as the declaration of an abstract principle, but as having the active force and conclusive authority of law.' **Observing that one who voluntarily subjected himself to the laws of the state must find in them the rule of restraint as well as the rule of action, the court proceeded: 'Under this contract the plaintiff had no claim for the labor of the servant for the term of five years, or for any term whatever. She was under no legal obligation to remain in his service. There was no time during which her service was due to the plaintiff, and during which she was kept from such service by the acts of the defendants.'***
>
> *[. . .]*
>
> *Under the contract of service it was at the volition of the master to entail service upon these appellants for an indefinite period. So far as the record discloses, it was an accident that the vessel came back to San Francisco when it did. By the shipping articles, the appellants could not quit the vessel until it returned to a port of the *296 United States, and such return depended absolutely upon the will of the master.* ***He had only to land at foreign ports, and keep the vessel away from the United States, in order to prevent the appellants from leaving his service.***
>
> ***[. . .]***
>
> ***The supreme law of the land now declares that involuntary servitude, except as a punishment for crime, of which the party shall have been duly convicted, shall not exist anywhere within the United States.***
> *[Robertson v. Baldwin, 165 U.S. 275, 17 S.Ct. 326 (U.S. 1897)]*

Federal courts also frequently use the phrase "privileges and immunities of citizens of the United States". Below is an example:

> *"**The privileges and immunities of citizens of the United States do not necessarily include all the rights protected by the first eight amendments to the Federal Constitution against the powers of the Federal Government**.*
>
> *The trial of a person accused as a criminal by a jury of only eight persons instead of twelve, and his subsequent imprisonment after conviction do not abridge his privileges and immunities under the Constitution as a citizen of the United States and do not deprive him of his liberty without due process of law."*
> *[*Maxwell v. Dow, 176 U.S. 581 (1899)*]*

Note that the "citizen of the United States**" described above is a statutory rather than constitutional citizen, which is why the court admits that the rights of such a person are inferior to those possessed by a "citizen" within the meaning of the United States Constitution. A constitutional but not statutory citizen is, in fact, NOT "privileged" in any way and none of the rights

guaranteed by the Constitution can truthfully be called "privileges" without violating the law. It is a tort and a violation of due process, in fact, to convert rights protected by the Constitution and the common law into "privileges" or franchises or "public rights" under statutory law without at least your consent, which anyone in their right mind should NEVER give.

> *"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence [by converting them into statutory "privileges"/franchises],' Gomillion v. Lightfoot, 364 U.S. 339, 345."*
> *[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

It is furthermore proven in the following memorandum of law that civil statutory law pertains almost exclusively to government officers and employers and cannot and does not pertain to human beings or private persons not engaged in federal franchises/privileges:

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

Consequently, if a court refers to "privileges and immunities" in relation to you, chances are they are presuming, usually FALSELY, that you are a statutory "U.S. citizen" and NOT a constitutional citizen. If you want to prevent them from making such false presumptions, we recommend attaching the following forms at least to your initial complaint and/or response in any action in court:

1. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002
   http://sedm.org/Litigation/LitIndex.htm
2. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
   http://sedm.org/Forms/FormIndex.htm

4.9 U.S. v. Valentine, 288 F.Supp. 958, 980 (1968)

In U.S. v. Valentine, at page 980, the court admitted that:

> *"...The only absolute and unqualified right of citizenship is to residence within territorial boundaries of United States; a citizen cannot be either deported or denied re-entry..."*
> *[U.S. v. Valentine, 288 F.Supp. 957, 980 (1968)]*

Now, contrast the above excerpt to what appears on page 960, #26, where the phrase "United States citizen" is used. Thus confirming that when the court used the term "citizenship" within the body of the decision, they were referring exclusively to federal citizenship, and to domicile on federal territory. "Residence", after all, means domicile RATHER than the "nationality" of the person.

Note that they use the word "residence", which means consent to the civil laws of that place as defined in the Internal Revenue Code (I.R.C.), rather than simply "physical presence". And "residence" is associated with "aliens" and not constitutional citizens in the Internal Revenue Code (I.R.C.) In other words, the only thing you are positively allowed to do as a "U.S. citizen" is:

1. Lie about your status by calling yourself a privileged ALIEN with no rights.
2. Consent to be governed by the civil laws of legislatively foreign jurisdiction, the District of Criminals by falsely calling yourself a "resident".

> *Title 26: Internal Revenue*
> *PART 1—INCOME TAXES*
> *nonresident alien individuals*
> *§ 1.871-2 Determining residence of alien individuals.*
>
> *(B) Residence defined.*
>
> ***An alien actually present in the United States who is not a mere transient or sojourner** is a resident of the United States for purposes of the income tax. Whether he is a transient is determined by his intentions with regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another country*

> *is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.*

There is NO statutory definition of "residence" that describes the place of DOMICILE of a CONSTITUTIONAL but not STATUTORY Citizen. The only people who can have a "residence" are "aliens" in the Internal Revenue Code (I.R.C.). Aliens, in fact, are the ONLY subject of the Internal Revenue Code (I.R.C.) Citizens are only mentioned in 26 U.S.C. §911, and in that capacity, they too are "aliens" in relation to the foreign country they are in who connect to the Internal Revenue Code (I.R.C.) as aliens under a tax treaty with the country they are in.

If this same statutory "U.S. citizen", as the courts describes him, exercises their First Amendment right of freedom from compelled association by declaring themselves a transient foreigner or nonresident, they don't have a "residence" as legally defined. Hence, the implication of the above ruling is that THEY can be deported because they refuse to contract with the government under what the courts call "the social compact".

> *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. **"A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125*125 has found expression in the maxim sic utere tuo ut alienum non lædas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things."***
> *[Munn. v. Illinois, 94 U.S. 113 (1876),*
> *SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]*

In other words, if you don't politically associate by choosing or consenting to a domicile or "residence" and thereby give up rights that the Constitution is SUPPOSED to protect, then you can be deported. This works a purpose OPPOSITE to the reason for which civil government is established, which is to PROTECT, not compel the surrender, of PRIVATE rights.

4.10 Summary

Based on our previous analysis in preceding subsections

1. All the powers of any government, including ALL of their enforcement powers, are carried into operation by either a public office or a contract.

> *"All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation **by individual agency, either through the medium of public officers, or contracts made with [private] individuals.**"*
> *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

2. Based on the above, any government that wishes to enforce a CIVIL statutory obligation on your part has the burden of proving that you CONSENTED to either a contract with them or an office within their specific government.

3. A STATUTORY "citizen" is an AGENT and SERVANT of the national government. That is the basis, in fact, for Lincoln's Gettysburg Address in which he called America a "government of the people, by the people, and for the people".

> *"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- **to a being or** agent [PUBLIC OFFICER!] **possessing social and political rights and sustaining social, political, and moral obligations**. **It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood."***

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

4. The AGENCY called "citizen" above is the only proper object of all civil legislation of the national government. That agency is called a PUBLIC OFFICER.

> *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.* [34] ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.*** [35] ***That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.*** [36] ***and owes a fiduciary duty to the public.*** [37] ***It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.*** [38] ***Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.***[39] *"*
> *[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]*

5. Those who are domiciled in a CONSTITUTIONAL state would be a CONSTITUTIONAL "citizen of the United States***" under the Fourteenth Amendment, Section 1.
   5.1. We call these people "state nationals".
   5.2. If they ALSO participate in the government as a jurist or voter, they become "state citizens".

6. A "state national" can have a domicile on TERRITORY within a CONSTITUTIONAL state WITHOUT exercising agency on behalf of any government. In that case, they would not be a STATUTORY citizen under state law. They would do this by, for instance:
   6.1. Refusing to register to vote.
   6.2. Saying they are NOT a "U.S. citizen" when they receive a jury summons.
   6.3. Not participating in any government franchises. All franchises presuppose that those participating are public officers in the government.

7. A "state citizen" or "state national", if they do NOT have a domicile on federal territory WITHIN the state, would:
   7.1. Instead be "nonresidents" for the purpose of federal jurisdiction.
   7.2. Not have STATUTORY "citizenship" under 8 U.S.C. §1332. Instead, they would use Article III, Section 2 for diversity of citizenship.
   7.3. Not be "nationals and citizens of the United States** at birth" per 8 U.S.C. §1401.

8. Using the word "citizenship" rather than "citizen" in relation to a specific human is the method of expressing and identifying AGENCY and/or OFFICE on behalf of a specific government:

> ***"Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."***
> *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

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[34] State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

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

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

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

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

[39] Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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9. Federal courts recognize the distinction between "citizen" and "citizenship" in diversity of citizenship cases. CONSTITUTIONAL "citizen of the United States***" requires only DOMICILE to acquire this CONSTITUTIONAL POLITICAL status per the Fourteenth Amendment. The word "CITIZENSHIP" adds to CONSTITUTIONAL "citizen of the United States" an AGENCY and office that allows STATUTORY diversity under 28 U.S.C. §1332:

> *"To invoke removal jurisdiction on the basis of diversity, **a notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]verments of residence are wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence [domicile] alone."***
> [Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)]*

10. Since obligations spoken of in Baker v. Keck, 13 F.Supp. 486 (1936) attach to the status of STATUTORY "citizen", then the civil STATUS of "citizen" must be voluntary, or else the Thirteenth Amendment would be violated.

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

The "citizen" above "cannot complain" BECAUSE he had to VOLUNTEER to become a citizen. Otherwise he would simply be a "nonresident" beyond the jurisdiction of the civil statutory law and protected only by the common law. It is a maxim of law that anything you consent to cannot form the basis for an injury in any court.

> *"Volunti non fit injuria.*
> *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*
>
> *Consensus tollit errorem.*
> *Consent removes or obviates a mistake. Co. Litt. 126.*
>
> *Melius est omnia mala pati quam malo concentire.*
> *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*
>
> *Nemo videtur fraudare eos qui sciunt, et consentiunt.*
> *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*
> *[Bouvier's Maxims of Law, 1856;*
> *SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]*

11. One volunteers to become a CONSTITUTIONAL/POLITICAL "citizen of the United States***" by choosing a domicile within the exclusive jurisdiction of a specific government. This is revealed by the Fourteenth Amendment, Section 1, which says one must "reside" in a state to be a "citizen of the United States" under that amendment. The courts have interpreted the word "reside" to mean DOMICILE rather than mere physical presence as we showed earlier in section 1.5.1.

> *U.S. Constitution:*
> *Fourteenth Amendment*
>
> *Section. 1. All persons **born or naturalized in the United States[***] and subject to the jurisdiction thereof, are citizens of the United States[***]** and of the State wherein they reside.*

12. A CONSTITUTIONAL citizen transitions to a STATUTORY "citizen of the United States**" by engaging in a public office, and the OFFICE is the object of the obligations spoken of in Baker v. Keck, 13 F.Supp. 486 (1936). That can only happen through a lawful election or appointment, and THAT statutory "citizen" is a representative and officer of the corporation "United States" defined in 28 U.S.C. §3002(15)(A) pursuant to Federal Rule of Civil Procedure 17(b).

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

13. Domicile, in turn, MUST be voluntary. Hence, being a "citizen" is also voluntary. Otherwise it would be UNJUST per the Declaration of Independence, which says that all just powers of government derive from CONSENT.

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

14. Those who either DO NOT choose a domicile in a specific place OR who refuse to become STATUTORY citizens are called:
    14.1. "nonresidents".
    14.2. Transient foreigners".
    14.3. "In transitu".

15. It is a violation of rights, eminent domain, and involuntary servitude to:
    15.1. FORCE someone to be a statutory "citizen".
    15.2. PRESUME they are one because they are merely PRESENT in a place.
    15.3. IMPOSE or ENFORCE the DUTIES of a STATUTORY citizen upon a non-consenting party without at least satisfying the burden of proof that they CONSENTED to the civil status and had the lawful CAPACITY to consent by virtue of a domicile on federal territory.

16. Even for those that ARE STATUTORY "citizens", they only have that status for the SPECIFIC franchises of voting and jury service but not for ANY other purpose. They may NOT, in fact, lawfully act as a public officer or agent for any purpose OTHER than voting or jury service.

17. If the status of STATUTORY "citizen" or "resident" is used as a basis for income tax, then the income tax becomes an unconstitutional poll tax, because one cannot have the status of STATUTORY "citizen" WITHOUT a domicile. THAT is why "citizens" and "residents" must be ABROAD in a foreign country under 26 U.S.C. §911 before they can become the subject of the income tax and why in that capacity, they are actually "aliens" coming under a tax treaty with a foreign country. That is also the ONLY way they can interface to the Internal Revenue Code, because 26 C.F.R. §1.1441-1(c)(3) defines "individual" as ALIEN and not a "citizen" or "resident".

> *"**Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes**. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter.** Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."*
> *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]*

It therefore appears to us that a statutory "citizen" or "resident" is really just a public office in the U.S. government. That office is a franchisee with an effective domicile on federal territory not within any state of the Union. The corrupt courts are unlawfully allowing the creation of this public office, legal "person", "res", and franchisee using your consent. They have thus made a profitable business out of alienating rights that are supposed to be unalienable, in violation of the legislative intent of the Declaration of Independence and the U.S. Constitution. The money changers., who are priests of the civil religion of socialism called "judges", have taken over the civic temple called government and made it into a WHOREHOUSE for their own lucrative PERSONAL gain:

> *"But those who desire to be rich fall into temptation and a snare, and into many foolish and harmful lusts which drown men in destruction and perdition. **For the love of money is a root of all kinds of evil, for which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows.**"*
> *[1 Tim. 6: 9-10, Bible, NKJV]*

> *"franchise court. Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over time. In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what authority (quo warranto) they held court. If a lord could not produce a charter reflecting the franchise, the court was abolished. - Also termed courts of the franchise.*

> *Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements. This explains the growth of the second class of feudal courts, the Franchise Courts. They too were private courts held by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them*

> *were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after the famous Quo Warranto enquiry in the reign of Edward 1." W.J.V. Windeyer, Lectures on Legal History 56-57 (2d ed. 1949)."*
> *[Black's Law Dictionary, Seventh Edition, p. 668]*

Notice the above language: *"private courts held by feudal lords"*. Judges who enforce their own franchises within the courtroom by imputing a franchise status against those protected by the Constitution who are not lawfully allowed to alienate their rights or give them away are acting in a *private capacity* to benefit themselves personally. That private capacity is associated with a de facto government in which greed is the only uniting factor. Contrast this with love for our neighbor, which is the foundation of a de jure government. When Judges act in such a private, de facto capacity, the following results:

1. The judge is the "feudal lord" and you become his/her personal serf. By "lord" we really mean a pagan deity who has supernatural powers and you become the compelled worshipper of that deity or face commercial destruction.
2. Rights become privileges, and the transformation usually occurs at the point of a gun held by a corrupt officer of the government intent on enlarging his/her pay check or retirement check. And he/she is a CRIMINAL for proceeding with such a financial conflict of interest:

> *TITLE 18 > PART I > CHAPTER 11 > § 208*
> *§ 208. Acts affecting a personal financial interest*
>
> *(a) Except as permitted by subsection (b) hereof, **whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States**, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, **participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial [or personal/private] interest**—*
>
> *Shall be subject to the penalties set forth in section 216 of this title.*

3. Equality and equal protection are replaced with the following consequences under a franchise:
   3.1. Privilege.
   3.2. Partiality.
   3.3. Bribes.
   3.4. Servitude and slavery.
   3.5. Hypocrisy.
4. The franchise statutes are the "bible" of a pagan state-sponsored religion. The bible isn't "law" for non-believers, and civil franchise statutes aren't "law" for those who are not consensually occupying a public office in the government as a franchisee called a "citizen", "resident", "taxpayer", "driver", etc. See:

Socialism: The New American Civil Religion, Form #05.016 http://sedm.org/Forms/FormIndex.htm

5. You join the religion by "worshipping", and therefore obeying what are actually voluntary franchises. The essence of "worship", in fact, is obedience to the dictates of a superior being. Franchises make your public servants into superior beings and replace a republic with a dulocracy. "Worship" and obedience becomes legal evidence of consent to the franchise.

> ***"And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them.** According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—**with which they have forsaken Me and served [as PUBLIC OFFICERS/FRANCHISEES] other gods [Rulers or Kings, in this case]—so they are doing to you also** [government becoming idolatry]."*
> *[1 Sam 8:4-20, Bible, NKJV]*

6. "Presumption" serves as a substitute for religious "faith" and is employed to create an unequal relationship between you and your public servants. It replaces the citizen/public servant relationship with the employer/employee relationship, where you are the employee of your public servant. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 http://sedm.org/Forms/FormIndex.htm

7. "Taxes" serve as a substitute for "tithes" to the state-sponsored church of socialism that worships civil rulers, men and creations of men instead of the true and living God.
8. The judge's bench becomes:
   8.1. An altar for human sacrifices, where YOU and your property are the sacrifice. All pagan religions are based on sacrifice of one kind or another.
   8.2. What the Bible calls a "throne of iniquity":

> *"**Shall the throne of iniquity, which devises evil by law, have fellowship with You?** They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; **the Lord our God shall cut them off.**"*
> *[Psalm 94:20-23, Bible, NKJV]*

9. All property belongs to this pagan god and you are just a custodian over it as a public officer. You have EQUITABLE title but not LEGAL title to the property you FALSELY BELIEVE belongs to you. The Bible franchise works the same way, because the Bible says the Heavens and the Earth belong the LORD and NOT to believers. Believers are "trustees" over God's property under the Bible trust indenture:

> *"Indeed heaven and the highest heavens belong to the LORD your God, also the earth with all that is in it."*
> *[Deut. 10:15, Bible, NKJV]*

> *"The ultimate ownership of all property is in the State; individual so-called "ownership" is only by virtue of Government, i.e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State."*
> *[Senate Document #43, Senate Resolution No. 62, p. 9, paragraph 2, 1933*
> *SOURCE: http://www.famguardian.org/Subjects/MoneyBanking/History/SenateDoc43.pdf]*

10. The court building is a "church" where you "worship", meaning obey, the pagan idol of government.

> *"Now, Mr. Speaker, **this Capitol is the civic temple of the people**, and we are here by direction of the people to reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people at the polls, and you promised to carry out that will, but **you have not kept faith with the American people**."*
> *[44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth Amendment]*

11. The licensed attorneys are the "deacons" of the state sponsored civil religion who conduct the "worship services" directed at the judge at his satanic altar/bench. They are even ordained by the "chief priests" of the state supreme court, who are the chief priests of the civil religion.
12. Pleadings are "prayers" to this pagan deity. Even the U.S. Supreme Court still calls pleadings "prayers", and this is no accident.
13. Like everything that SATAN does, the design of this state-sponsored satanic church of socialism that worships men instead of God is a cheap IMITATION of God's design for de jure government found throughout the Holy Bible.

NOW do you understand why in Britain, judges are called "your worship"? Because they are like gods:

> *"**worship 1**. **chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some mayors)** **2:** reverence offered a divine being or supernatural power; also: an act of expressing such reverence **3:** a form of religious practice with its creed and ritual **4:** extravagant respect or admiration for or devotion to an object of esteem <~ the dollar>."*
> *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]*

> *Psalm 82 (Amplified Bible)*
> *A Psalm of Asaph.*

> ***GOD STANDS** in the assembly [of the representatives] of God; **in the midst of the magistrates or judges** He gives judgment [as] among the gods.*

> ***How long will you [magistrates or judges] judge unjustly and show partiality to the wicked?** Selah [pause, and calmly think of that]!*

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Do justice to the weak (poor) and fatherless; maintain the rights of the afflicted and needy.

Deliver the poor and needy; rescue them out of the hand of the wicked.

[The magistrates and judges] know not, neither will they understand; they walk on in the darkness [of complacent satisfaction]; all the foundations of the earth [the fundamental principles upon which rests the administration of justice] are shaking.

I said, You are gods [since you judge on My behalf, as My representatives]; indeed, all of you are children of the Most High.

But you shall die as men and fall as one of the princes.

Arise, O God, judge the earth! For to You belong all the nations.
[Psalm 82, Amplified Bible]

5. "CITIZENS" v. "NATIONALS"

5.1 Introduction

Two words are used to describe citizenship: "citizen" and "national". There is a world of difference between these two terms and it is extremely important to understand the distinctions before we proceed further. Below is a law dictionary definition of "citizen" that deliberately tries to confuse these two components of citizenship. We will use this definition as a starting point for our discussion of the differences between "citizens" and "nationals":

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

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

The term may include or apply to children of alien parents from in United States[***], Von Schwerdtner v. Piper, D.C.Md., 23 F.2d. 862, 863; U.S. v. Minoru Yasui, D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, Haaland v. Attorney General of United States, D.C.Md., 42 F.Supp. 13, 22; Indians, United States v. Hester, C.C.A.Okl., 137 F.2d. 145, 147; National Banks, American Surety Co. v. Bank of California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States nor a state is a citizen for purposes of diversity jurisdiction. Jizemerjian v. Dept of Air Force, 457 F.Supp. 820. On the other hand, municipalities and other local governments are deemed to be citizens. Rieser v. District of Columbia, 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth Amendment. D.D.B. Realty Corp. v. Merrill, 232 F.Supp. 629, 637.

Under diversity statute [28 U.S.C. §1332], which mirrors U.S. Const, Article III's diversity clause, a person is a "citizen of a state" if he or she is a citizen of the United States[***] and a domiciliary of a state of the United States[***]. Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116. "
[Black's Law Dictionary, Sixth Edition, p. 244]

Based on the above definition, being a "citizen" therefore involves the following FOUR individual components, EACH of which require your individual consent in some form. Any attempt to remove the requirement for consent in the case of EACH SPECIFIC component makes the government doing so UNJUST as defined by the Declaration of Independence, and produces involuntary servitude in violation of the Thirteenth Amendment:

Table 6: Mandatory components of being a "citizen"

#	*Characteristic*	*How consented to*	*What happens when you don't consent*
1	Allegiance to the sovereign within the community, which in our country is the "state" and is legally defined as the PEOPLE occupying a fixed territory RATHER than the government or anyone serving them IN the government.	Requesting to be naturalized and taking a naturalization oath.	Allegiance acquired by birth is INVOLUNTARY.
2	VOLUNTARY political association and membership in a political community.	Registering to vote or serve on jury duty.	If you don't register to vote or serve on jury duty, you are NOT a "citizen", even if ELIGIBLE to do either.
3	Enjoyment of full CIVIL rights.	Choosing a domicile	You can't be a statutory "citizen" unless you voluntarily choose a domicile.
4	Submission to CIVIL authority.	Choosing a domicile	You can't be a statutory "citizen" unless you voluntarily choose a domicile.

From the above, we can see that simply calling oneself a "citizen" or not qualifying which SUBSET of each of the above we consent to is extremely hazardous to your freedom! Watch out! The main questions in our mind about the above chart is:

1. Must we expressly consent to ALL of the above as indicated in the third column from the left above in order to truthfully be called a "citizen" as legally defined?
2. Which components in the above table are MANDATORY in order to be called a "citizen"?
3. What if we don't consent to the "benefits" of the domicile protection franchise? Does that NOT make us a "citizen" under the civil statutory laws of that jurisdiction?
4. What if we choose a domicile in the place, but refuse to register to vote and make ourselves ineligible to serve on jury duty? Does that make us NOT a "citizen"?
5. If we AREN'T a "citizen" as defined above because we don't consent to ALL of the components, then what would we be called on:
   5.1. Government forms?
   5.2. Under the statutes of the jurisdiction we are NOT a "citizen" of?

5.2 What if I don't consent to receive ANY of the "benefits" or "privileges" of being a "citizen"? What would I be called?

Under maxims of the common law, refusing to consent to ANY ONE OR MORE of the above four prerequisites of BEING a "citizen" in Table 6 makes us ineligible to be called a "citizen" under the civil statutory laws of that jurisdiction.

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

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

The Department of State Foreign Affairs Manual (F.A.M.) identifies TWO components of being a "citizen" with the following language. It acknowledges that one can be a "national of the United States" WITHOUT being a "citizen", thus implying that those who are NOT "citizens" or who do not consent to or are not able to satisfy ALL the obligations of being a "citizen" automatically become "non-citizen nationals of the United States":

> *Department of State*
> *Foreign Affairs Manual (F.A.M.), Volume 7, Section 1111*
> *Downloaded 7/6/2014*

b. National vs. Citizen: ***While most people and countries use the terms "citizenship" and "nationality" interchangeably, U.S. law differentiates between the two. Under current law all U.S. citizens are also U.S. nationals, but not all U.S. nationals are U.S. citizens. The term "national of the United States", as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship.***

(1) Nationals of the United States who are not citizens owe allegiance to the United States and are entitled to the consular protection of the United States when abroad, and to U.S. documentation, such as U.S. passports with appropriate endorsements. They are not entitled to voting representation in Congress and, under most state laws, are not entitled to vote in Federal, state, or local elections except in their place of birth. (See 7 FAM 012; 7 FAM 1300 Appendix B Endorsement 09.)

(2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S. non-citizen nationals. (See 7 FAM 1120.)

(3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See 7 Foreign Affairs Manual (F.A.M.) 1125.)

[SOURCE: http://www.state.gov/documents/organization/86755.pdf]

There are many good reasons for the above distinction between NATIONALITY (POLITICAL) status and CITIZEN (CIVIL) status, the most important of which is the ability of the courts to legally distinguish those born in the country but domiciled outside their jurisdiction from those who are domiciled in their jurisdiction. For instance, those domiciled abroad an outside the geographical "United States" are usually called "nationals of the United States" rather than "citizens of the United States". An example of this phenomenon is described in the following U.S. Supreme Court case, in which an American born in the country is domiciled in Venezuela and therefore is referred to as a "stateless person" not subject to and immune from the civil laws of his country!

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

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

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

The U.S. Supreme Court above was trying to deceive the audience by not clarifying WHAT type of "citizen" Bettison was. They refer to CONSTITUTIONAL citizens and STATUTORY citizens with the same name, which indirectly causes the audience to believe that NATIONALITY and DOMICILE are synonymous. They do this to unlawfully and

unconstitutionally expand their importance and jurisdiction. Bettison in fact was a CONSTITUTIONAL citizen but not a STATUTORY citizen, so the CIVIL case against him under the STATUTORY codes had to either be dismissed or he had to be removed because he couldn't lawfully be a defendant! Imagine applying this same logic to a case involving the (illegal) enforcement of the Internal Revenue Code to Americans abroad.

The first thing we notice about the Foreign Affairs Manual cite above is the use of the phrase "privileges of citizenship". Both voting and serving on jury duty are and always have been PRIVILEGES that can be taken away, not RIGHTS that are inalienable. The fact that they are revocable privileges is the reason why convicted felons can't vote or serve on jury duty, in fact.[40]

> ***"In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E, 352.***
>
> *Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*
>
> *Exclusive Franchise. See Exclusive Privilege or Franchise. "*
> *[Black's Law Dictionary, Fourth Edition, pp. 786-787]*

Those who refuse to be enfranchised or privileged in any way therefore cannot consent to or exercise the obligations or accept the "benefits" of such privileges, and they have a RIGHT to do so. To suggest otherwise is to sanction involuntary servitude in violation of the Thirteenth Amendment.

It is clearly an absurd and irrational usurpation to say that "nationality" is synonymous with being a PRIVILEGED STATUTORY "citizen" and that we can abandon or expatriate our nationality to evade or avoid the privileges. Under the English monarchy, "nationality" and "citizen" status are synonymous and EVERYONE is a "subject" whether they want to be or not. In America, they are not synonymous and you cannot be compelled to become a subject without violating the First Amendment and the Fifth Amendment. Forcing people to abandon their nationality to become unenfranchised actually accomplishes the OPPOSITE and makes them MORE enfranchised, in fact. That is because by doing so they become YET ANOTHER type of enfranchised entity called an "alien" who is a *slave* to a whole different set of "privileges".

> *"**Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country**. **Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it**, they must defend it, although **they do not enjoy all the rights of citizens. They have only certain privileges which the law, or custom, gives them.** Permanent residents are those who have been given the right of **perpetual residence**. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children."*
> *[*The Law of Nations, Vattel, *Book 1, Chapter 19, Section 213, p. 87]*

There MUST be a status that carries with it NO PRIVILEGES or obligations and if there is NOT, then the entire country is just a big FARM for government animals akin to that described below:

How to Leave the Government Farm, Form #12.020 http://www.youtube.com/watch?v=Mp1gJ3iF2Ik&feature=youtu.be

It would therefore seem based on 7 Foreign Affairs Manual (F.A.M.) 1100(b)(1) that those who refuse to register to vote or serve on jury duty would satisfy the requirement above of being a "non-citizen national". Hence, withdrawing consent to be jurist or voter alone would seem to demote us from being a "citizen" to being a "non-citizen national". However, there is no congressional act that grants this substandard status to anyone OTHER than those in federal possessions such as American Samoa or Swain's Island. Hence, claiming the status of "non-citizen national" would have to be done delicately with care so as not to confuse yourself with those born in or domiciled in the federal possessions of American Samoa and Swain's Island, who are described in 8 U.S.C. §1408 and 8 U.S.C. §1452.

STATUTORY "non-citizen nationals" are described in 8 U.S.C. §1408, 8 U.S.C. §1452, and 8 U.S.C. §1101(a)(22)(B). However, these statutes only define civil statuses of those situated on federal territory. Those physically situated or domiciled

[40] "As of 2010, 46 states and the District of Columbia deny the right to vote to incarcerated persons. Parolees are denied the right in 32 states. Those on probation are disenfranchised in 29 states, and 14 states deny for life the right of ex-felons to vote."
SOURCE: http://www.ehow.com/facts_6751209_felony-conviction-voting-rights.html"

in a constitutional state would not be described in those statutes but would still appear to be eligible to be "non-citizen nationals" from a COMMON LAW or CONSTITUTIONAL, rather than a STATUTORY standpoint.

> ***"Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality, such a practice requires special scrutiny before being set aside.*** *See, e.g., Jackman v. Rosenbaum Co., 260 U.S. 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it[.]"); Walz v. Tax Comm'n, 397 U.S. 664, 678 (1970) ("It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use . . . . Yet an unbroken practice . . . is not something to be lightly cast aside."). And while Congress cannot take away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not within the Constitution's breadth. See U.S. Const, art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory belonging to the United States."); id. at art. I, § 8, cl. 4 (Congress may "establish an uniform Rule of Naturalization . . .."). To date, Congress has not seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must and will respect that choice.16"*
> *[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

Those among our readers who do NOT want to be privileged "citizens", do not want to abandon their nationality, and yet who also do not want to call themselves "non-citizen nationals" may therefore instead refer to themselves simply as "non-resident non-persons" under federal law. Below is our definition of that term from the SEDM Disclaimer:

> *4. MEANINGS OF WORDS*
>
> *The term "non-person" as used on this site we define to be a human not domiciled on federal territory, not engaged in a public office, and not "purposefully and consensually availing themself" of commerce within the jurisdiction of the United States government. We invented this term. The term does not appear in federal statutes because statutes cannot even define things or people who are not subject to them and therefore foreign and sovereign. The term "non-individual" used on this site is equivalent to and a synonym for "non-person" on this site, even though STATUTORY "individuals" are a SUBSET of "persons" within the Internal Revenue Code. Likewise, the term "private human" is also synonymous with "non-person". Hence, a "non-person":*
>
> 1. *Retains their sovereign immunity. They do not waive it under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 or the longarm statutes of the state they occupy.*
> 2. *Is protected by the United States Constitution and not federal statutory civil law.*
> 3. *May not have federal statutory civil law cited against them. If they were, a violation of Federal Rule of Civil Procedure 17 and a constitutional tort would result if they were physically present on land protected by the United States Constitution within the exterior limits of states of the Union.*
> 4. *Is on an equal footing with the United States government in court. "Persons" would be on an UNEQUAL, INFERIOR, and subservient level if they were subject to federal territorial law.*
>
> *Don't expect vain public servants to willingly admit that there is such a thing as a human who satisfies the above criteria because it would undermine their systematic and treasonous plunder and enslavement of people they are supposed to be protecting. However, the U.S. Supreme Court has held that the "right to be left alone" is the purpose of the constitution. Olmstead v. United States, 277 U.S. 438. A so-called "government" that refuses to leave you alone or respect or protect your sovereignty and equality in relation to them is no government at all and has violated the purpose of its creation described in the Declaration of Independence.*
> *[SEDM Disclaimer, Section 4; SOURCE: http://sedm.org/disclaimer.htm]*

The noteworthy silence of the courts on the VERY important subject of this section is what we affectionately call the following:

> *"The hide the presumption and hide the consent game."*

Corrupt judges know that:

1. All just powers of CIVIL government derive from the CONSENT of the governed per the Declaration of Independence.
2. Any civil statutory power wielded by government against your consent is inherently UNJUST.
3. The foundation of justice itself is the right to be left alone:

> *PAULSEN, ETHICS (Thilly's translation), chap. 9.*

> *"**Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others.** This virtue springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."*
> *[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]*

4. The first duty of government is to protect your right to be left alone by THEM, and subsequently, by everyone else. This right is NOT a privilege and cannot be given away or diminished if it truly is "unalienable", as the Declaration of Independence says:

> *"**Justice is the end of government. It is the end of civil society**. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit."*
> *[James Madison, The Federalist No. 51 (1788)]*

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

5. The government can only CIVILLY govern people with statutes who consent to become STATUTORY "citizens".
6. You have a RIGHT to NOT participate in franchises or privileges. The main reason for this is that you have a right to be left alone and to deny OTHERS the benefit or use of your own body and property.
7. You can choose NOT to be a privileged STATUTORY "citizen" WITHOUT abandoning your nationality. Only in a monarchy where everyone is a "subject" regardless of their consent can a government NOT allow this.
8. All men and all creations of men such as government are equal. Hence, an entire government of men has no more power than a single human as a legal "person".
9. If government becomes abusive, you have a RIGHT and a DUTY under the Declaration of Independence to quit your public office as a "citizen", and quit paying for the PRIVILEGE of occupying the position in the form of taxes.

> *"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, **it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security"***
> *[Declaration of Independence; SOURCE: http://www.archives.gov/exhibits/charters/declaration_transcript.html]*

If everyone knew the above, they would abandon a totally corrupted government, quit subsidizing it, and let it starve to death long enough to fire the bastards and PEACFULLY start over with no bloodshed and no violent revolution. Since they won't recognize your right to PEACEFULLY institute such reforms and DUTIES under the Declaration of Independence, indirectly you could say they are anarchists because the inevitable final result of not having a peaceful remedy of this kind is and will be violence, social unrest, massive injury, and bloodshed.

Like The Wizard of Oz, it's time to pull back the curtain, ahem, or the "robe", of these corrupt wizards on the federal bench and expose this FRAUD and confidence game for what it is. Let's return to Kansas, Dorothy. There's no place like home, and home is an accountable government that needs your explicit permission to do anything civil to you and which can be literally FIRED by all those who are mistreated.

5.3 Statutory "citizens"

The key thing to notice in the definition of "citizen" earlier is that those who are "citizens" within a *legislative jurisdiction* are also subject to ***all*** civil laws within that *legislative jurisdiction*. Note the phrase above:

> *"'Citizens' are members of a political community who, in their associated capacity, **have…submitted themselves to the dominion of a government [and all its laws] for the promotion of their general welfare** and the protection of their individual as well as collective rights."*
> *[Black's Law Dictionary, Sixth Edition, p. 244]*

Notice the phrase "for the protection of .. collective rights". Those who want to avoid what we call "collectivism" therefore cannot become a STATUTORY "citizen" under the civil laws of any government, because you can't become a citizen without ALSO protecting COLLECTIVE rights. This may be why the Bible says on this subject the following:

> *"Where do wars and fights [and tyranny and oppression] come from among you? Do they not come from your desires for pleasure [pursuit of government "privileges" and "benefits" and favors such as Socialist Security] that war in your members?....You ask [from your government and its THIEF the IRS] and do not receive, because you ask amiss, that you may spend it on your own pleasures. **Adulterers and adulteresses [and HARLOTS]! Do you not know that friendship with the world [as a "citizen", "resident", "taxpayer", etc.] is enmity with God?** Whoever therefore wants to be a friend of the world makes himself an enemy of God."*
> *[James 4:3-4, Bible, NKJV]*

For more on collectivism, see:

Collectivism and How to Resist It, Form #12.024 http://sedm.org/Forms/FormIndex.htm

A statutory "citizen" is therefore someone who was born somewhere within the country and who:

1. Maintains a domicile within a CIVIL jurisdiction.
2. Owes allegiance to the "sovereign" within that jurisdiction, and
3. Participates in the functions of government by voting and serving on jury duty.

The only people who are "subject to" federal civil statutory, and therefore "citizens" under federal civil statutory law, are those people who have voluntarily chosen a domicile where the federal government has exclusive *legislative/general jurisdiction*, which exists only within the federal zone, under Article 1, Section 8, Clause 17 of the Constitution and 40 U.S.C. §§3111 and 3112. Within the Internal Revenue Code, people born in the federal zone or domiciled there are described as being "subject to ***its*** jurisdiction" rather than "subject to ***the*** jurisdiction" as mentioned in the Fourteenth Amendment. Hence, THIS type of "citizen" is NOT a Constitutional citizen but a Statutory citizen domiciled on federal territory:

> *26 C.F.R. §1.1-1 Income tax on individuals*
>
> *(c) Who is a citizen.*
>
> ***Every person born or naturalized in the [federal] United States[**] and subject to its jurisdiction is a citizen**.*
> *For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. §1401–1459). "*
> *[26 C.F.R. §1.1-1(c)]*

This area includes the District of Columbia, the territories and possessions of the United States**, and the federal areas within states, which are all "foreign" with respect to states of the Union for the purposes of federal legislative jurisdiction. If you were born in a state of the Union and are domiciled there, you are not subject to federal jurisdiction unless the land you maintain a domicile on was ceded by the state to the federal government. Therefore, you are not and cannot be a "citizen" under federal law! If you aren't a "citizen", then you also can't be claiming your children as "citizens" on IRS returns or applying for government numbers for them either!

5.4 Statutory "nationals"

A "national", on the other hand, is simply someone who claims allegiance to the political body formed within the geographical boundaries and territory that define a "state".

> *8 U.S.C. §1101: Definitions*
>
> *(a) As used in this chapter—*
>
> *(21) The term "national" means a person owing permanent allegiance to a state.*

A "state" is then defined as follows:

> *"**State**. **A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic** exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moralitis, C.C.A.Md., 136 F.2d. 129, 130. **In its largest sense, a "state" is a body politic or a society of men.** Beagle v. Motor Vehicle Acc. Indemnification Corp., 44 Misc.2d. 636, 254 N.Y.S.2d. 763, 765. **A body of people occupying a definite territory and politically organized under one government.** State ex re. Maisano v. Mitchell, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. Restatement, Second, Conflicts, §3. Term may refer either to body politic of a nation (e.g. United States) or to an individual government unit of such nation (e.g. California).*
>
> *[…]*
>
> ***The people of a state, in their collective capacity**, considered as the party wronged by a criminal deed; the public; as in the title of a cause, "The State vs. A.B."*
> *[Black's Law Dictionary, Sixth Edition, p. 1407]*

So when we claim "allegiance" as a "national", we are claiming allegiance to a "state", which is:

1. In the case of state/CONSTITUTIONAL citizens, the collection of all people within the constitutional states of the Union, who are the sovereigns within our system of government. This is called the "United States***". People owing this kind of allegiance are called "subject to THE jurisdiction" earlier in section 1.5.1.
2. In the case of territorial/STATUTORY citizens, the United States government or United States**. It is NOT any of the people on federal territory, because they are all SUBJECTS within what the U.S. Supreme Court called the equivalent of "a British Crown Colony" in Downes v. Bidwell. People owing this kind of allegiance are called "subject to ITS jurisdiction". See 26 C.F.R. §1.1-1(c).

The political body we have allegiance to as a "national" is non-geographical and can exist OUTSIDE the physical territory or exclusive jurisdiction of the sovereign to whom we claim allegiance. For instance, Americans born abroad to American nationals take on the citizenship of their parents, no matter where born per 8 U.S.C. §1401 and 8 U.S.C. §1408. Hence, the "United States" we claim allegiance to is non-geographical because even people when abroad are called "subject to THE jurisdiction".

> *"All persons born in the allegiance of the king are natural-born subjects, and all persons born in the allegiance of the United States are natural-born citizens. Birth and allegiance go together. Such is the rule of the common law, and it is the common law of this country, as well as of England. There are two exceptions, and only two, to the universality of its application. The children of ambassadors are in theory born in the allegiance of the powers the ambassadors represent, and slaves, in legal contemplation, are property, and not persons."*
> *[United States v. Rhodes, 1 Abbott, U.S. 28 (Cir. Ct. Ky 1866), Justice Swayne]*

Note that as a "national" domiciled in a state of the Union (a "state national"), we are NOT claiming allegiance to the *government* or anyone serving us within the government in their official capacity as "public servants". As a "national", we are instead claiming allegiance to the People within the legislative jurisdiction of the geographic region by virtue of a domicile there. This is because in states of the Union, the People are the Sovereigns, and not the government who serves them. All sovereignty and authority emanates from We the People *as human beings* and not from the government that serves them:

> *"The words 'people of the United States[***]' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ..."*
> *[Boyd v. State of Nebraska, 143 U.S. 135 (1892)]*

> *"From the differences existing between feudal sovereignties and Government founded on compacts, it necessarily follows that their respective prerogatives must differ. **Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here, never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns.** Their Princes have personal powers, dignities, and pre-eminences, **our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens.**"*
> *[Chisholm, Ex'r. v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 454, 457, 471, 472) (1794)]*

The Supreme Court of the United States** described and compared the differences between "citizenship" and "allegiance" very succinctly in the case of *Talbot v. Janson*, 3 U.S. 133 (1795):

> *"Yet, it is to be remembered, and that whether in its real origin, or in its artificial state, allegiance, as well as fealty, rests upon lands, and it is due to persons. Not so, with respect to Citizenship, which has arisen from the dissolution of the feudal system and is a substitute for allegiance, corresponding with the new order of things.* ***Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such essential differences, the doctrine of allegiance is inapplicable to a system of citizenship; which it can neither serve to controul, nor to elucidate.*** *And yet, even among the nations, in which the law of allegiance is the most firmly established, the law most pertinaciously enforced, there are striking deviations that demonstrate the invincible power of truth, and the homage, which, under every modification of government, must be paid to the inherent rights of man…..* ***The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign****…."*
> *[Talbot v. Janson, 3 U.S. 133 (1795); From the syllabus but not the opinion; SOURCE: http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/supct/html/historics/USSC_CR_0003_0133_ZS.html]*

A "national" is not subject to the exclusive *legislative civil jurisdiction* and general sovereignty of the political body, but indirectly is protected by it and may claim its protection when abroad. For instance, when we travel overseas or change our domicile to abroad, we are known in foreign countries as "American Nationals" or:

1. "nationals", or "state nationals", or "nationals of the United States *of America*" or "United States***" under 8 U.S.C. §1101(a)(21) if we were born in and are domiciled in a state of the Union.
2. "nationals of the United States*" but NOT "nationals of the United States**" described in 8 U.S.C. §1101(a)(22).
3. "nationals but not citizens of the United States at birth" under 8 U.S.C. §1408 and 8 U.S.C. §1452 if we were born in a federal possession, such as American Samoa or Swains Island.

Here is the definition of a "national of the United States**" that demonstrates this, and note paragraph (a)(22)(B):

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.*
> *Sec. 1101. - Definitions*
>
> *(a) As used in this chapter—*
>
> *(22) The term "national of the United States[**]" means*
>
> *(A) a citizen of the United States[**], or*
>
> ***(B) a person who, though not a citizen of the United States[**], owes permanent [but not necessarily exclusive] allegiance to the United States[**].***

Consequently, the only time a "national" can also be described as a "citizen" is when he/she is domiciled within the territorial and legislative jurisdiction of the political body to which he/she claims allegiance. Being a "national" is therefore an attribute and a prerequisite of being a STATUTORY "citizen", and the term can be used to describe STATUTORY "citizens", as indicated above in paragraph (A). For instance, 8 U.S.C. §1401 describes the citizenship of those born within or residing within federal jurisdiction, and note that these people are identified as both "citizens" *and* "nationals".

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > Sec. 1401.*
> *Sec. 1401. - Nationals **and** citizens of United States[**] at birth*
>
> *The following shall be nationals and citizens of the United States[**] at birth:*
>
> *(a) a person born in the United States[**], and subject to the jurisdiction thereof;*
>
> *(b) a person born in the United States[**] to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;*

5.5 Rights Lost By Becoming a statutory "U.S. citizen"

A state Citizen has the right to have any gun he/she wishes without being registered. A "U.S. citizen" under 8 U.S.C. §1401 does not. In the District of Columbia, it is a felony to own a handgun unless you are a police officer or a security guard or the hand gun was registered before 1978. The District of Columbia has not been admitted into the Union. Therefore the people of the District of Columbia are ***not*** protected by the Second Amendment or any other part of the Bill of Rights. Despite the lack of legal guns in DC, crime is rampant. It is called Murder Capital of the World. This should prove that gun control/victim disarmament laws do not work in America. Across the country, there is an assault on guns. If you are a "U.S.** citizen" and you are using Second Amendment arguments to protect your rights to keep your guns, I believe you are in for a surprise. First by registering gun owners then renaming guns 'Assault Weapons' and 'Handguns', those in power will take away your civil right to bear arms. Of course, they won't tell you that the right to keep and bear arms is a civil right and not a natural right for a U.S. citizens. The Supreme court has ruled that you as an individual have no right to protection by the police. Their only obligation is to protect "society". The real protection for state Citizens to keep their guns is not the Second Amendment but the Ninth Amendment.

A state Citizen has the right to travel on the public easements (public roads) without being registered. A "U.S. citizen" does not. It is a privilege for a foreigner to travel in any of the several states. If you are a U.S. citizen, you are a foreigner in the state. The state legislators can require foreigners and people involved in commerce (chauffeurs, freight haulers) to be licensed, insured, and to have their vehicles registered. When you register your car, you turn over power of attorney to the state. At that point, it becomes a motor vehicle. If it is not registered then it is not a motor vehicle and there are no motor vehicle statutes to break. There are common law rules of the road. If you don't cause an injury to anybody then you cannot be tried.

If your car is registered, the state effectively owns your car. The state supplies a sticker to put on your license plate every time you re-register the motor vehicle. Look closely at the sticker on your plate right now. You may be surprised to see that it says "OFFICIAL USE ONLY".(Note: In some states, they do not use stickers on the plate) You may have seen municipal vehicles that have signs on them saying "OFFICIAL USE ONLY" on them but why does yours? You do not own your car. You may have a Certificate of Title but you probably do not have the certificate of origin. You are leasing the state's vehicle by paying the yearly registration fee. Because you are using their equipment, they can make rules up on how it can be used. If you break a rule, such as driving without a seatbelt, you have broken the contract and an administrative procedure will make you pay the penalty. A state Citizen must be able to explain to the police officers why they are not required to have the usual paperwork that most people have. They should carry copies of affidavits and other paperwork in their car. The state Citizen should also be prepared to go to traffic court and explain it to the judge.

The right of trial by jury in civil cases, guaranteed by the 7th Amendment (*Walker v. Sauvinet*, 92 U.S. 90 (1875)), and the right to bear arms, guaranteed by the 2nd Amendment (*Presser v. Illinois*, 116 U.S. 252 (1886)), have been distinctly held not to be privileges and immunities of "citizens of the United States" guaranteed by the 14th Amendment against abridgment by the states, and in effect the same decision was made in respect of the guarantee against prosecution, except by indictment of a grand jury, contained in the 5th Amendment (*Hurtado v. California*, 110 U.S. 516 (1884)), and in respect of the right to be confronted with witnesses, contained in the 6th Amendment." *West v. Louisianna*, 194 U.S. 258 (1904).

The privileges and immunities [civil rights] of the 14th Amendment citizens were derived [taken] from....the Constitution, but are not identical to those referred to in Article IV, sect. 2 of the Constitution [which recognizes the existence of state Citizens who were not citizens of the United States because there was no such animal in 1787]. Plainly spoken, RIGHTS in the constitution of the United States of America, which are recognized to be grants from our creator, are clearly different from the "civil rights" that were granted by Congress to its own brand of franchised statutory "U.S. citizen" pursuant to 8 U.S.C. §1401.

> *"A 'civil right' is a right given and protected by law [man's law], and a person's enjoyment thereof is regulated entirely by law that creates it."*
> *[Nickell v. Rosenfield, 82 CA 369 (1927), 375, 255 P. 760.]*

Title 42 of the USC contains the Civil Rights laws. It says "Rights under 42 USCS section 1983 are for citizens of the United States and not of state. *Wadleigh v. Newhall* (1905, CC Cal) 136 F 941."

In summary, what we are talking about here is a Master-Servant relationship. Being a person with a domicile within federal jurisdiction makes us subject to federal laws and makes us into a statutory "citizen of the United States" under 8 U.S.C. §1401. We become servants to our public servants. Those who file the IRS Form 1040 indicate a domicile in the District of Columbia, and have surrendered the protection of state law to become subject citizens. See IRS Document 7130, which says that this form may only be filed by "citizens and residents" of the "United States", which is defined as the District of Columbia in 26 U.S.C. §7701(a)(9) and (a)(10).

6. "NATIONALS" v. "U.S.** Nationals"

An important and often overlooked condition of "nationals" of the US*** is that today all "state nationals" are "USA nationals", but "USA nationals" who do not reside/domicile in a state of the Union are not "state nationals".

A "U.S.** national" is a person born in the outlying possessions of the Unites States**. These types of people are referred to with any of the following synonymous names:

1. "nationals but not citizens of the United States** at birth" under 8 U.S.C. §1408, 8 U.S.C. §1101(a)(22)(B), and 8 U.S.C. §1452
2. "nationals but not citizens of the United States**" under 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452.
3. Nonresident Aliens (under the Internal Revenue Code, as defined in 26 U.S.C. §7701(b)(1)(B)), but ONLY if lawfully engaged in a public office in the national government.

Statutory "U.S.** nationals" are defined under 8 U.S.C. §1408 and 8 U.S.C. §1452. "nationals" are defined under 8 U.S.C. §1101(a)(21). Both statutory "nationals" and statutory "U.S.** nationals" existed under *The Law of Nations, Vattel* and international law since long before the passage of the 14th Amendment to the U.S. Constitution in 1868. There are two classes of "nationals" or "U.S.** nationals" under either the Constitution or federal statutory law, as we revealed in section 16.1:

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Table 7**: Classes of "nationals" under federal law**

#	*Legal name*	*Where born*	*Defined in*	*Common name*	*Description*
1	"nationals but not citizens of the United States ***at birth***"	1. American Samoa 2. Swains Island	8 U.S.C. §1408 8 U.S.C. §1101(a)(22); 8 U.S.C. §1452	"U.S.** national" "Statutory U.S.* national"	The U.S. Supreme Court and the Constitution call these people "citizens of the United States". See section 16.7 later for details. Used on the 1040NR form to describe people who file that form. Does not describe people who are not born in the federal United States.
2	"U.S.A.*** national" or "state national" or "Constitutional but not statutory U.S.*** citizen"	states of the Union	8 U.S.C. §1101(a)(21); Fourteenth Amendment, Section 1	"state national" or "USA national" or "national of the United States OF AMERICA"	The "national" or "state national" is not necessarily the same as the "U.S. national" above, because it includes people who born in states of the Union. Notice that this term does not mention 8 U.S.C. §1408 citizenship nor confine itself only to citizenship by birth in the federal zone. Therefore, it also includes people born in states of the Union.

A "state national" or simply "national" is one who derives his nationality and allegiance to the confederation of states of the Union called the "United States*** of America" by virtue of being born in a state of the Union and domiciled there. To avoid false presumption, these people should carefully avoid associating their citizenship status with the term "United States" or "U.S.", which means the federal zone within Acts of Congress. Therefore, instead of calling themselves "U.S. nationals", they call themselves either "state nationals" or "USA nationals". In terms of protection of our rights, being a "state national" or a "U.S. national" are roughly equivalent. The "U.S. national" status, however, has several advantages that the "state national" status does *not* enjoy, as we explained earlier in section 4.11.4 of the Great IRS Hoax book:

1. May NOT collect any Social Security benefits, because the Social Security Program Operations Manual System (POMS), Section GN 00303.001 states that only "U.S.** citizens" and "U.S.** nationals" can collect benefits. State nationals are NOT "U.S.** nationals".
2. May hold a U.S. security clearance, unlike "non-citizen nationals of the United States**". See SECNAVINST 5510.30A, Appendix I, Department of the Navy.
3. May work for the federal government as a civil servant. See 5 C.F.R. §338.101.

The key difference between a "state national" and a "U.S.** national" is the citizenship status of your parents. Below is a table that summarizes the distinctions using all possible permutations of "state national" and "U.S. national" status for both you and your parents:

Table 8: Becoming a "national" by birth

#	Reference	Parent's citizenship status	Your birthplace	Your status
1	8 U.S.C. §1452; 8 U.S.C. §1101(a)(22)(B)	Either parent born in a federal possession	Federal possession	"U.S.** national"
2	8 U.S.C. §1408(1)	Irrelevant	In an outlying possession on or after the date of formal acquisition of such possession	"U.S.** national"
3	8 U.S.C. §1408(2)	"U.S. nationals" but not "U.S. citizens" who have resided anywhere in the federal United States prior to your birth	Outside the federal "United States"	"U.S.** national"
4	8 U.S.C. §1408(3)	A person of unknown parentage found in an outlying possession of the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such outlying possession	NA	"U.S.** national"
5	8 U.S.C. §1408(4)	One parent is a "U.S. national" but not "U.S. citizen" and the other is an "alien". The "U.S. national" parent has resided somewhere in the federal United States prior to your birth	Outside the federal "United States"	"U.S.** national"
6	Law of Nations, Book I, §212	Both parents are "state nationals" and not STATUTORY "U.S. citizens" or STATUTORY "U.S. nationals". Neither were either born in the federal zone nor did they reside there during their lifetime.	Inside a state of the union and not on federal property	"state national"
7	Law of Nations, Book I, §215	Both parents are STATUTORY "U.S. nationals"". Neither were either born in the federal zone nor did they reside there during their lifetimes.	Outside the "United States" the country	"U.S.** national"
8	Law of Nations, Book I, §215	Both parents are "state nationals". Neither were either born in the federal zone nor did they reside there during their lifetimes.	Outside the "United States" the country	"state national" under common law. 8 U.S.C. §1401(c), (d), and (g) don't apply because parents are not STATUTORY "U.S.** citizens"[41]
9	Law of Nations, Book I, §62 8 U.S.C. §1481	You started out as a STATUTORY "U.S. citizen" under 8 U.S.C. §1401 and decided to abandon the "citizen" part and retain the "national part", properly noticed the Secretary of State of your intentions, and obtained a revised passport reflecting your new status.	NA	"U.S.** national"

Very significant is the fact that 8 U.S.C. §1408, confines itself exclusively to citizenship ***by birth*** inside the federal zone and does ***not*** define ***all*** possible scenarios whereby a person may be a "U.S. national". For instance, it does ***not*** define the condition where both parents are "U.S. nationals", the birth occurred *outside* of the ***federal*** United States, and neither parent ever physically maintained a domicile inside the ***federal*** United States. Under item 7 above, ***The Law of Nations, Vattel, Book I, Section*** 215, says this condition always results in the child having the same citizenship as his/her father. The ***Law of Nations*** was one of the organic documents that the founding fathers used to write our original Constitution and Article 1, Section 8, Clause 10 of that Constitution MANDATES that it be obeyed.

> *"Article 1, Section 8, Clause 10*
>
> *"The Congress shall have Power…*
>
> *"To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;"*

[41] U.S. Supreme Court declared that an 8 U.S.C. §1401 "national and citizen of the United States at birth" is NOT a Fourteenth Amendment citizen. See Rogers v. Bellei, 401 U.S. 815 (1971) and section 4.1 earlier.

As you read this section below from *The Law of Nations* that proves item 7 in the above table, keep in mind that states of the Union are considered "foreign countries" with respect to the federal government legislative jurisdiction and police powers (see http://famguardian.org/Publications/LawOfNations/vattel.htm).

> ***§ 215. Children of citizens born in a foreign country.***
>
> *It is asked whether the children born of citizens in a foreign country are citizens? The laws have decided this question in several countries, and their regulations must be followed.(59)* ***By the law of nature alone, children follow the condition of their fathers, and enter into all their rights (§ 212); the place of birth produces no change in this particular, and cannot, of itself, furnish any reason for taking from a child what nature has given him;*** *I say "of itself," for, civil or political laws may, for particular reasons, ordain otherwise. But I suppose that the father has not entirely quitted his country in order to settle elsewhere. If he has fixed his abode in a foreign country, he is become a member of another society, at least as a perpetual inhabitant; and his children will be members of it also.*
> *[The Law of Nations, Vattel, Book I, Section 215]*

Here's a U.S. Supreme Court ruling confirming these conclusions:

> *"Under statute, child born outside United States is not entitled to citizenship unless father has resided in United States before its birth."*
> *[Weedin v. Chin Bow, 274 U.S. 657, 47 S.Ct. 772 (1927)]*

There are very good legal reasons why 8 U.S.C. §1408 doesn't mention this case or condition. There is also a reason why there is no federal statute anywhere that directly prescribes the citizenship status of persons based on birth within states of the Union. The reasons are because lawyers in Congress:

1. Know that this is the criteria that most Americans born inside states of the Union will meet.
2. Know that these people are "sovereign". Even the U.S. Supreme Court said so:

> *"'The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They* ***both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power*** *and conduct [run] the government through their representatives [servants]. They are what we familiarly call the '****sovereign people,****' and every citizen is one of this people, and a constituent member of this sovereignty. ..."*
> *[Boyd v. State of Nebraska, 143 U.S. 135 (1892)]*

3. Know that a "sovereign" is not and cannot be the subject of any law, and therefore cannot be mentioned in the law.

> *"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."*
> *[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 454, 1 L.Ed. 440, 455 @DALL 1793 pp. 471-472]*

> *"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts."*
> *[Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]*

> *"In common usage, the term 'person' does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it."*
> *[Wilson v. Omaha Indian Tribe, 442 U.S. 653, 667 (1979)]*

> *"Since in common usage the term `person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it."*
> *[U.S. v. Cooper, 312 U.S. 600, 604, 61 S.Ct. 742 (1941)]*

> *"In common usage, the term `person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so."*
> *[U.S. v. United Mine Workers of America, 330 U.S. 258, 67 S.Ct. 677 (1947)]*

4. Know that they cannot write a federal statute or act of Congress that prescribes any criteria for becoming a "national" based on birth and perpetual residence outside of federal legislative jurisdiction and within a state of the Union. That is why the circuit court said the following with respect to STATUTORY "U.S. nationals":

*"Marquez-Almanzar seeks to avoid removal by arguing that he 3 can demonstrate that he owes "permanent allegiance" to the United States and thus qualify as a U.S. national under section 101(a)(22)(B) of the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101(a)(22)(B). That provision defines "national of the United States" as "a person who, though not a citizen of the United States, owes permanent allegiance to the United States." **We hold that § 1101(a)(22)(B) itself does not provide a means by which an individual can become a U.S. national, and deny Marquez-Almanzar's petition accordingly.**"*
[Jose Napoleon Marquez-Almanzar v. Immigration and Naturalization Service, Docket # 03-4395, 03-40027, 03-40497, August 8, 2005, http://famguardian.org/TaxFreedom/CitesByTopic/USNational-034395p.pdf]

5. Want to deceive most Americans to falsely believe or presume that they are "U.S. citizens" who are "subject to" federal statutes and jurisdiction, so they interfere in the determination of their true status as "nationals" and "state nationals".

8 U.S.C. §1452 is the authority for getting your status of being a "non-citizen national or the United States**" formally recognized by the national government as a person born in a U.S. possession.

How can you be sure you are a "national" or "state national" if the authority for being so isn't found in federal statutes? There are lots of ways, but the easiest way is to consider that you as a person who was born in a state of the Union and outside the federal "United States" can legally "expatriate" your citizenship. All you need in order to do so is your original birth certificate and to follow the procedures prescribed in federal law. What exactly are you "expatriating"? The definition of expatriation clarifies this:

"Expatriation is the voluntary renunciation or abandonment of nationality and allegiance."
[Perkins v. Elg, 307 U.S. 325; 59 S.Ct. 884; 83 L.Ed. 1320 (1939)]

***"expatriation**. The voluntary act of abandoning or renouncing one's country, [nation] and becoming the citizen or subject of another.*
[Black's Law Dictionary, Sixth Edition, p. 576]

You can't abandon your "nationality" unless you had it in the first place, so you ***must*** be a "national" or a "state national"! Here is the clincher:

8 U.S.C. §1101: Definitions

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

The term "state" above can mean a state of the Union or it can mean a confederation of states called the "United States". Sneaky, huh? You'll ***never*** hear especially a federal lawyer agree with you on this because it destroys their jurisdiction to impose an income tax on you, but it's true!

The rulings of the U.S. Supreme Court also reveal that "citizen of the United States" and "nationality" are equivalent in the context of the Constitution. Look at the ruling below and notice how they use "nationality" and "citizen of the United States" interchangeably:

*"Whether it was also the rule at common law that the children of British subjects born abroad were themselves British subjects**-nationality being attributed to parentage instead of locality**-has been variously determined. If this were so, of course the statute of Edw. III. was declaratory, as was the subsequent legislation. But if not, then such children were aliens, and the statute of 7 Anne and subsequent statutes must be regarded as in some sort acts of naturalization. On the other hand, it seems to me that the rule, 'Partus sequitur patrem,' has always applied to children of our citizens born abroad, and that the acts of congress on this subject are clearly declaratory, passed out of abundant caution, to obviate misunderstandings which might arise from the prevalence of the contrary rule elsewhere.*

*"**Section 1993 of the Revised Statutes provides that children so born 'are declared to be citizens of the United States**; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.' Thus a limitation is prescribed on the passage of citizenship by descent beyond the second generation if then surrendered by permanent nonresidence, and this limitation was contained in all the acts from 1790 down. Section 2172 provides that such children shall 'be considered as citizens thereof.' "*
[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]

If after examining the chart above, you find that your present citizenship status does not meet your needs, you are perfectly entitled to change it and the government can't stop you. You can abandon any type of citizenship you may find undesirable in order to have the combination of rights and "privileges" that suit your fancy. If you are currently a "state-only" citizen but want to become a "national" or a "state national" so that you can qualify for Socialist Security Benefits or a military security

clearance, then in most cases, the federal government is more than willing to cooperate with you in becoming one under 8 U.S.C. §1101.

In the following subsections we have an outline of the legal constraints applying to persons who are "nationals" or "state nationals" and who do not claim the status of "U.S. citizens" under federal statutes. The analysis that follows establishes that for "state nationals" , such persons may in some cases not be allowed to vote in elections without special efforts on their part to maintain their status. They are also not allowed to serve on jury duty without special efforts on their part to maintain their status. These special efforts involve clarifying our citizenship on any government forms we sign to describe ourselves as:

1. "nationals" or "state nationals" but not statutory "citizens of the United States" as defined in and 8 U.S.C. §1101(a)(21).
2. **Nationals** of the "United States *of America*" (just like our passport says) but *not* **c**itizens of the *federal* "United States"

6.1 Legal Foundations of "national" Status

We said in the previous section that all people born in states of the Union are technically "nationals" or "state nationals" or "U.S.*** nationals", that is: "nationals of the United States *of America*". One of the two types of "nationals" is defined in 8 U.S.C. §1408 and described in 8 U.S.C. §1101(a)(22(B) depends a different definition of "U.S." that means the federal zone instead of the "United States*** of America". We don't cite all of the components of the definition for this type of "national" below, but only that part that describes Americans born inside the 50 Union states on nonfederal land to parents who resided inside the federal zone prior to the birth of the child:

> *8 U.S.C. Sec. 1408. - **Nationals but not citizens of the United States at birth***
>
> *Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the United States at birth:*
>
> *[...]*
>
> (2) *A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;*

The key word above is the term "United States". This term is defined in 8 U.S.C. §1101(a)(38) as follows:

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.*
> *Sec. 1101. - Definitions*
>
> *(a)(38) The term "United States", except as otherwise specifically herein provided, **when used in a geographical sense**, means the **continental United States**, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.*

First of all, this definition leaves much to be desired, because it:

1. Doesn't tell us whether this is the only definition of "United States" that is applicable.
2. Gives us no clue as to how to determine whether the term "United States" is being used in a "geographical sense" as described above or in some other undefined sense. The OTHER most frequent undefined sense, in fact, is the "United States" as a legal person rather than a geographical area.

The definition also doesn't tell us which of the three definitions of "United States" is being referred to as defined by the Supreme Court in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945) and as explained earlier in section 1. Since we have to guess which one they mean, then the law is already vague and confusing, and possibly even "void for vagueness" as is explained in Great IRS Hoax, Form #11.302, Section 5.12. However, in the absence of a clear and unambiguous definition, we must assume that because this is a federal statute, then by default that the definition used implies *only* the property of the federal government situated within the federal zone as the Supreme Court revealed in U.S. v. Spelar, 338 U.S. 217 at 222 (1949).

The legal encyclopedia American Jurisprudence helps us define what is meant by "United States" in the context of citizenship under *federal* (not state) law:

3C American Jurisprudence 2d, Aliens and Citizens, §2689 (1999), Who is born in United States and subject to United States jurisdiction

*"A person is born subject to **the** jurisdiction of the United States, for purposes of acquiring citizenship at birth, if his or her birth occurs **in territory over which the United States is sovereign**, even though another country provides all governmental services within the territory, and the territory is subsequently ceded to the other country."*

The key word in the above definition is "territory" in relationship to the sovereignty word. The only places which are "territories" of the United States government are listed in Title 48 of the United States[**] Code. The states of the union are NOT territories!

*"**Territory**: A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical area under the jurisdiction of another country or sovereign power.*

A portion of the United States not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the President."
[Black's Law Dictionary, Sixth Edition, p. 1473]

And the rulings of the U.S. Supreme Court confirm the above:

*"**A State does not owe its origin to the Government of the United States, in the highest or in any of its branches. It was in existence before it**. It derives its authority from the same pure and sacred source as itself: The voluntary and deliberate choice of the people…**A State is altogether exempt from the jurisdiction of the Courts of the United States, or from any other exterior authority, unless in the special instances when the general Government has power derived from the Constitution itself**."*
[Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1793)]

---

*"**There is no such thing as a power of inherent sovereignty in the government of the United States** .... In this country sovereignty resides in the people [living in the states of the Union, since the states created the United States government and they came before it], and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."*
[Juilliard v. Greenman: 110 U.S. 421 (1884)]

So what is really meant by "United States" for the three types of citizens found in federal statutes such as 8 U.S.C. §1401 and 8 U.S.C. §1408 and 8 U.S.C. §1452 is the "sovereignty of the United States", which exists in its fullest, most exclusive, and most "general" form inside its "territories", and in federal enclaves within the states, or more generally in what we call the "federal zone" in this book. The ONLY place where the exclusive sovereignty of the United States exists in the context of its "territories" is under Article 1, Section 8, Clause 17 of the Constitution on federal land. In the legal field, by the way, this type of exclusive jurisdiction is described as "plenary power". Very few of us are born on federal land under such circumstances, and therefore very few of us technically qualify as "citizens of the United States". By the way, the federal government does have a very limited sovereignty or "authority" inside the states of the union, but it does not exceed that of the states, nor is it absolute or unrestrained or exclusive like it is inside the "territories" of the United States listed in Title 48 of the United States[**] Code.

Let's now see if we can confirm the above conclusions with the weasel words that the lawyers in Congress wrote into the statutes with the willful intent to deceive common people like you. The key phrase in 8 U.S.C. §1101(a)(38) above is "*the continental United States*". The definition of this term is hidden in the regulations as follows:

[Code of Federal Regulations]
[Title 8, Volume 1]
[Revised as of January 1, 2002]
From the U.S. Government Printing Office via GPO Access
[CITE: 8CFR215]
TITLE 8--ALIENS AND NATIONALITY CHAPTER I--IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE
PART 215--CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES

Section 215.1: Definitions

*(f) The term continental United States means the District of Columbia and the several **States**, except Alaska and Hawaii.*

The term "States", which is suspiciously capitalized and is then also defined elsewhere in Title 8 as follows:

8 U.S.C. Sec. 1101(a)(36): State [naturalization]

*The term "State" **includes** the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.*

Do you see the sovereign Union states in the above definition? They aren't there. Note that there are several entities listed in the above definition of "State", which collectively are called "several States". But when Congress really wants to clearly state the 50 Union states that are "foreign states" relative to them, they have no trouble at all, because here is another definition of "State" found under an older version of Title 40 of the U.S. Code prior to 2005 which refers to easements on Union state property by the federal government:

TITLE 40 > CHAPTER 4 > Sec. 319c.
Sec. 319c. - Definitions for easement provisions

As used in sections 319 to 319c of this title -

*(a) The term "State" **means** the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States[**].*

The above section, after we found it in 2002 and documented it here, was REWRITTEN in 2005 and REMOVED from title 40 of the U.S. Code in order to cover up the distinctions we are trying to make here. Does that surprise you? In fact, this kind of "word smithing" by covetous lawyers is at the heart of how the separation of powers between the state and federal governments is being systematically destroyed, as documented below:

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

Did you notice in the now repealed 40 U.S.C. §319c that they used the term "means" instead of "includes" and that they said "States of the Union" instead of "several States"? You can tell they are playing word games and trying to hide their limited jurisdiction whenever they throw in the word "includes" and do not use the word "Union" in their definition of "State". As a matter of fact, section 5.6.15 of the *Great IRS Hoax* reveals that there is a big scandal surrounding the use of the word "includes". That word is abused as a way to illegally expand the jurisdiction of the federal government beyond its clear Constitutional limits. The memorandum of law below thoroughly rebuts any lies or deception the government is likely to throw at you regarding the word "includes" and you might want to read it:

Meaning of the Words "includes" and "including", Family Guardian Fellowship http://famguardian.org/Subjects/Taxes/FalseRhetoric/Includess.pdf

Moving on, if we then substitute the definition of the term "State" from 8 U.S.C. §1101(a)(36) into the definition of "continental United States" in 8 C.F.R. §215.1, we get:

8 C.F.R. §215.1

The term continental United States means the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States, except Alaska and Hawaii.

We must then conclude that the "continental United States" means essentially the federal areas within the real (not legally defined) continental United States. We must also conclude based on the above analysis that:

1. The term "continental United States" is redundant and unnecessary within the definition of "United States" found in 8 U.S.C. §1101(a)(38).
2. The use of the term "continental United States**" is introduced mainly to deceive and confuse the average American about his true citizenship status as a "national" or a "state national" and not a "U.S. national".

The above analysis also leaves us with one last nagging question: why do Alaska and Hawaii appear in the definition of "United States" in 8 U.S.C. §1101(a)(38), since we showed that the ***other*** "States" mentioned as part of this "United States" are federal "States"? If our hypothesis is correct that the "United States" means "the federal zone" within federal statutes and regulations and "the states of the Union" collectively within the Constitution, then the definition from the regulation above can't include any part of a Union state that is not a federal enclave. In the case of Alaska and Hawaii, they were only recently admitted as Union states (1950's). The legislative notes for Title 8 of the U.S. Code (entitled "Aliens and Nationality") reveal that the title is primarily derived from the Immigration and Nationality Act of 1940, which was written BEFORE Alaska and Hawaii joined the Union. Before that, they were referred to as the Territories of Alaska and Hawaii, which belonged to the "United States". Note that 8 U.S.C. §1101(a)(38) adds the phrase "***of*** the United States" after the names of these two former territories and groups them ***together*** with other federal territories, which to us implies that they are referring to Alaska and Hawaii ***when they were territories*** rather than Union states. At the time they were federal territories, then they were federal "States". These conclusions are confirmed by a rule of statutory construction known as "ejusdem generis", which basically says that items of the same class or general type must be grouped together. The other items that Alaska and Hawaii are grouped with are federal territories in the list of enumerated items:

> *"**Ejusdem generis.** Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the "ejusdem generis rule" is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.*
>
> *Under "ejusdem generis" cannon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696."*
> *[Black's Law Dictionary, Sixth Edition, p. 517]*

Many freedom lovers allow themselves to be confused by the content of the Fourteenth Amendment so that they do not believe the distinctions we are trying to make here about the differences in meaning of the term "United States" between the Constitution and federal statutes. Here is what section 1 of that Amendment says:

> *United States Constitution*
> *Fourteenth Amendment*
>
> *"Section 1. All persons born or naturalized in the United States and subject to **the** jurisdiction thereof, are citizens of the United States and of the State wherein they reside."*

The U.S. Supreme Court clarifies exactly what the phrase "subject to ***the*** jurisdiction" above means. It means the "political jurisdiction" of the United States and NOT the "legislative jurisdiction"(!):

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

"Political jurisdiction" is NOT the same as "legislative jurisdiction". "Political jurisdiction" was defined by the U.S. Supreme Court in Minor v. Happersett:

> *"There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. **He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.***

"For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words 'subject,' 'inhabitant,' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government. ***Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it [the word "citizen"] is understood as conveying the idea of membership of a nation, and nothing more.*** *"*

*"****To determine, then, who were citizens of the United States before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.****"*
[Minor v. Happersett, 88 U.S. 162 (1874)]

Notice how the Supreme court used the phrase "and nothing more", as if to emphasize that citizenship doesn't imply legislative jurisdiction, but simply political membership. We described in detail the two political jurisdictions within our country earlier in section 4.7. "Political jurisdiction" implies only the following:

1. Membership in a political community (see Minor v. Happersett, 88 U.S. 162 (1874))
2. Right to vote.
3. Right to serve on jury duty.

"Legislative jurisdiction", on the other hand, implies being "completely subject" and subservient to federal laws and all "Acts of Congress", which only people in the District of Columbia and the territories and possessions of the United States can be. You can be "completely subject to the political jurisdiction" of the United States*** without being subject in any degree to a specific "Act of Congress" or the Internal Revenue Code, for instance. The final nail is put in the coffin on the subject of what "subject to **the** jurisdiction" means in the Fourteenth Amendment, when the Supreme Court further said in the above case:

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

So "subject to the jurisdiction" means "subject to the [political] jurisdiction" of the United States***, and the Fourteenth Amendment definitely describes only those people born in states of the Union. Another very interesting conclusion reveals itself from reading the following excerpt from the above case:

And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in analyzing the first clause, observed that "the phrase 'subject to the jurisdiction thereof' was intended to exclude from its operation children of ministers, consuls, and ***citizens or subjects of foreign states****, born within the United States.*
[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

When we first read that, an intriguing question popped into our head:

Is "Heaven" a "foreign state" with respect to the United States government and are we God's "ambassadors" and "ministers" of the Sovereign ("God") in that "foreign state"?

Based on the way our deceitful and wicked public servants have been acting lately, we think so and here are the scriptures to back it up!

"For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ"
[Philippians 3:20]

"Now, therefore, you are no longer strangers and foreigners, but ***fellow citizens with the saints and members of the household of God****."*
[Ephesians 2:19, Bible, NKJV]

*"These all died in faith, not having received the promises, but having seen them afar off were assured of them, embraced them **and confessed that they were strangers and pilgrims on the earth**."*
[Hebrews 11:13]

*"Beloved, I beg you **as sojourners and pilgrims**, abstain from fleshly lusts which war against the soul..."*
[1 Peter 2:1]

Furthermore, if you read Great IRS Hoax, Form #11.302, Section 5.2.13, you will *also* find that the 50 Union states are considered "foreign states" and "foreign countries" with respect to the U.S. government as far as Internal Revenue Code, Subtitle A income taxes are concerned:

Foreign government: "The government of the United States of America, as distinguished from the government of the several states."
[Black's Law Dictionary, 5th Edition]

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

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

Another place you can look to find confirmation of our conclusions is the Department of State Foreign Affairs Manual, 7 Foreign Affairs Manual (F.A.M.), Section 1116.1-1, available on our website at:

http://famguardian.org/TaxFreedom/Evidence/Citizenship/7FAM1100,1110,1111-DeptOfState.pdf

and also available on the Department of State website at:

http://foia.state.gov/REGS/Search.asp

which says in pertinent part:

*"d. **Prior to January 13, 1941, there was no statutory definition of "the United States" for citizenship purposes**. Thus there were varying interpretations. Guidance should be sought from the Department (CA/OCS) when such issues arise." [emphasis added]*

If our own government hadn't defined the meaning of the term "United States" up until 1941, then do you think there might have been some confusion over this and that this confusion might be viewed by a reasonable person as deliberate? Can you also see how the ruling in Wong Kim Ark might have been somewhat ambiguous to the average American without a statutory (legal) reference for the terms it was using? Once again, our government likes to confuse people about its jurisdiction in order to grab more of it. Here is how Thomas Jefferson explained it:

*"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate**."*
[Thomas Jefferson: Autobiography, 1821. ME 1:121]

"We all know that permanent judges acquire an esprit de corps; *that, being known, **they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative**; that it is better to leave a cause to the decision of cross and pile than to that of a judge biased to one side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."*
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

*"**It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the absence of responsibility, and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear**?"*
[Thomas Jefferson: Autobiography, 1821. ME 1:121]

"At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. ***Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office****; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little and little the foundations of the Constitution and working its change by construction before any one has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account."*
[Thomas Jefferson to A. Coray, 1823. ME 15:486]

"I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its toleration leads to public ruin. ***As for the safety of society, we commit honest maniacs to Bedlam; so judges should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the republic, which is the first and supreme law.****"*
[Thomas Jefferson: Autobiography, 1821. ME 1:122]

*"****The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its own will.****"*
[Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68]

*"****It is a misnomer to call a government republican in which a branch of the supreme power [the Federal Judiciary] is independent of the nation****."*
[Thomas Jefferson to James Pleasants, 1821. FE 10:198]

*"****It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty.****"*
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

With respect to that last remark, keep in mind that NONE of the U.S. Supreme Court cases like Wong Kim Ark have juries, so what do you think the judges are going to try to do?.. expand their power, duhhhh! Another portion of that same document found in 7 Foreign Affairs Manual (F.A.M.), Section 1116.2-1 says:

"a. Simply stated, "subject to ***the*** *jurisdiction" of the United States means* ***subject to the laws*** *of the United States." [emphasis added]*

So what does "subject to the laws of the United States" mean? It means subject to the *exclusive legislative jurisdiction* of the federal government under Article 1, Section 8, Clause 17 of the Constitution, which only occurs within the federal zone. It means subject to the U.S. Constitution but *not* most federal statutes or the Internal Revenue Code. Here is how we explain the confusion created by 7 Foreign Affairs Manual (F.A.M.), Section 1116.2-1 above in the note we attached to it inside the Acrobat file of it on our website:

This is a distortion. Wong Kim Ark also says: "To be 'completely subject' to the political jurisdiction of the United States is to be in no respect or degree subject to the political jurisdiction of any other government."

*If you are subject to a Union state government, then you CANNOT meet the criteria above. That is why a "national" is defined in 8 U.S.C. §1101(a)(21) as "a person owing permanent allegiance to a [Union] state" and why most natural persons are "nationals of the United States***" rather than "U.S**. citizens"*

Let's now further explore what 7 Foreign Affairs Manual (F.A.M.), Section 1116.2-1 means when it says "subject to the laws of the United States". In doing so, we will draw on the following very interesting article on our website:

Authorities on Jurisdiction of Federal Courts, Family Guardian Fellowship
http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm

We start with a cite from Title 18 that helps explain the jurisdiction of "the laws of the United States":

TITLE 18 > PART III > CHAPTER 301 > Sec. 4001.
Sec. 4001. - Limitation on detention; control of prisons

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

Building on this theme, we now add a corroborating citation from the Federal Rules of Criminal Procedure, Rule 26, Notes of Advisory Committee on Rules, paragraph 2, in the middle,

> *"On the other hand since all Federal crimes are statutory [see United States v. Hudson, 11 U.S. 32, 3 L.Ed. 259 (1812)] and **all criminal prosecutions in the Federal courts are based on acts of Congress**, . . ." [emphasis added]*

We emphasize the phrase "**Acts of Congress**" above. In order to define the jurisdiction of the Federal courts to conduct criminal prosecutions and how they might apply "the laws of the United States" in any given situation, one would have to find out what the specific definition of "Act of Congress," is. We find such a definition in Rule 54(c) of the Federal Rules of Criminal Procedure prior to Dec. 2002, wherein "Act of Congress" is defined. Rule 54(c) states:

> *"Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession."*

If you want to examine this rule for yourself, here is the link:

http://www2.law.cornell.edu/cgi-bin/foliocgi.exe/frcrm/query=[jump!3A!27district+court!27]/doc/{@772}?

The $64 question is:

> *"ON WHICH OF THE FOUR LOCATIONS NAMED IN RULE 54(c) IS THE UNITED STATES DISTRICT COURT ASSERTING JURISDICTION WHEN THE U.S. ATTORNEY HAULS YOUR ASS INTO COURT ON AN INCOME TAX CRIME?"*

Hint: everyone knows what and where the District of Columbia is, and everyone knows where Puerto Rico is, and territories and insular possessions are defined in Title 48 United States Code, happy hunting!

The U.S. Supreme Court says the same thing about this situation as well:

> *"**It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**"*
> *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

Keep in mind that Title 8 of the U.S. Code, which establishes citizenship under federal law is federal "legislation". I guess that means there is *nothing* in that title that can define or circumscribe our rights as people born within and living within a state of the Union, which is foreign to the federal government for the purposes of legislative jurisdiction. In fact, that is exactly our status as a "national" defined in 8 U.S.C. §1101(a)(21). The term "national" is defined in the title but the rights of such a person are not limited or circumscribed there because they can't be under the Constitution. This, folks, is the essence of what it means to be truly "sovereign" with respect to the federal government, which is that you aren't the subject of any federal law. Laws limit rights and take them away. Rights don't come from laws, they come from God! America is "The land of the Kings". Every one of you is a king or ruler over your public servants, and THEY, not you, should be "rendering to Caesar", just as the Bible says in Matt. 22:15:22:

> *"**The people of the state [not the federal government, but the state: IMPORTANT!], as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the king by his own prerogative.**"*
> *[Lansing v. Smith, (1829) 4 Wendell 9, (NY)]*

> *"It will be admitted on all hands that with the exception of the powers granted to the states and the federal government, through the Constitutions, **the people of the several states are unconditionally sovereign within their respective states.**"*
> *[Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997]*

> *"**Sovereignty [that's you!] itself is, of course, not subject to law, for it is the author and source of law**; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts."*
> *[Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]*

"nationals" and "state nationals" are also further defined in 8 U.S.C. §1101 as follows:

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101
§ 1101. Definitions

(a) As used in this chapter—

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

(22) The term "national of the United States" means:

(A) a citizen of the United States, or

(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

Note the suspect word "permanent" in the above definition. Below is the definition of "permanent" from the same title found in 8 U.S.C. §1101(a)(31):

(a) (a) As used in this chapter—

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

For those of you who are Christians, you realize that this life is very temporary and that nothing on this earth can be permanent, and especially your life. The bible says that "the wages of sin is death" (Rom. 6:23), and so there is nothing more certain than death, which means there can be nothing physical that is permanent on earth including our very short lives. The only thing permanent is our spirit and not our physical body, which will certainly deteriorate and die. Therefore, there can be no such thing as "permanent allegiance" on our part to ***anything*** but God for Christians.

When we bring up the above kinds of issues, some of our readers have said that they don't even like being called "nationals" as they are defined above, and we agree with them. However, it is a practical reality that you cannot get a passport within our society without being either a "U.S. citizen" or a "national", because state governments simply won't issue passports to those who are state nationals, which is what most of us are. That was not always true, but it is true now. The compromise we make in this sort of dilemma is to clarify on our passport application that the term "U.S." as used on our passport application means the "United States of America" and not the federal United States or the federal corporation called the United States government.

Now we ask our esteemed readers:

*"After all the crazy circuitous logic and wild goose chasing that results from listening to the **propaganda** of the government from its various branches on the definitions of 'U.S. citizenship' v. 'U.S. nationality', what should a reasonable man conclude about the meanings of these terms? We only have two choices:*

1. *'United States' as used in 8 U.S.C. §1101(a)(38) means the federal zone and 'U.S. citizens' are born in the federal zone under all federal statutes and "acts of Congress". This implies that most Americans can only be 'U.S. nationals'*

2. *'United States' as used in 8 U.S.C. §1101(a)(38) means the entire country and political jurisdictions that are foreign to that of the federal government which are found in the states. This implies that most Americans can only be 'U.S. citizens'."*

We believe the answer is that our system of jurisprudence is based on "innocence until proven guilty". In this case, the fact in question is: "Are you a U.S. citizen", and being "not guilty" and having our rights and sovereignty respected by our deceitful government under these circumstances implies being a "national" or a "state national". Therefore, at best, we should conclude that the above analysis is correct and clearly explains the foundations of what it means to be a "national" or a "state national" and why most Americans fit that description. At the very worst, our analysis clearly establishes that federal statutory and case law, at least insofar as "U.S. citizenship" is very vague and very ambiguous and needs further definition. The supreme Court has said that when laws are vague, then they are "void for vagueness", null, and unenforceable. See the following cases for confirmation of this fact:

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> *"**A statute which either forbids or requires the doing of an act in terms so vague that men and women of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.**"*
> *[Connally vs. General Construction Co., 269 U.S. 385 (1926)]*

> *"**It is a basic principle of due process that an enactment [435 U.S. 982 , 986] is void for vagueness if its prohibitions are not clearly defined**. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application."*
> *[Grayned v. City of Rockford, 408 U.S. 104, 108 (1972), emphasis added]*

We refer you to the following additional rulings of the U.S. Supreme Court on "void for vagueness" as additional authorities:

1. *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972)
2. *Cline v. Frink Dairy Co.*, 274 U.S. 445, 47 S. Ct. 681 (1927)
3. *Sewell v. Georgia*, 435 U.S. 982 (1978)

Here is the way one of our readers describes the irrational propaganda and laws the government writes:

> *"If it doesn't make sense, it's probably because politics is involved!"*

Our conclusions then to the matters at our disposal are the following based on the above reasonable analysis:

1. The "United States" defined in Section 1 of the Fourteenth Amendment means the states of the Union while the "United States" appearing in federal statutes in most cases, means the federal zone. For instance, the definition of "United States" relating to citizenship and found in 8 U.S.C. §1101(a)(38) means the federal zone, as we prove in questions 77 through 82 of our Tax Deposition Questions located at: http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section 14.htm.
2. Most Americans are "nationals" or "state nationals" rather than "U.S. citizens" or "U.S. nationals" under all "acts of Congress" and federal statutes. The Internal Revenue code is an "act of Congress" and a federal statute.
3. Our government has deliberately tried to confuse and obfuscate the laws on citizenship to fool the average American into incorrectly declaring that they are "U.S. citizens" in order to be subject to their laws and come under their jurisdiction.
4. The courts have not lived up to their role in challenging unconstitutional exercises of power by the other branches of government or in protecting our Constitutional rights. They are on the take like everyone else who works in the federal government and have conspired with the other branches of government in illegally expanding federal jurisdiction.
5. Once the feds used this ruse with words to get Americans under their corrupted jurisdiction as statutory "U.S. citizens" and presumed "taxpayers", our federal "servants" have then made themselves into the "masters" by subjecting sovereign Americans to their corrupted laws within the federal zone that can disregard the Constitution because the Constitution doesn't apply in these areas. By so doing, they can illegally enforce the Internal Revenue Code and abuse their powers to plunder the assets, property, labor, and lives of most Americans in the covetous pursuit of money that the law and the Constitution did not otherwise entitle them to. This act to subvert the operation of the Constitution amounts to an act of war and treason on the sovereignty of Americans and the sovereign states that they live in, punishable under Article III, Clause 3 of the U.S. Constitution with *death by execution*.

Old (and bad) habits die hard. Even if you don't want to believe any of the foregoing analysis or conclusions and you consequently still stubbornly cling to the false notion that you are a statutory "citizen of the United States**" instead of a "national" or "state national", the fact remains that all "nationals and citizens of the United States" are also defined in 8 U.S.C. §1401 to include "national" status. That means that being a privileged statutory "citizen of the United States**" under federal law is a *dual* citizenship status while being a statutory "national" is only a single status (U.S. nationality derived from state birth and citizenship):

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > Sec. 1401.*
> *Sec. 1401. - Nationals and citizens of United States at birth*
>
> ***The following shall be nationals and citizens of the United States at birth**:*

(a) a person born in the United States, and subject to the jurisdiction thereof;

[…]

This type of dual status is described in Black's Law Dictionary as follows:

> ***Dual citizenship.*** *Citizenship in two different* ***countries****. Status of citizens of United States who reside within a state; i.e., person who are born or naturalized in the U.S. are citizens of the U.S. and the state wherein they reside.*
> *[Black's Law Dictionary, Sixth Edition, p. 498]*

The term "citizenship" as used by the courts means "nationality", so dual citizenship means "dual nationality and allegiance".[42] You see, even the law dictionary says your state is a "country", which means you are a national of that country according to 8 U.S.C. §1101(a)(21).

What can we do to correct our citizenship status and protect our liberties? Well, since you are *already* a "national" as a dual national called a "citizen of the United States", you can abandon *half* of your dual citizenship. The door is still therefore wide open for you to correct your status and liberate yourself from the government's chains of slavery, and the law authorizes you to do this. The government also can't stop you from doing this, because here is how one court explained legislation passed by Congress authorizing expatriation only *days* before the Fourteenth Amendment was ratified and which is still in force (stare decisis) today:

> *"Almost a century ago, Congress declared that "the right of expatriation [including expatriation from the District of Columbia or "U.S. Inc", the corporation] is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," and decreed that "any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government." 15 Stat. 223-224 (1868), R.S. §1999, 8 U.S.C. § 800 (1940).[43] Although designed to apply especially to the rights of immigrants to shed their foreign nationalities, that Act of Congress "is also broad enough to cover, and does cover, the corresponding natural and inherent right of American citizens to expatriate themselves." Savorgnan v. United States, 1950, 338 U.S. 491, 498 note 11, 70 S.Ct. 292, 296, 94 L.Ed. 287.[44] The Supreme Court has held that the Citizenship Act of 1907 and the Nationality Act of 1940 "are to be read in the light of the declaration of policy favoring freedom of expatriation which stands unrepealed." Id., 338 U.S. at pages 498-499, 70 S.Ct. at page 296.That same light, I think, illuminates 22 U.S.C.A. §211a and 8 U.S.C.A.§1185."*
> *[Walter Briehl v. John Foster Dulles, 248 F.2d. 561, 583 (1957)]*

You see, our politicians know that citizenship in any political jurisdiction can be regarded as an assault on our liberties, and that sometimes we have to renounce it in order to protect those liberties, so they provided a lawful way to do exactly that. Another reason they *have* to allow expatriation of any or all aspects of one's citizenship is that if they didn't, they could no longer call citizenship "voluntary", now could they? And if it isn't voluntary, then the whole country becomes one big DESPOTIC TOTALITARIAN SLAVE CAMP and the Declaration of Independence goes into the toilet! Remember what that Declaration said?

> ***That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed****, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness." [emphasis added]*
> *[Declaration of Independence, 1776]*

How can you be "independent" and "sovereign" if you can't even declare or determine your own citizenship status? Citizenship must therefore be *voluntary* and *consensual* or the enforcement of all laws based on it becomes *unjust*. If you are a "U.S. citizen" and you have a *dual citizenship* as we just defined earlier using 8 U.S.C. §1401 above. The government *cannot* unilaterally sever *any* aspect of your *dual* citizenship and that it is a *permanent contract* which *only you* [not the government] can revoke any aspect of either by dying or by voluntary choice in a process initiated by you. Every aspect of

[42] See also *Perkins v. Elg*, 307 U.S. 325 (1939), which defines "expatriation" as the process of abandoning "nationality and allegiance", not citizenship.

[43] See Carrington, Political Questions: The Judicial Check on the Executive, 42 Va.L.Rev. 175 (1956).

[44] 9 Pet. 692, 34 U.S. 692, 699, 9 L.Ed. 276.

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your citizenship status *must be voluntary* or it is ***unjust*** and if you want to eliminate or revoke the federal portion of your citizenship status ***only*** and retain the "national" or "state citizen" status that you *already have* as a "U.S. citizen", then the government cannot lawfully stop you, and if they try to, your citizenship is no longer voluntary but *compelled*. Once it is compelled, your compliance with federal laws based on citizenship as a SOVEREIGN is no longer *voluntary or consensual*, but is based on duress, fraud, extortion, and amounts to slavery in violation of the Thirteenth Amendment to the U.S Constitution! What are you waiting for and why haven't you corrected your citizenship status yet?

6.2 Voting as a "national" or "state national"

The point of reference in the example given below is the California Republic (notice we didn't say "**S**tate **of** California", because that term means federal areas inside California!). The cite below doesn't define "United States citizen" but it's safe to conclude that it means a "national of the United States***", and you should specify this on your voter registration document to remove any possibility for false presumption.

> *CALIFORNIA CONSTITUTION*
> *ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL*
>
> *SEC. 2. A **United States citizen** 18 years of age and resident in this State **may vote**.*

The situation may be different for other states. If you live in a state other than California, you will need to check the laws of your specific home state in order to determine whether the prohibition against voting applies to "nationals" or "state nationals" in your state. If authorities give you a bad time about trying to register to vote without being a *federal* "U.S. citizen", then show them the Declaration of Independence, which says:

> *"We hold these truths to be self-evident, that all men are created equal, that **they are endowed by their Creator with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.—*
> *[Declaration of Independence]*

Emphasize that it doesn't say "*endowed by their government*" or "*endowed by their federal citizenship*" or "*endowed by their registrar of voters*", but instead "***endowed by their CREATOR***". The rights to life, liberty, and the pursuit of happiness certainly include suffrage and the right to own property. Suffrage is necessary in turn to protect personal property from encroachment by the government and socialistic fellow citizens. These are not "privileges" that result from *federal citizenship*. They are rights that result from ***birth***! Thomas Jefferson said so:

> *"A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate."*
> *[Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134]*
>
> *"Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath?"*
> *[Thomas Jefferson: Notes on Virginia Q.XVIII, 1782. ME 2:227]*

Below is a summary of our research relating to the right to vote as a " national" or "state national":

1. Some states require that an elector be a "citizen of the United States" or "United States citizen"
   - 1.1. See voter registration form, available at Post Office
   - 1.2. This qualification can interfere with the right to vote by a U.S. national .
     - 1.2.1. Voter registration form exhibits a formal affidavit, signed under penalties of perjury, that voter is a "U.S. citizen"
       - 1.2.1.1. Such an affidavit is admissible evidence in any state or federal court
       - 1.2.1.2. Federal courts use this affidavit to establish court jurisdiction or "U.S. citizen" status.
     - 1.2.2. Perjury is punishable by 2 or 3 years in state prison (see warnings on registration form)
     - 1.2.3. Warnings are in CONSPICUOUS text, which prevents signer from saying he didn't see it
   - 1.3. To avoid establishing a false presumption that you are a "citizens of the United States" under federal statutes, you must clarify the status of your citizenship on their voter registration in order to perfect and maintain their sovereign status.
     - 1.3.1. Most registration forms were signed in ignorance of the 2 classes of citizenship in America
     - 1.3.2. We must claim to be a "*national* of the United States of America" but not a "**c**itizen of the United States" (refer to 8 U.S.C. §1101(a)(21) through 8 U.S.C. §1101(a)(22) and 8 U.S.C. §1408).

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1.3.3. With this knowledge, “nationals” and “state nationals” elect "to be treated" as “U.S. citizens” under the Internal Revenue Code (I.R.C.) by ignorantly and incorrectly claiming their citizenship. To avoid this trap, they should clarify their citizenship on their voter registration as outlined in section 3.6.6 of the *Sovereignty Forms and Instructions Manual*, Form #10.005 entitled “Voter Registration Affidavit Attachment”.

2. Registering to vote produces material evidence that one is a “U.S. citizen” under federal statutes who is, by definition, in receipt of federal privileges, whereas State Citizens are not.
   2.1. State Citizens are protected by constitutional limits against direct taxation
      2.1.1. Direct taxes must be apportioned per Article 1, Section 9, Clause 4 and Article 1, Section 2, Clause 3
   2.2. Federal citizens are not protected by these same constitutional limits
3. If you are a “national” and you live in a state that won’t allow you to register to vote without clarifying your status as a “national” on the application form, then you should take the following measures in order to avoid jeopardizing their Natural Born state Citizenship status:
   3.1. Cancel your voter registration to perfect and maintain your sovereign status under the Law.
   3.2. Litigate to regain your right to vote as a “national” rather than a “U.S. citizen”.
4. The Fifteenth and the Nineteenth Amendments to the U.S. Constitution only protect the right to vote for those who are “citizens of the United States”. They do NOT protect the right to vote for those persons who are “U.S. nationals”.

6.3 Serving on Jury Duty as a “national” or “state national”

Serving on jury service is not necessarily or exclusively a privilege arising from being a “citizen”. Your state may apply additional criteria to the qualifications.

> *“To remove the cause of them; to obviate objections to the validity of legislation similar to that contained in the first section of the Civil Rights Act; to prevent the possibility of hostile and discriminating legislation in future by a State against any citizen of the United States, and the enforcement of any such legislation already had; and to [100 U.S. 339, 365] secure to all persons within the jurisdiction of the States the equal protection of the laws,- the first section of the Fourteenth Amendment was adopted. Its first clause declared who are citizens of the United States and of the States. It thus removed from discussion the question, which had previously been debated, and though decided, not settled, by the judgment in the Dred Scott Case, whether descendants of persons brought to this country and sold as slaves were citizens, within the meaning of the Constitution. It also recognized, if it did not create, a national citizenship, as contradistinguished from that of the States.* ***But the privilege or the duty, whichever it may be called, of acting as a juror in the courts of the country, is not an incident of citizenship.*** *Women are citizens; so are the aged above sixty, and children in their minority; yet they are not allowed in Virginia to act as jurors. Though some of these are in all respects qualified for such service, no one will pretend that their exclusion by law from the jury list impairs their rights as citizens.”*
> *[Ex Parte State of Virginia, 100 U.S. 339 (1879)]*

Below is a summary of our research relating to the right to serve on a jury as a “U.S. national”:

1. Some states and the federal government require that a person who wishes to serve on jury duty must be a "citizen of the United States". This is especially true in federal courts.
   1.1. The jury duty disqualification form says that you are disqualified if you are not a “citizen of the United States”. Since state statutes don’t define the meaning of the term “citizen of the United States” or “U.S. citizen”, you can just say that you are and then simply define what you mean on the form itself.
   1.2. The only way to overcome the built-in presumption that we are “citizens of the United States” on the jury summons is to file an affidavit in response to the summons claiming to be a “national of the United States of America” but not a “citizen of the United States” (refer to 8 U.S.C. §1101(a)(21) through 8 U.S.C. §1101(a)(22) and 8 U.S.C. §1408).
2. Serving on jury duty produces material evidence useful to the state or federal government that one is a STATUTORY federal citizen who is in receipt of government privileges, whereas State Citizens are not in receipt of such privileges.
3. If you are a Natural Born state Citizen and you live in a state that whose laws won’t allow you to serve on jury duty without committing fraud on the jury summons by claiming that you are a “U.S. citizen”, you should take the following measures in order to avoid jeopardizing your Natural Born state Citizenship status:
   3.1. Cancel your jury summons to perfect and maintain your sovereign status under the Law.
   3.2. Litigate to regain your right to serve on a jury without being a “U.S. citizen” and instead being a “state national” and statutory “non-resident non-person” in relation to the national government.

6.4 Summary of Constraints applying to “national” status

1. Right to vote:

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1.1. "Nationals" and "state nationals" can *register to vote* under laws in most states but must be careful how they describe their status on the voter registration application.
1.2. Some state voter registration forms have a formal affidavit by which signer swears, under penalties of perjury, that s/he is a "citizen of the United States" or a "U.S. citizen".
1.3. Such completed affidavits become admissible evidence and conclusive proof that signer is a "citizen of the United States" under federal statutes, which is not the same thing as a "national" or "state national".

2. Right to serve on jury duty:

2.1. "nationals" or "state nationals" can *serve on jury duty* under most state laws. If your state gives you trouble by not allowing you to serve on jury duty as a "national" or "state national", you are admonished to litigate to regain their voting rights and change state law.
2.2. Some state jury summons forms have a section that allows persons to disqualify themselves from serving on jury duty if they do not claim to be "citizens of the United States". We should return the summons form with an affidavit claiming that we want to serve on jury duty and are "nationals" rather than "citizens" of the United States. If they then disqualify us from serving on jury duty, we should litigate to regain our right to serve on juries.

3. The exercise of federal citizenship, including voting and serving on jury duty, is a statutory privilege which can be created, taxed, regulated and even revoked by Congress! In effect, the government, through operation of law, has transformed a right into a taxable privilege, .
4. The exercise of national" citizenship is an unalienable Right which Congress cannot tax, regulate or revoke under any circumstances.
5. Such a Right is guaranteed by the U.S. Constitution, which Congress cannot amend without the consent of three-fourths of the Union States.

6.5 Rebutted arguments against those who believe people born in the states of the Union are *not* "nationals"

A few people have disagreed with our position on the 'national" and "state national" citizenship status of persons born in states of the Union. These people have sent us what might appear to be contradictory information from websites maintained by the federal government. We thank them for taking the time to do so and we will devote this section to rebutting all of their incorrect views. Below are some of the arguments against our position on "state national" citizenship that we have received and enumerated to facilitate rebuttal. We have boldfaced the relevant portions to make the information easier to spot.

1. U.S. Supreme Court, *Miller v. Albright*, 523 U.S. 420 (1998), footnote #2:

> *"2. Nationality and citizenship are not entirely synonymous; one can be a national of the United States and yet not a citizen. 8 U.S.C. §1101(a)(22). The distinction has little practical impact today, however, for the only remaining noncitizen nationals are residents of American Samoa and Swains Island.* See *T. Aleinikoff, D. Martin, & H. Motomura, Immigration: Process and Policy 974-975, n. 2 (3d ed. 1995). The provision that a child born abroad out of wedlock to a United States citizen mother gains her nationality has been interpreted to mean that the child gains her citizenship as well; thus, if the mother is not just a United States national, but also a United States citizen, the child is a United States citizen.* See *7 Gordon § 93.04[2][b], p. 93-42;* id., *§ 93.04[2][d][viii], p. 93-49."*
> *[Miller v. Albright, 523 U.S. 420 (1998)]*

2. Volume 7 of the Department of State Foreign Affairs Manual (FAM) section 1111.3 published by the Dept. of States at http://foia.state.gov/REGS/Search.asp says the following about nationals but not citizens of the United States:

> *c. Historically, Congress, through statutes, granted U.S. nationality, but not citizenship, to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S. non-citizen nationals.*
>
> ***d. Under current law (the Immigration and Nationality Act of 1952, as amended through October 1994), only persons born in American Samoa and the Swains Islands are U.S. nationals (Secs. 101(a)(29) and 308(1) INA).***
>
> *[Department of State Foreign Affairs Manual (F.A.M.), Volume 7, Section 1111.3]*

3. The *Social Security Program Operations Manual System (POMS)* at http://policy.ssa.gov/poms.nsf/poms says the following:

> *Social Security Program Operations Manual System (POMS), Section RS 02001.003 "U.S. Nationals"*

Most of the agreements refer to "U.S. nationals."

The term includes both U.S. citizens and persons who, though not citizens, owe permanent allegiance to the United States. ***As noted in RS 02640.005 D., the only persons who are nationals but not citizens are American Samoans and natives of Swains Island.***

4. The USDA Food Stamp Service, website says at http://www.fns.usda.gov/fsp/rules/Memo/Support/02/polimgrt.htm:

Non-citizens who qualify outright

There are some immigrants who are immediately eligible for food stamps without having to meet other immigrant requirements, as long as they meet the normal food stamp requirements:

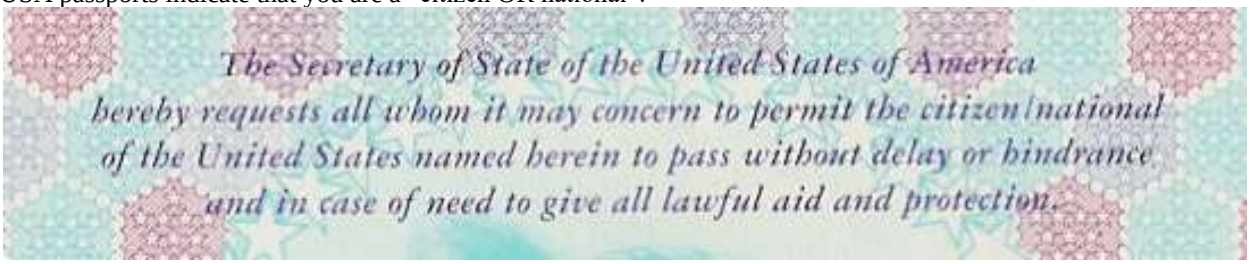
- ***Non-citizen nationals (people born in American Samoa or Swains Island).***
- *American Indians born in Canada.*
- *Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-Determination and Education Assistance Act.*
- *Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era, and who are legally living in the U.S., and their spouses or surviving spouses and dependent children.*

The defects that our detractors fail to realize about the above information are the following points:

1. The term "United States" as used in 8 U.S.C. §1408 means the federal zone based on the definitions provided in 8 U.S.C. §1101(a)(36), 8 U.S.C. §1101(a)(38), and 8 C.F.R. §215.1(f). See our *Tax Deposition Questions*, section 14, questions 77 through 82 at the following address for more details: http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section 14.htm
2. All of the cites that our detractors quote come from federal statutes and "acts of Congress". The federal government is not authorized under our Constitution or under international law to prescribe the citizenship status of persons who neither reside within nor were born within its territorial jurisdiction. The only thing that federal statutes can address are the status of persons who either reside in, were born in, or resided in the past within the territorial jurisdiction of the federal government. People born within states of the Union do not satisfy this requirement and their citizenship status resulting from that birth is determined only under *state* and not *federal* law. State jurisdiction is foreign to federal jurisdiction EXCEPT in federal areas within a state. The quote below confirms this, keeping in mind that Title 8 of the U.S. Code qualifies as "legislation":

> *"While states are not sovereign in true sense of term but only quasi sovereign, yet in respect of all powers reserved to them [under the Constitution] they are supreme and independent of federal government as that government within its sphere is independent of the states."*
>
> *"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the* ***internal affairs of the states; and emphatically not with regard to legislation.****"*
> *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

3. The only thing you need in order to obtain a U.S.A. Passport is "allegiance". 22 U.S.C. §212. If the federal government is willing to issue you a passport, then they regard you as a "national", because the only type of citizenship that carries with it exclusively allegiance is that of a "national". 8 U.S.C. §1101. See: http://famguardian.org/Subjects/Taxes/Citizenship/ApplyingForAPassport.htm
4. USA passports indicate that you are a "citizen OR national":



"citizen/national"= "citizen" OR "national"
"/"= "virgule"

5. The quotes of our detractors above recognize only *one* of the *four* different ways of becoming a "national but not citizen of the United States" described in 8 U.S.C. §1408. They also recognize only *one* of the *three* different definitions of "United States" that a person can be a "national" of, as revealed in *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945) . They also fail to recognize that an 8 U.S.C. §1452 "national but not citizen of the United States" is not necessarily the same as a "national and citizen of the United States at birth".
6. Information derived from informal publications or advice of employees of federal agencies are *not* admissible in a court of law as evidence upon which to base a good faith belief. The *only* basis for good-faith belief is a reading of the actual statute or regulation that implements it. The reason for this is that employees of the government are frequently wrong, and frequently not only say wrong things, but in many cases the people who said them had no lawful delegated authority to say such things. See http://famguardian.org/Subjects/Taxes/Articles/reliance.htm for an excellent treatise from an attorney on why this is.
7. People writing the contradictory information falsely "presume" that the term "citizen" in a general sense that most Americans use is the same as the term "citizen" as used in the definition of "citizens and nationals of the United States" found in 8 U.S.C. §1401. In fact, we conclusively prove throughout this document that this is emphatically not the case. A "citizen" as used in the Internal Revenue Code and most federal statutes means a person born in a territory or possession of the United States, and *not* in a state of the Union. Americans born in states of the Union are a different type of "citizen", and we show *Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006 that these types of people are "nationals" and "state nationals" but not "citizens" or "U.S. citizens" in the context of any federal statute.

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.* ***No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.*** *It had been the occasion of much discussion in the courts, by the executive departments and in the public journals.* ***It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens.*** *Whether this proposition was sound or not had never been judicially decided."*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

We therefore challenge those who make this unwarranted presumption to provide law and evidence proving us wrong on this point. .

8. Whatever citizenship we enjoy we are entitled to abandon. This is our right, as declared both by the Congress and the Supreme Court. See Revised Statutes, section 1999, page. 350, 1868. "citizens **and** nationals of the United States" as defined in 8 U.S.C. §1401 have two statuses: "citizen" and "national". We are entitled to abandon either of these two. If we abandon nationality, then we automatically lose the "citizen" part, because nationality is where we obtain our allegiance. But if we abandon the "citizen" part, then we still retain our nationality under 8 U.S.C. §1101(a)(21). This is the approach we advocated earlier in section 6.1. Because all citizenship must be consensual, then the government must respect our ability to abandon those types of citizenship we find objectionable. Consequently, if either you or the government believe that you are a "citizen and national of the United States" under 8 U.S.C. §1401, then you are entitled by law to abandon only the "citizen" portion and retain the "national" portion, and 8 U.S.C. §1452 tells you how to have that choice recognized by the Department of State.

Item 2 above is important, because it establishes that the federal government has no authority to write law that prescribes the citizenship status of persons born ***outside*** of federal territorial jurisdiction and ***within*** the states of the Union. The U.S. Constitution in Article 1, Section 8, Clause 4 empowers Congress to write "an uniform Rule of Naturalization", but "naturalization" is only one of ***two*** ways of acquiring citizenship. Birth is the other way, and the states have exclusive jurisdiction and legislative authority over the citizenship status of those people who acquire their state citizenship by virtue of birth within states of the Union. Here is what the U.S. Supreme Court held on this subject:

> *"The power of naturalization, vested in congress by the constitution, is a power to confer citizenship, not a power to take it away. 'A naturalized citizen,' said Chief Justice Marshall, 'becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the constitution, on the footing of a native.* ***The constitution does not authorize congress to enlarge or abridge those rights. The simple power of the national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual.*** *"*
> *[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

> *"A naturalized citizen is indeed made a citizen under an act of Congress, but the act does not proceed to give, to regulate, or to prescribe his capacities.* ***He becomes a member of the society, possessing all the rights of a native***

> ***citizen, and standing, in the view of the constitution, on the footing of a native. The constitution does not authorize Congress to enlarge or abridge those rights. The simple power of the national Legislature, is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual. The constitution then takes him up, and, among other rights, extends to him the capacity of suing in the Courts of the United States, precisely under the same circumstances under which a native might sue. He is *828 distinguishable in nothing from a native citizen, except so far as the constitution makes the distinction. The law makes none."***
> *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

The rules of comity prescribe whether or how this citizenship is recognized by the federal government, and by reading 8 U.S.C. §1408, it is evident that the federal government chose *not* directly recognize within Title 8 of the U.S.C. the citizenship status of persons born within states of the Union to parents neither of whom were "U.S. citizens" under 8 U.S.C. §1401 and neither of whom "resided" inside the federal zone prior to the birth of the child. We suspect that this is because not only does the Constitution not give them this authority, but more importantly because doing so would spill the beans on the true citizenship of persons born in states of the Union and result in a mass exodus from the tax system by most Americans.

As we said, there are four ways identified in 8 U.S.C. §1408 that a person may be a "national but not citizen of the United States" ***at birth***. We have highlighted the section that our detractors are ignoring, and which we quote frequently on our treatment of the subject of citizenship.

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > Sec. 1408.*
> *Sec. 1408. - Nationals but not citizens of the United States at birth*
>
> *Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the United States at birth:*
>
> *(1) A person born in an outlying possession of the United States on or after the date of formal acquisition of such possession;*
>
> ***(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;***
>
> *(3) A person of unknown parentage found in an outlying possession of the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such outlying possession; and*
>
> *(4) A person born outside the United States and its outlying possessions of parents one of whom is an alien, and the other a national, but not a citizen, of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than seven years in any continuous period of ten years -*
> *(A) during which the national parent was not outside the United States or its outlying possessions for a continuous period of more than one year, and*
> *(B) at least five years of which were after attaining the age of fourteen years.*
>
> *The proviso of section 1401(g) of this title shall apply to the national parent under this paragraph in the same manner as it applies to the citizen parent under that section*

Subsections (1), (3), and (4) above deal with persons who are born in outlying possessions of the United States, and Swains Island and American Samoa would certainly be included within these subsections. These people would be the people who are addressed by the information cited by our detractors from federal websites above. Subsection (2), however, deals with persons who are born *outside* of the *federal* United States (federal zone) to parents who are "nationals but not citizens of the United States" and who resided at one time in the *federal* United States. Anyone born overseas to American parents is a "non-citizen U.S. national" under this section and this status is one that is not recognized in any of the cites provided by our detractors but is recognized by the law itself. Since states of the Union are outside the *federal* United States and outside the "United States" used in Title 8, then parents born in states of the Union satisfy the requirement for "national but not citizen of the United States" status found in 8 U.S.C. §1408(2).

One of the complaints we get from our readers is something like the following:

> *"Let's assume you're right and that 8 U.S.C. §1408(2) prescribes the citizenship status of persons born in a state of the Union. The problem I have with that view is that 'United States' means the federal zone in that section, and subsection (2) requires that the parents must reside within the 'United States' prior to the birth of the child.*

This means they must have 'resided' in the federal zone before the child was born, and most people don't satisfy that requirement."

Let us explain why the above concern is unfounded. According to 8 U.S.C. §1408(2), the parents must also reside in the ***federal*** United States prior to the birth of the child. We assert that most people born in states of the Union do in fact meet this requirement and we will now explain why. They can meet this requirement by any one of the following ways:

1. Serving in the military or residing on a military base or occupied territory.
2. Filing an IRS form 1040 (not a 1040NR, but a 1040). The federal 1040 form says "U.S. individual" at the top left. A "U.S. individual" is defined in 26 C.F.R. §1.1441-1(c)(3) as either an "alien" residing within the federal zone or a "nonresident alien" with income from within the federal zone. Since "nonresident aliens" file the 1040NR form, the only thing that a person who files a 1040 form can be is a "resident alien" as defined in 26 U.S.C. §7701(b) and 26 C.F.R. §1.1-1(a)(2)(ii) or a "citizen" residing abroad who attaches a form 2555 to the 1040. See Great IRS Hoax, Form #11.302, Section 5.2.11 for further details on this if you are curious. Consequently, being a "resident alien" qualifies you as a "resident". You are not, in fact a resident because you didn't physically occupy the federal zone for the year covered by the tax return, but if the government is going to treat you as a "resident" by accepting and processing your tax return, then they have an obligation to treat either you or your parents as "residents" in all respects, including those related to citizenship. To do otherwise would be inconsistent and hypocritical.
3. Spending time in a military hospital.
4. Visiting federal property or a federal reservation within a state routinely as a contractor working for the federal government.
5. Working for the federal government on a military reservation or inside of a federal area.
6. Sleeping in a national park.
7. Spending time in a federal courthouse.

The reason why items 3 through 7 above satisfy the requirement to be a "resident" of the federal United States is because the term "resident" is nowhere defined in Title 8 of the U.S. Code, and because of the definition of "resident" in Black's Law Dictionary:

> *"**Resident.** Any person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time, and manifests the **genuineness of that intent by establishing an ongoing physical presence within the State together with indicia that his presence within the State is something other than merely transitory in nature.**"*
> *[Black's Law Dictionary, Sixth Edition, p. 1309]*

The key word in the above is "permanent", which is defined as it pertains to citizenship in 8 U.S.C. §1101(a)(31) below:

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101*
> *Sec. 1101. - Definitions*
>
> *(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.*

Since Title 8 does not define the term "lasting" or "ongoing" or "transitory", we referred to the regular dictionary, which says:

> *"**lasting:** existing or continuing a long while: ENDURING."*
> *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 675]*
>
> *"**ongoing:** 1. being actually in process 2: continuously moving forward; GROWING"*
> *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 825]*
>
> *"**transitory**: 1: tending to pass away: not persistent 2: of brief duration: TEMPORARY syn see TRANSIENT."*

No period of time is specified in order to meet the criteria for "permanent", so even if we lived there a day or a few hours, we were still there "permanently". The Bible also says in Matt. 6:26-31 that we should not be anxious or presumptuous about tomorrow and take each day as a new day. The last verse in that sequence says:

> *"Therefore **do not worry about tomorrow**, for tomorrow will worry about its own trouble."*
> *[Matt. 6:31, Bible, NKJV]*

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In fact, we are not allowed to be presumptuous at all, which means we aren't allowed to assume or intend anything about the future. Our future is in the hands of a sovereign Lord, and we exist by His good graces alone.

> *"Come now, you who say, 'Today or tomorrow we will go to such and such a city, spend a year there, buy and sell, and make a profit'; whereas you do not know what will happen tomorrow. For what is your life? It is even a vapor that appears for a little time and then vanishes away. Instead you ought to say, 'If the Lord wills, we shall live and do this or that.' But now you boast in your arrogance. All such boasting is evil."*
> *[James 4:13-16, Bible, NKJV]*

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

Consequently, the Christian's definition of "permanent" is anything that relates to what we intend for today only and *does not* include anything that might happen starting tomorrow or at any time in the future beyond tomorrow. Being presumptuous about the future is "boastful" and "evil", according to the Bible! The future is uncertain and our lives are definitely not "permanent" in God's unlimited sense of eternity. Therefore, wherever we are is where we "intend" to permanently reside as Christians.

Even if you don't like the above analysis of why most Americans born in states of the Union are "nationals but not citizens of the United States" under 8 U.S.C. §1408(2), we still explained above that you have the right to abandon only the "citizen" portion and retain the "national" portion of any imputed dual citizenship status under 8 U.S.C. §1401. We also show you how to have that choice formally recognized by the U.S. Department of State in section 2.5.3.13 of the *Sovereignty Forms and Instructions Manual*, Form #10.005 under the authority of 8 U.S.C. §1452, and we know people who have successfully employed this strategy, so it must be valid.

Furthermore, even if you don't want to believe that any of the preceding discussion is valid, we also explained that the federal government cannot directly prescribe the citizenship status of persons born within states of the Union under international law. To illustrate this fact, consider the following extension of a popular metaphor:

> *"If a tree fell in the forest, and Congress refused to pass a law recognizing that it fell and forced the agencies in the executive branch to refuse to acknowledge that it fell because doing so would mean an end to income tax revenues, then did it* ***really*** *fall?"*

The answer to the above questions is emphatically "yes". We said that the rules of comity prevail in that case the federal government recognizing the citizenship status of those born in states of the Union. But what indeed is their status under federal law? 8 U.S.C. §1101(a)(21) defines a "national" as:

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.*
> *Sec. 1101. - Definitions*
>
> *(21) The term "national" means a person owing permanent allegiance to a state.*

If you were born in a state of the Union, you are a "national of the United States" because the "state" that you have allegiance to is the confederation of states called the "United States". As further confirmation of this fact, if "naturalization" is defined as the process of ***conferring*** "nationality" under 8 U.S.C. §1101(a)(23), and "expatriation" is defined as the process of ***abandoning*** "nationality and allegiance" by the Supreme Court in *Perkins v. Elg*, 307 U.S. 325 (1939), then "nationality" is the key that determines citizenship status. What makes a person a "national" is "allegiance" to a state. The only type of citizenship which carries with it the notion of "allegiance" is that of "national", as shown in 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B). You will not find "allegiance" mentioned anywhere in Title 8 in connection with those persons who claim to be "citizens and nationals of the United States" as defined in 8 U.S.C. §1401:

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.*
> *Sec. 1101. - Definitions*
>
> *(a) (22) The term "national of the United States" means*
>
> *(A) a citizen of the United States, or*
>
> *(B) a person who, though not a citizen of the United States, owes permanent [*but not necessarily exclusive*] allegiance to the United States.*

People born in states of the Union can and most often do have allegiance to the confederation of states called the "United States" just as readily as people who were born on federal property, and the federal government under the rules of comity should be willing to recognize that allegiance ***without*** demanding that such persons surrender their sovereignty, become tax slaves, and come under the exclusive jurisdiction of federal statutes by pretending to be people who live in the federal zone. Not doing so would be an injury and oppression of their rights, and would be a criminal conspiracy against rights, because remember, people who live inside the federal zone have no rights, by the admission of the U.S. Supreme Court in *Downes v. Bidwell*, 182 U.S. 244 (1901):

> *TITLE 18 > PART I > CHAPTER 13 > Sec. 241.*
> *Sec. 241. - Conspiracy against rights*
>
> *If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or*
>
> *If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured -*
>
> *They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death*

It would certainly constitute a conspiracy against rights to force or compel a person to give up their true citizenship status in order to acquire any kind of citizenship recognition from a corrupted federal government. The following ruling by the U.S. Supreme Court plainly agrees with these conclusions:

> *"It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold.* ***It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out or existence.*** *"*
> *[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]*

Lastly, we will close this section with a list of questions aimed at those who still challenge our position on being a "national of the United States". If you are going to lock horns with us or throw rocks, please start by answering the following questions or your inquiry will be ignored. Remember Abraham Lincoln's famous saying: "*He has a right to criticize who has a heart to help.*":

1. "Expatriation" is defined in *Perkins v. Elg*, 307 U.S. 325 (1939) as:

> *"Expatriation is the voluntary renunciation or abandonment of nationality and allegiance."*
> *[Perkins v. Elg, 307 U.S. 325; 59 S.Ct. 884; 83 L.Ed. 1320 (1939)]*

   How can you abandon your nationality as a "national" or "state national" with the Secretary of the State of the United States under 8 U.S.C. §1481 if you didn't have it to begin with?

2. Naturalization is defined in 8 U.S.C. §1101(a)(23) as:

> *8 U.S.C. §1101*
>
> *(a) Definitions*
>
> *(23) The term "naturalization" means the conferring of* ***nationality*** *[NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a state upon a person after birth, by any means whatsoever. "*

How can you say a person isn't a "national" after they were naturalized, and if they are, what type of "national" do they become? As a "national" born outside of federal jurisdiction and the "United States", do they meet the requirements of 8 U.S.C. §1452 and if not, why not?

3. If the Supreme Court declared that the United States*** defined in the Constitution is not a "nation", but a "society" in *Chisholm v. Georgia*:

> *"By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION. It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument. "*
> *[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)]*

...then what exactly does it mean to be a "national of the United States***" within the meaning of the Constitution and not federal law?

4. If a "national" is defined in 8 U.S.C. §1101(a)(21) simply as a person who owes "allegiance" to the United States***, then why can't a person who lives in a state of the union have allegiance to the confederation of states called the "United States***", which the U.S. Supreme Court held above was a "society" and not a "nation". And what would you call that "society", if it wasn't a "nation"? The Supreme Court said in *Hooven and Allison v. Evatt* that there are ***three*** definitions of the term "United States" and one of those definitions includes the following, which is what I claim to be a "national" of:

> *"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."*
> *[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

5. How come I can't have allegiance to the "society" called "United States***" and define that "society" as being the country and ***not*** the OTHER two types of "United States**" found in federal statutes, which are synonymous with the "federal zone" and not the country?

6. The federal government has exclusive jurisdiction over the following issues:
   6.1. "naturalization", under Article 1, Section 8, Clause 4 of the U.S. Constitution.
   6.2. The citizenship status of persons born in its territories or possessions.

   However, the federal government has no power to determine citizenship by birth of person born in states of the Union, because the Constitution does not confer upon them that power. All the cases and authorities that detractors of our position like to cite relate ONLY to the above subject matters, which are all governed exclusively by federal law, which does not apply within states of the Union for this subject matter. Please therefore show us a case that involves a person born in a state of the Union and ***not*** on a territory or possession in which the person claimed to be a "national", and show us where the court said they weren't. You absolutely won't find such a case!

6.6 Sovereign Immunity of State Nationals

There are big legal advantages to being an "American national" or "state national" instead of a "U.S. citizen". An "American national" or simply "national" born within and living within a state of the Union is technically the equivalent of an instrumentality of a "foreign state" under the federal Foreign Sovereign Immunities Act (F.S.I.A.).

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

Below is the explanation of a "foreign state" from the Department of State website:

> *Section 1603(b) defines an "agency or instrumentality" of a foreign state as an entity (1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of the a state of the United States as defined in Sec. 1332(c) and (d) nor created under the laws of any third country. An instrumentality of a foreign state includes a corporation, association, or*

other juridical person a majority of whose shares or other ownership interests are owned by the state, even when organized for profit.
[Department of State Website, http://travel.state.gov/law/info/judicial/judicial_693.html]

The FSIA itself defines "foreign state" as follows:

TITLE 28 > PART IV > CHAPTER 97 > § 1603
§ 1603. Definitions

For purposes of this chapter—

(a) A "foreign state", except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b).

(b) An "agency or instrumentality of a foreign state" means any entity—

(1) which is a separate legal person, corporate or otherwise, and

(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

(3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (d) of this title, nor created under the laws of any third country.

(c) The "United States" includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The statute above says in paragraph (b)(3) that a person cannot be an instrumentality of a "foreign state" if they are a STATUTORY "citizen of the United States" under 8 U.S.C. §1401, which is exactly the description of a person who is a "national" or "state national" but not a "U.S. citizen". Under the FSIA, a "nation" is simply a group of people who have their own internal laws to govern themselves. A church, for instance, qualifies as a self-governing "nation", if:

1. It has its own rules and laws (God's laws)
2. Its own ecclesiastical courts to govern internal disputes.
3. None of its members are "U.S. citizens" under 8 U.S.C. §1401.

The ministers of such a church are "instrumentalities of a foreign state" within the meaning of the FSIA, and they are immune from federal suit or IRS collection actions pursued under the authority of federal law. Of course, they cannot be immune from federal law if they conduct "commerce" with "the Beast" by signing up for any social welfare benefit, because the FSIA says so:

TITLE 28 > PART IV > CHAPTER 97 > § 1605
§ 1605. General exceptions to the jurisdictional immunity of a foreign state

(a) A foreign state **shall not be immune from the jurisdiction of courts of the United States** *or of the States in any case—[. . .]*

(2) ***in which the action is based upon a commercial activity carried on in the United States by the foreign state****; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;*

However, so long as members of the church maintain complete economic separation from "the Beast", they can maintain their status as a "foreign state" and the sovereign immunity that goes with it.

Likewise, a sovereign "American National" also qualifies as a "foreign state" because he participates in the government of a state of the Union, which is "foreign" with respect to the federal government, as you will learn in the next chapter. He is an instrumentality of the foreign state by virtue of his participation in it as:

1. A jurist
2. A voter

3. An elected official.
4. A "taxpayer".

Those private individuals who believe in God also qualify as ministers and fiduciaries of a "foreign state" as God's ambassadors and ministers. The name of the "foreign state" is "Heaven" and their home or domicile qualifies as a "foreign embassy". They are also entitled to diplomatic immunity. See the following page of the Department of State for details on diplomatic immunity:

http://www.state.gov/ofm/

If you study the subject of diplomatic immunity as we have, you will learn that such "foreign diplomats" are not subject to the laws of other foreign states, even when resident therein, and are also not subject to taxation of the foreign state. More information is available on this subject below under the title "Challenging Jurisdiction":

http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm

Sovereign American Nationals are also protected by 18 U.S.C. §112, which is as follows:

> *TITLE 18 > PART I > CHAPTER 7 > § 112*
> *112. Protection of foreign officials, official guests, and internationally protected persons*
>
> *(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.*
>
> *(b) Whoever willfully—*
>
> *(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;*
>
> *(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or*
>
> *(3) within the United States and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—*
>
> *(A) a foreign government, including such use as a mission to an international organization;*
>
> *(B) an international organization;*
>
> *(C) a foreign official; or*
>
> *(D) an official guest;*
>
> *congregates with two or more other persons with intent to violate any other provision of this section;*
>
> *shall be fined under this title or imprisoned not more than six months, or both.*
>
> *(c) For the purpose of this section "foreign government", "foreign official", "internationally protected person", "international organization", "national of the United States", and "official guest" shall have the same meanings as those provided in section 1116 (b) of this title.*

The last question we must address about sovereignty is to identify precisely and exactly what activities a sovereign must avoid in order to prevent losing his sovereignty and his legal and judicial immunity within federal courts. This subject is dealt with in the context of the federal Foreign Sovereign Immunities Act (F.S.I.A.), which grants judicial immunity from suit for most foreign states and governments and instrumentalities of foreign states, including states of the Union and the people living within them. The Department of State maintains a website that summarizes the details of the FSIA at:

http://travel.state.gov/law/info/judicial/judicial_693.html

Below is an all-inclusive specific list of exceptions to the FSIA from the above website that cause a sovereign to lose immunity in a federal court and thereby subject themselves to the jurisdiction of the federal court. The numbers are section numbers from the Foreign Sovereign Immunities Act of 1976, which is codified in 28 U.S.C. Chapter 97, starting with section 1602.

1. **1605(a) (1)** - explicit or implicit waiver of immunity by the foreign state;
2. **1605(a)(2)** - commercial activity carried on in the United States [federal zone] or an act performed in the United States in connection with a commercial activity elsewhere, or an act in connection with a commercial activity of a foreign state elsewhere that causes a direct effect in the United States;
3. **1605(a)(3)** - property taken in violation of international law is at issue;
4. **1605(a)(4)** - rights in property in the United States acquired by succession or gift or rights in immovable property situated in the United States are at issue;
5. **1605(a)(5)** - money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States [federal zone] and caused by the tortious act or omission of that foreign state;
6. **1605(a)(6)** - action brought to enforce an agreement made by the foreign state with or for the benefit of a private party to submit to arbitration;
7. **1605(a)(7)** - money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act, if the foreign state is designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App 2405(j)) or Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).
8. **1605(b)** - a suit in admiralty is brought to enforce a maritime lien against a vessel or cargo of the foreign state which maritime lien is based upon a commercial activity of the foreign state.

From among the list above, the only exceptions that are relevant to American nationals who are not "U.S. citizens" is items #1 and #2 above. First, we'll talk about #2. Receipt of Social Security benefits, tax deductions, Earned Income Credit, or a graduated rate of tax certainly qualifies as "commercial activity" because all of these benefits can only be claimed by those with income "effectively connected with a trade or business in the United States". Consequently, it ought to be clear, as we point out throughout this book, that you cannot accept any benefits from the U.S. government that you didn't earn and still maintain your sovereignty and sovereign immunity in a federal district court. The other important conclusion to be drawn from this exception is that the "commercial activity" must occur in the "United States", which under the Internal Revenue Code means the District of Columbia. This explains why 26 U.S.C. §7701(a)(39) says that all those subject to the code shall be treated as though they reside in the District of Columbia for the purposes of judicial jurisdiction. Is the picture becoming clearer?

The other exception that applies above within the FSIA was #1, which is "explicit or implicit waiver of immunity by the foreign state". When you sign any federal form under penalty of perjury, you in effect waive your sovereign immunity, because now a federal judge will have jurisdiction to penalize you if you lied on the form. Furthermore, if the form also has the potential to produce a "refund" of taxes paid, you are also meeting exception #2 above because now you are engaging in "commercial activity" with the "United States" as well. This is why it is a bad idea to sign a federal tax form under penalty of perjury without at least qualifying the perjury statement to exclude all other instances of federal jurisdiction, so as to ensure that you continue to enjoy sovereign immunity.

The one hypocrisy with the FSIA is that it doesn't apply to the relationship between the U.S. government and an American national who has been harmed by the government. For instance, if they stole money from you, then you need their permission to recover it because you can't sue the U.S. government without its permission. The reverse, however, is frequently not true. Therefore, being a foreign sovereign by virtue of being an "American national" who is not also a "U.S. citizen" is at least one example where Americans are deprived of "the equal protection of the laws" mandated by Section 1 of the Fourteenth Amendment. Our society is based on the "equal protection of the laws", and therefore this would appear to be an injustice that must be righted eventually by our courts.

7. EFFECT OF DOMICILE ON CITIZENSHIP STATUS

When statutory "citizens" move their domicile outside of the exclusive legislative jurisdiction of the "state" to which they are a member and cease to participate directly in the political functions of that "state", however, they become "nationals" but

not "citizens" under federal law. This is confirmed by the definition of "citizen of the United States[***]" found in Section 1 of the Fourteenth Amendment:

> *U.S. Constitution:*
> *Fourteenth Amendment*
>
> *Section. 1. All persons **born or naturalized in the United States[***] and subject to the jurisdiction thereof, are citizens of the United States[***]** and of the State wherein they reside.*

As you will learn later, the U.S. Supreme Court held in the case of *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898) that the term "subject to **the** jurisdiction" means "subject to the ***political jurisdiction***", which is very different from "subject to the ***legislative jurisdiction***". Note from the above that being a constitutional "citizen" has two prerequisites: "born within the [territorial] jurisdiction" and "***subject to the [political but not legislative] jurisdiction***". The other noteworthy point to be made here is that the term "citizen" as used above is *not* used in the context of federal statutes or federal law, and therefore does *not* imply one is a "citizen" under federal law. The Constitution is what grants the authority to the federal government to write federal statutes, but it is not a "federal statute". The term "citizen", in the context of the Constitution, simply refers to the political community created by that Constitution, which in this case is the federation of united states*** called the "United States***", and not the United States** government itself.

When you move your domicile outside the exclusive territorial jurisdiction of the political body and do not participate in its political functions as a jurist or a voter, then you are no longer "subject to the [political] jurisdiction". Likewise, because you are outside territorial limits of the political body, you are also *not* subject in any degree to its ***legislative jurisdiction*** either:

> *"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First 'that **every nation possesses an exclusive sovereignty and jurisdiction within its own territory**'; secondly, '**that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.**' The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent." Story on Conflict of Laws §23."*
> *[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]*

The word "territory" above needs further illumination. States of the Union are NOT considered "territories" or "territory" under federal law. This is confirmed by the Corpus Juris Secundum legal encyclopedia, which says on this subject the following:

> *Volume 86, Corpus Juris Secundum Legal Encyclopedia*
> *Territories*
> *§1. Definitions, Nature, and Distinctions*
>
> ***The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States[***], and does not necessarily include all the territorial possessions of the United States[**], but may include only the portions thereof which are organized and exercise governmental functions under act of congress."***
>
> *While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions of a territory, and 'territories of the' United States[**] is sometimes used to refer to the entire domain over which the United States[**] exercises dominion, the word 'territory,' when used to designate a political organization, has a distinctive, fixed, and legal meaning under the political institutions of the United States[**], and the term 'territory' or 'territories' does not necessarily include only a portion or the portions thereof which are organized and exercise government functions under acts of congress. The term 'territories' has been defined to be political subdivisions of the outlying dominion of the United States[**], and in this sense the term 'territory' is not a description of a definite area of land but of a political unit governing and being governed as such. The question whether a particular subdivision or entity is a territory is not determined by the particular form of government with which it is, more or less temporarily, invested.*
>
> ***'Territories' or 'territory' as including 'state' or 'states." While the term 'territories of the' United States[**] may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a foreign state.***
>
> ***As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states.***
> *[86 Corpus Juris Secundum (C.J.S.), Territories (2003)]*

Notice that the above legal encyclopedia definition of "territory" refers to states of the Union as "foreign states"! A "foreign state" is a state that is not subject to the legislative jurisdiction or laws of the state that wrote the statute in question, which in this case is the federal government. The Supreme Court also agreed with the conclusions within this section so far, in the cite next. Notice how they use the terms "citizenship" and "nationality" or "national" interchangeably, because as you will learn later in section 12.4, they are equivalent:

> *"The term 'dual nationality' needs exact appreciation. It refers to the fact that two States make equal claim to the allegiance of an individual at the same time. Thus, one State may claim his allegiance because of his birth within its territory, and the other because at the time of his birth in foreign territory his parents were its nationals. The laws of the United States[**] purport to clothe persons with American citizenship by virtue of both principles.'*

> *"And after referring to the Fourteenth Amendment, U.S.C.A.Const., and the Act of February 10, 1855, R.S. 1993, 8 U.S.C.A. 6, the instructions continued: [307 U.S. 325, 345] 'It thus becomes important to note how far these differing claims of American nationality are fairly operative with respect to persons living abroad [or in states of the Union, which are ALSO foreign with respect to federal jurisdiction], whether they were born abroad or were born in the United States[***] of alien parents and taken during minority to reside in the territory of States to which the parents owed allegiance.* ***It is logical that, while the child remains or resides in territory of the foreign State [a state of the Union, in this case] claiming him as a national, the United States[**] should respect its claim to allegiance.*** *The important point to observe is that the doctrine of dual allegiance ceases, in American contemplation, to be fully applicable after the child has reached adult years. Thereafter two States may in fact claim him as a national. Those claims are not, however, regarded as of equal merit, because one of the States may then justly assert that his relationship to itself as a national is, by reason of circumstances that have arisen, inconsistent with, and reasonably superior to, any claim of allegiance asserted by any other State. Ordinarily the State in which the individual retains his residence after attaining his majority has the superior claim. The statutory law of the United States[**] affords some guidance but not all that could be desired, because it fails to announce the circumstances when the child who resides abroad within the territory of a State reasonably claiming his allegiance forfeits completely the right to perfect his inchoate right to retain American citizenship." [Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)*

So when a human being is born within but domiciled outside the exclusive legislative jurisdiction or "general sovereignty" of a political body and does not participate *directly* in its political functions, then they are statutory "nationals" but not "citizens" of that political body. This is the condition of people born in and domiciled within states of the Union in regards to their federal citizenship:

1. State citizens maintain a domicile that is outside the territorial and exclusive legislative jurisdiction of the federal government. They are not subject to the police powers of the federal government.
2. State citizens do not participate **directly** in the political functions of the federal government.
   2.1. They are *not* allowed to serve as jurists in federal court, because they don't reside in a federal area within their state. They can only serve as jurists in state courts. Federal district courts routinely violate this limitation by not ensuring that the people who serve on federal juries in federal courts come from federal areas. If they observed the law on this matter, they wouldn't have anyone left to serve on federal petit or grand juries! Therefore, they illegally use state DMV records to locate jurists and obfuscate the jury summons forms by asking if people are "U.S. citizens" without ever defining what it means!
   2.2. They do not participate directly in federal elections. There are no separate federal elections and separate voting days and voting precincts for federal elections. State citizens only participate in state elections, and elect *representatives* who go to Washington to "represent" their interests *indirectly*.

A prominent legal publisher, West Publishing, agrees with the findings in this section. Here is what they say in their publication entitled *Conflicts In A Nutshell, Second Edition*:

> *In the United States[***], "domicile" and "residence" are the two major competitors for judicial attention, and the words are almost invariably used to describe the relationship that the person has to the state rather than the nation.* ***We use "citizenship" to describe the national relationship, and we generally eschew "nationality" (heard more frequently among European nations) as a descriptive term.***
> *[Conflicts In A Nutshell, Second Edition, David D. Siegel, West Publishing, 1994, ISBN 0-314-02952, p. 15]*

The implication of the above is that you cannot have a NATIONAL domicile, but only a domicile within a CONSTITUTIONAL but not STATUTORY state. A human being who is a "national" with respect to a political jurisdiction and who does not maintain a legal domicile within the exclusive legislative or "general" jurisdiction of the political body is treated as a "non-resident" within federal law. He is a "nonresident" because he is not consensually or legally present within the territorial limits. If he is ALSO a public officer, then he is also a "nonresident alien" under the Internal Revenue Code. He is an alien because he does not maintain a domicile in the federal United States** and therefore not subject to its civil

legislative jurisdiction. For instance, a "national of the United States*** of America" born within and domiciled within a constitutional state AND occupying a public office or a "national of the United States**" born and domiciled within a possession are both treated as "nonresident aliens" within the Internal Revenue Code:

> *26 U.S.C. §7701(b)(1)(B) Definitions*
>
> *An individual is a nonresident alien if such individual is neither a citizen of the United States[**] nor a resident of the United States[**] (within the meaning of subparagraph (A)).*

At the same time, such a human being is ***not*** an "alien" under federal law, because a "nonresident alien" is defined as a human being who is neither a "citizen nor a resident", and that is exactly what a "national but not citizen" is. Further confirmation of this conclusion is found in the definition of "resident" in 26 U.S.C. §7701(b)(1)(A) , which defines a "resident" as an "alien". Since the definition of "nonresident alien" above excludes "residents", then it also excludes "aliens".

A picture is worth a thousand words. We'll now summarize the results of the preceding analysis to make it crystal clear for visually-minded readers:

Table 9: Citizenship summary

Citizenship	Defined in	Domicile in the federal zone?	Subject to ***legislative jurisdiction***/police powers?	Subject to "***political jurisdiction***"?	A "nonresident alien"?
"citizen"	8 U.S.C. §1401	Yes	Yes	Yes	No
"resident"/"alien"	8 U.S.C. §1101(a)(3) 26 U.S.C. §7701(b)(1)(A)	Yes	Yes	No	No
"national"	8 U.S.C. §1101(a)(21)	No	No	Yes	Yes
"non-citizen national of the United States"**	8 U.S.C. §1101(a)(22)	Yes	Yes	Yes	Yes

Table 10: Civil and political status

Location of birth	*Political status*	*Civil status if domiciled WITHIN "United States**"*	*Civil status if domiciled WITHOUT "United States**"*
"United States**" per 8 U.S.C. §1101(a)(38), per 8 U.S.C. §1101(a)(36), 8 C.F.R.§215.1(f)	"**national of the United States****" per 8 U.S.C. §1101(a)(22)	Statutory "**citizen of the United States** at birth**" per 8 U.S.C. §1401; "**United States person**" per 26 U.S.C. §7701(a)(30)	"**non-citizen national of the United States****" per 8 U.S.C. §1452
"outlying possession of United States" per 8 U.S.C. §1101(a)(29)	**"non-citizen national of the United States**"** per 8 U.S.C. §1101(a)(22)(B)	**"non-citizen national of the United States** at birth**" per 8 U.S.C. §1408 and 8 U.S.C. §1452 "**United States** person**" per 26 U.S.C. §7701(a)(30)	"**non-citizen national of the United States****" per 8 U.S.C. §1408, 8 U.S.C. §1452
A Constitutional Union state	Constitutional "**citizen of the United States*****" per 14th Amendment; **"national" of the United States of America** per 8 U.S.C. §1101(a)(21)	"**United States** person**" per 26 U.S.C. §7701(a)(30)	"**nonresident alien**" per 26 U.S.C. §7701(b)(1)(B) if a public officer "**non-resident NON-person**" if not a public officer
A foreign country	**Foreign "national"** per 8 U.S.C. §1101(a)(21) "**alien**" per 8 U.S.C. §1101(a)(3)	"**resident**" (alien) per 26 U.S.C. §7701(b)(1)(A) "**United States** person**" per 26 U.S.C. §7701(a)(30)	"**nonresident alien**" per 26 U.S.C. §7701(b)(1)(B) if a public officer "**non-resident NON-person**" if not a public officer

The table below describes the affect that changes in domicile have on citizenship status in the case of both "foreign nationals" and "domestic nationals". A "domestic national" is anyone born anywhere within any one of the 50 states on nonfederal land or who was born in any territory or possession of the United States[**]. A "foreign national" is someone who was born anywhere outside of these areas. The jurisdiction mentioned in the right three columns is the "federal zone".

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Table 11: Effect of domicile on citizenship status

	CONDITION		
Description	**Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE**	**Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country**	**Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE**
Location of domicile	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), 7408(d)	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), 7408(d)	Without the "United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), 7408(d)
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations states of the Union Federal possessions
Tax Status	"U.S. Person" 26 U.S.C. §7701(a)(30)	"U.S. Person" 26 U.S.C. §7701(a)(30)	"Nonresident alien individual" if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3)(ii) "Non-resident NON-person" if NOT a public officer in the U.S. government
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	IRS Form 1040NR: "alien individuals", "nonresident alien individuals" No filing requirement: "non-resident NON-person"
Status if "national of the United States**" per 8 U.S.C. §1101(a)(22)	"national and citizen of the United States** at birth" per 8 U.S.C. §1401 and "citizen of the United States**" per 8 U.S.C. §1101(a)(22)(A) if born in on federal territory. (Not required to file if physically present in the "United States" because no statute requires it)	Citizen abroad 26 U.S.C. §911 (Meets presence test)	"non-citizen National". if born in a state of the Union 8 U.S.C. §1408, 8 U.S.C. §1452, and 8 U.S.C. §1101(a)(22)(B)if born in a possession.
Status if FOREIGN "national" pursuant to 8 U.S.C. §1101(a)(21)	"Resident alien" 26 U.S.C. §7701(b)(1)(A)	"Resident alien abroad" 26 U.S.C. §911 (Meets presence test)	"Nonresident alien individual" if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3)(ii) "Non-resident NON-person" if NOT a public officer in the U.S. government

NOTES:

1. "United States" is defined as federal territory within 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), and 7408(d), and 4 U.S.C. §110(d). It does not include any portion of a Constitutional state of the Union.
2. The "District of Columbia" is defined as a federal corporation but not a physical place, a "body politic", or a de jure "government" within the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. See: *Corporatization and Privatization of the Government*, Form #05.024; http://sedm.org/Forms/FormIndex.htm.
3. "nationals" of the United States of America who are domiciled outside of federal jurisdiction, either in a state of the Union or a foreign country, are "nationals" but not "citizens" under federal law. They also qualify as "nonresident aliens" under 26 U.S.C. §7701(b)(1)(B) if and only if they are engaged in a public office. See sections 4.11.2 of the *Great IRS Hoax*, Form #11.302 for details.
4. Temporary domicile in the middle column on the right must meet the requirements of the "Presence test" documented in IRS publications.
5. "FEDERAL ZONE"=District of Columbia and territories of the United States in the above table

6. The term "individual" as used on the IRS Form 1040 means an "alien" engaged in a "trade or business". All "taxpayers" are "aliens" engaged in a "trade or business". This is confirmed by 26 C.F.R. §1.1441-1(c)(3), 26 C.F.R. §1.1-1(a)(2)(ii), and 5 U.S.C. §552a(a)(2). Statutory "U.S. citizens" as defined in 8 U.S.C. §1401 are not "individuals" unless temporarily abroad pursuant to 26 U.S.C. §911 and subject to an income tax treaty with a foreign country. In that capacity, statutory "U.S. citizens" interface to the Internal Revenue Code (I.R.C.) as "aliens" rather than "U.S. citizens" through the tax treaty.

In summary:

1. A "national" is defined in 8 U.S.C. §1101(a)(21) as a person who has allegiance to a "state". The existence of that allegiance provides legal evidence that a human being has exercised their First Amendment right to politically associate themselves with a "state" in order to procure its protection. In return for said allegiance, the "national" is entitled to the protection of the state. *Minor v. Happersett*, 88 U.S. 162 (1874) .
2. The only thing you need in order to obtain a USA passport is "allegiance". 22 U.S.C. §212. If the federal government is willing to issue you a passport, then they regard you as a "national", because the only type of citizenship that carries with it exclusively allegiance is that of a "national". 8 U.S.C. §1101(a)(21). See: http://famguardian.org/Subjects/Taxes/Citizenship/ApplyingForAPassport.htm
3. In the constitution, "nationals" are called "citizens".
4. A "citizen" in the Constitution does not imply a legal domicile on the territory of the "state" to whom we claim allegiance, but under federal statutory law, both "citizens" and "residents" are persons who have a legal domicile on the territory of the state to which he claims allegiance.
5. In federal statutory law, all "citizens" are also "nationals" but not all nationals are "citizens". For proof, see:
   5.1. 8 U.S.C. §1401 defines a "national and citizen of the United States".
   5.2. 8 U.S.C. §1452 defines a "non-citizen national of the United States**".
6. Since being a "national" is a prerequisite to being a "citizen", then "citizens" within a country are a subset of those who are "nationals".
7. "subject to **the** jurisdiction" is found in Section 1 of the Fourteenth Amendment of the Constitution. The Constitution is a political document and the phrase "subject to **the** jurisdiction" means all of the following:
   7.1. Being a member of a political group. *Minor v. Happersett*, 88 U.S. 162 (1874)

> *"There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association.* ***He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.***
>
> *"For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words 'subject,' 'inhabitant,' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government.* ***Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.*** *"*
>
> *"****To determine, then, who were citizens of the United States before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.***
>
> *[. . .]*
>
> *"****Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were.*** *"*
> *[Minor v. Happersett, 88 U.S. 162 (1874)]*

   7.2. Being subject to the **political jurisdiction** but NOT **legislative jurisdiction** of the state which we are a member of. *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898)

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

7.3. Being able to participate in the political affairs of the state by being able to elect its members as a voter or direct its activities as a jurist.

8. "subject to **its** jurisdiction" is found in federal statutes and regulations and it means all of the following:
   8.1. Having a legal domicile within the exclusive jurisdiction of a "state". Within federal law, this "state" means the "United States" government and includes no part of any state of the Union.
   8.2. Being subject to the **legislative** but not **political jurisdiction** of a "state".
9. Political jurisdiction and political rights are the tools we use to directly run and influence the government as voters and jurists.
10. Legislative jurisdiction, on the other hand, is how the government controls us using the laws it passes.

Now that we understand the distinctions between "citizens" and "nationals" within federal law, we are ready to tackle the citizenship issue head on.

8. FOUR TYPES OF AMERICAN NATIONALS

There are four types of American nationals recognized under federal law:

1. Statutory "nationals and citizens of the United States at birth" (statutory "U.S.** citizen")**
   1.1. A CIVIL status because it uses the word "citizen" and is therefore tied to a geographical place.
   1.2. A statutory privileged status defined and found in 8 U.S.C. §1401, in the implementing regulations of the Internal Revenue Code at 26 C.F.R. §1.1-1(c), and in most other federal statutes.
   1.3. Born in the federal zone. Must inhabit the District of Columbia and the territories and possessions of the United States identified in Title 48 of the U.S. Code.
   1.4. Subject to the "police power" of the federal government and all "acts of Congress".
   1.5. Treated as a citizen of the municipal government of the District of Columbia (see 26 U.S.C. §7701(a)(39))
   1.6. Have no common law rights, because there is no federal common law. See *Jones v. Mayer*, 392 U.S. 409 (1798).
   1.7. Also called "federal U.S. citizens" throughout this document.
   1.8. Owe allegiance to the GOVERNMENT of the United States** and NOT the PEOPLE of the States of the Union, who are called United States***.

2. Statutory "nationals but not citizens of the United States at birth" (where "United States" or "U.S." means the *federal* United States)**
   2.1. A CIVIL status because it uses the word "citizen" and is therefore tied to a geographical place.
   2.2. Defined in 8 U.S.C. §1408, 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1452.
   2.3. Born anywhere American Samoa or Swains Island.
   2.4. May not participate politically in federal elections or as federal jurists.
   2.5. Owe allegiance to the GOVERNMENT of the United States** and NOT the PEOPLE of the States of the Union, who are called United States***.

3. Statutory "national of the United States"**
   3.1. A POLITICAL status not tied to a geographical place. Allegiance can exist independent of geography.
   3.2. Defined in 8 U.S.C. §1101(a)(22).
   3.3. Includes STATUTORY "citizens of the United States**" defined in 8 U.S.C. §1101(a)(22)(A).
   3.4. Includes "a person who, though not a citizen of the United States[**], owes permanent allegiance to the United States**" defined in 8 U.S.C. §1101(a)(22)(B). The use of the term "person" is suspicious because only HUMANS can owe allegiance and not creations of Congress called "persons", all of whom are offices in the government. If it means a CONSTITUTIONAL "person" then it is OK, because all constitutional "persons" are humans.

4. "nationals of the United States*", "State nationals", or "nationals of the United States of America"**
   4.1. A POLITICAL status not tied to a geographical place. Allegiance can exist independent of geography.

4.2. Defined under federal law pursuant to 8 U.S.C. §1101(a)(21), under Law of Nations, under state laws, and under U.S.A. Constitution.
4.3. Is equivalent to the term "state citizen".
4.4. In general, born in any one of the several states of the Union but not in a federal territory, possession, or the District of Columbia. Not domiciled in the federal zone.
4.5. Not subject to the "police power" of the federal government or most "acts of Congress".
4.6. Owes allegiance to the sovereign people, collectively and individually, within the body politic of the constitutional state residing in.
4.7. May serve as a state jurist or grand jurist involving only parties with his same citizenship and domicile status.
4.8. May vote in state elections.
4.9. At this time, all "state Nationals" are also a "USA National". But not all "USA Nationals" are a "state National" (for example, a USA national not residing nor domiciled in a state of the Union).
4.10. Is a man or woman whose unalienable natural rights are recognized, secured, and protected by his state constitution against state actions and against federal intrusion by the Constitution for the United States of America.

Statutory "U.S.** citizens" under 8 U.S.C. §1401 have civil PRIVILEGES (not rights but privileges) under federal law that are similar but inferior to the natural rights that state Citizens have in state courts. I say almost because civil rights are created by Congress and can be taken away by Congress. "U.S. citizens" are privileged *subjects*/*servants* of Congress, under their protection as a "resident" and "ward" of a ***federal*** State, a person enfranchised to the federal government (the incorporated United States defined in Article I, Section 8, Clause 17 of the Constitution). The individual Union states may not deny to these persons any federal privileges or immunities that Congress has granted them within "acts of Congress" or federal statutes. Federal citizens come under admiralty law (International Law) when litigating in federal courts. As such they do not have inalienable common rights recognized, secured and protected in federal courts by the Constitutions of the States, or of the Constitution for the United States of America, such as "allodial" (absolute) rights to property, the rights to inheritance, the rights to work and contract, and the right to travel among others.

Another important element of citizenship is that artificial entities like corporations are citizens for the purposes of taxation but ***cannot*** be citizens for any other purpose.

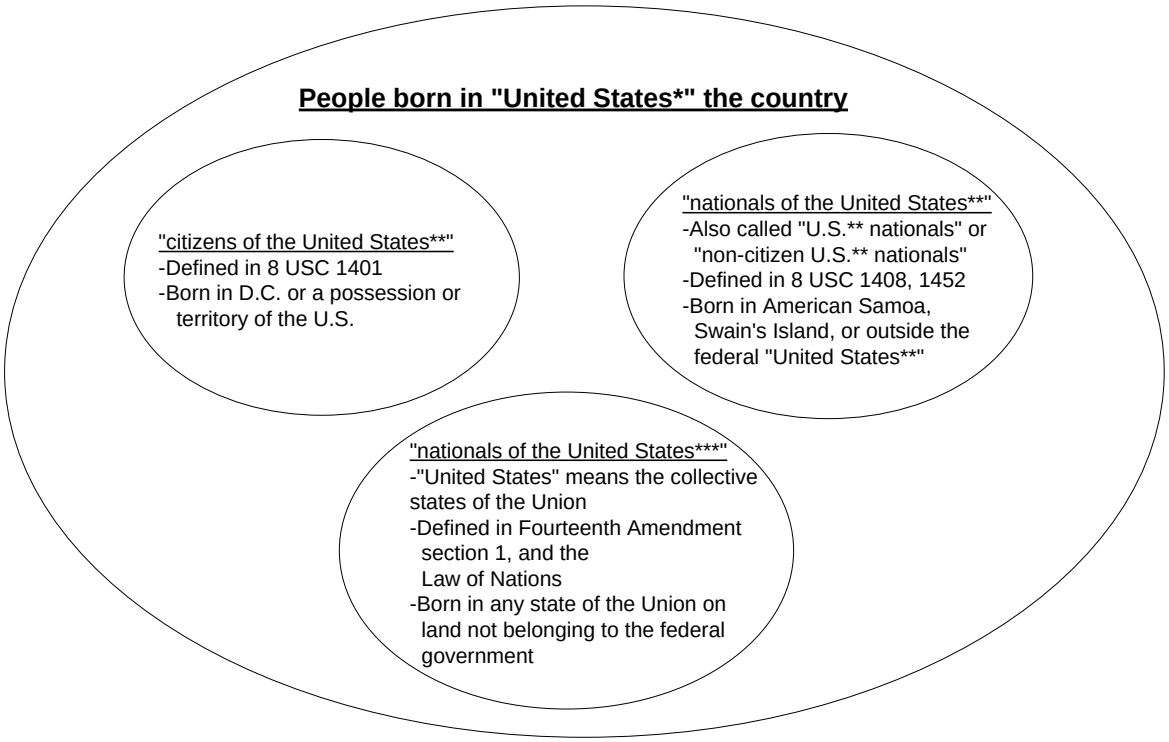
> *"A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."*
> *[19 Corpus Juris Secundum, Corporations, §886]*
>
> ---
>
> *"A corporation is not a citizen within the meaning of that provision of the Constitution, which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."*
> *[Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed. 357 (1868)]*

We have prepared a Venn diagram showing all of the various types of citizens so that you can properly distinguish them. The important thing to notice about this diagram is that there are multiple types of "citizens of the United States" and "nationals of the United States" because there are multiple definitions of "United States" according to the Supreme Court, as we showed earlier in section 1. Above the diagram is a table showing the three definitions of "United States" appearing in the diagram from section 1 of the ***Great IRS Hoax***, Form #11.302:

Table 12: Terms used in the citizenship diagram

Term	*Meaning*
United States*	The country "United States" in the family of nations throughout the world.
United States**	The "federal zone".
United States***	Collective states of the Union mentioned throughout the Constitution.

Figure 1: Citizenship diagram



9. LEGAL BASIS FOR "STATE NATIONAL" STATUS

The following subsections describe what a "state national" within the context of the title of this document.

9.1 What is a "State national"?

An important and often overlooked condition of citizenship is one where the human being is an American national by virtue of being born anywhere in the country and who is also domiciled in either a Constitutional but not Statutory State of the Union. These types of people are referred to with *any* of the following synonymous names:

1. Statutory "Nonresident Aliens" (under the Internal Revenue Code, as defined in 26 U.S.C. §7701(b)(1)(B)) if engaged in a public office.
2. Statutory "non-resident non-persons" if not engaged in a public office.
3. American Citizens.
4. American Nationals.
5. Naturalized or born in a Constitutional State of the Union AND domiciled in a Constitutional state of the Union:
6. "nationals" under 8 U.S.C. §1101(a)(21).

"Nationals" existed under *The Law of Nations* and international law since long before the passage of the 14th Amendment to the U.S. Constitution in 1868. There are two main types of "nationals" under federal law, as we revealed earlier in section 4.11.3.1 of our *Great IRS Hoax, Form #11.302* book:

Table 13: Types of "nationals" under federal law

#	Legal name	Where born	Defined in	Common name	Description
1	"nationals but not citizens of the United States[**] ***at birth***"	1. American Samoa 2. Swains Island	8 U.S.C. §1408 8 U.S.C. §1101(a)(22); 8 U.S.C. §1452(b)	"U.S.** national" "Statutory U.S.* national"	The U.S. Supreme Court and the Constitution call these people "citizens of the United States". See section 16.7 later for details. Used on the 1040NR form to describe people who file that form. Does not describe people who are not born in the federal United States.
2	"U.S.A.*** national" or "state national" or "Constitutional but not statutory U.S.*** citizen"	states of the Union	8 U.S.C. §1101(a)(21); Fourteenth Amendment, Section 1	"state national" or "USA national" or "national of the United States OF AMERICA"	The "national" or "state national" is not necessarily the same as the "U.S.** national" above, because it includes people who born in states of the Union. Notice that this term does not mention 8 U.S.C. §1408 citizenship nor confine itself only to citizenship by birth in the federal zone. Therefore, it also includes people born in states of the Union.

A "state national", "national of the United States*** OF AMERICA", or "USA national" is one who derives his nationality and allegiance to the confederation of states of the Union called the "United States[***] of America" by virtue of being born in a state of the Union. To avoid false presumption, these people should carefully avoid associating their citizenship status with the term "United States**" or "U.S.**", which means the "federal zone" within Acts of Congress.

> *"**Federal zone**. The area of land over which the United States** government exercises exclusive or general jurisdiction under Article 1, Section 8, Clause 17 of the Constitution. This area includes the District of Columbia and the territories and possessions of the United States**. For the purposes of this discussion, we do not treat the territorial waters of the United States** as "federal land", but they too are under the exclusive jurisdiction of the U.S. government as well."*

Therefore, instead of calling themselves "U.S.** nationals", they call themselves either "state nationals" or "USA nationals". By "USA" instead of "U.S.", we mean the states of the Union who are party to the Constitution and exclude any part of the federal zone. In terms of protection of our rights, being a "state national" or a "U.S.** national" are roughly equivalent. The "non-citizen national of the U.S.**" status, however, has several advantages that the "state national" status does *not* enjoy, as we explained earlier in section 4.11.4 of the *Great IRS Hoax*, Form #11.302 book:

1. May NOT collect any Social Security benefits, because the Social Security Program Operations Manual System (POMS), Section GN 00303.001 states that only "U.S.** citizens" and "U.S.** nationals" can collect benefits. State nationals are NOT "U.S.** nationals".
2. May hold a U.S. security clearance, unlike "state nationals". See SECNAVINST 5510.30A, Appendix I, Department of the Navy.
3. May work for the federal government as a civil servant. See 5 C.F.R. §338.101.

9.2 Why Congress can't define the CIVIL STATUTORY status of those born within constitutional states of the Union

There is a good reason why there is no federal statute anywhere that directly prescribes the citizenship status of persons based on birth within states of the Union. The reasons are because lawyers in Congress:

1. Know that this is the criteria that most Americans born inside states of the Union will meet.
2. Know that one's CIVIL status, STATUTORY status derives from their DOMICILE and not their NATIONALITY. NATIONALITY is a POLITICAL status. CIVIL OR STATUTORY status is a LEGAL status and NOT a political status. Hence, those not domiciled on federal territory cannot have a CIVIL or STATUTORY status under federal law.

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

3. Know that these people are "sovereign". Even the U.S. Supreme Court said so:

*"'The words 'people of the United States[***]' and 'citizens,' are synonymous terms, and mean the same thing. They **both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power** and conduct [run] the government through their representatives [servants]. They are what we familiarly call the **'sovereign people,'** and every citizen is one of this people, and a constituent member of this sovereignty. ..."*
[Boyd v. State of Nebraska, 143 U.S. 135 (1892)]

4. Know that a "sovereign" is not and cannot be the subject of any law, and therefore cannot be mentioned in the law.

"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."
[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 454, 1 L.Ed. 440, 455 (1793)]

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts."
[Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

"In common usage, the term 'person' does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it."
[Wilson v. Omaha Indian Tribe, 442 U.S. 653, 667 (1979)]

"Since in common usage the term `person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it."
[U.S. v. Cooper, 312 U.S. 600, 604, 61 S.Ct. 742 (1941)]

"In common usage, the term `person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so."
[U.S. v. United Mine Workers of America, 330 U.S. 258, 67 S.Ct. 677 (1947)]

5. Know that they cannot write a federal statute or act of Congress that prescribes any criteria for becoming a "national" based on birth and perpetual residence outside of federal legislative jurisdiction and within a state of the Union. That is why the circuit court held the following with respect to "U.S. nationals":

*"Marquez-Almanzar seeks to avoid removal by arguing that he 3 can demonstrate that he owes "permanent allegiance" to the United States and thus qualify as a U.S. national under section 101(a)(22)(B) of the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101(a)(22)(B). That provision defines "national of the United States" as "a person who, though not a citizen of the United States, owes permanent allegiance to the United States." **We hold that § 1101(a)(22)(B) itself does not provide a means by which an individual can become a U.S. national, and deny Marquez-Almanzar's petition accordingly.**"*
[Jose Napoleon Marquez-Almanzar v. Immigration and Naturalization Service, Docket # 03-4395, 03-40027, 03-40497, August 8, 2005, http://famguardian.org/TaxFreedom/CitesByTopic/USNational-034395p.pdf]

6. Want to deceive most Americans to falsely believe or presume that they are "U.S. citizens" who are "subject to" federal statutes and jurisdiction, so they interfere in the determination of their true status as "nationals" and "state nationals".

9.3 State citizens are NOT STATUTORY "non-citizen nationals of the United States** at birth" per 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B)

A frequent point of confusion when a state citizen calls themselves a "national" under 8 U.S.C. §1101(a)(21) but not a "national and citizen of the United States** at birth" under 8 U.S.C. §1401 is to try to summarize their status by saying that they are an 8 U.S.C. §1101(a)(22)(B) non-citizen "national of the United States". This is incorrect and has already been rebutted. Here is the rebuttal:

> *B. Merits*
>
> *Marquez-Almanzar argues that he is not an alien and thus cannot be removed from the United States for his crimes. See 8 U.S.C. §1227(a)(2)(B)(i) (any "alien" convicted of controlled substance offense after admission to United States is deportable); 8 U.S.C. § 1227(a)(2)(A)(iii) (any "alien" convicted of aggravated felony after admission to United States is deportable). The term "alien" is defined in this context as "any person not a citizen or national of the United States." 8 U.S.C. § 1101(a)(3). Marquez-Almanzar acknowledges that he is not a U.S. citizen, but he claims to be a national of the United States. The term "national of the United States" means either "a citizen of the United States" or "a person who, though not a citizen of the United States, owes permanent allegiance to the United States." 8 U.S.C. §§1101(a) (22)(A) & (B).*
>
> *Marquez-Almanzar claims that, although he is not a citizen, he "owes permanent allegiance to the United States," and thus has acquired U.S. nationality under 8 U.S.C. §1101(a)(22)(B). The statute, as he reads it, creates an independent avenue to U.S. national status: one can become a U.S. national without citizenship (i.e., a "non-citizen national") solely by manifesting permanent allegiance to the United States. He asserts that his enrollment and service in the U.S. Army (which required that he swear allegiance to the U.S. Constitution), his application for naturalization (which required that he swear he was willing to take an oath of allegiance to the United States), his registration for the Selective Service, his "complete immersion in American Society," and his lack of ties to the Dominican Republic together demonstrate that he owes permanent allegiance to the United States.[8]*
>
> *Page 217*
>
> *We have previously indicated that Marquez-Almanzar's construction of § 1101(a)(22)(B) is erroneous, but have not addressed the issue at length. In Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975) (per curiam), the petitioner, as a defense to deportation, argued that she qualified as a U.S. national under § 1101(a)(22) (B) because she had resided exclusively in the United States for twenty years, and thus "`owe[d] allegiance'" to the United States. Without extensively analyzing the statute, we found that the petitioner could not be "a `national' as that term is understood in our law." Id. We pointed out that the petitioner still owed allegiance to Canada (her country of birth and citizenship) because she had not taken the U.S. naturalization oath, to "`renounce and abjure absolutely and entirely all allegiance and fidelity to any [foreign state of] ... which the petitioner was before a subject or citizen.'" Id. at 428 (quoting INA § 337(a)(2), 8 U.S.C. § 1448(a)(2)). In making this observation, we did not suggest that the petitioner in Oliver could have qualified as a U.S. national by affirmatively renouncing her allegiance to Canada or otherwise swearing "permanent allegiance" to the United States. In fact, in the following sentence we said that Title III, Chapter 1 of the INA[9] "indicates that, with a few exceptions not here pertinent, one can satisfy [8 U.S.C. § 1101(a)(22)(B)] only at birth; thereafter the road lies through naturalization, which leads to becoming a citizen and not merely a `national.'"[10] Id. at 428.*
>
> *Our conclusion in Oliver, which we now reaffirm, is consistent with the clear meaning of 8 U.S.C. §1101(a)(22)(B), read in the context of the general statutory scheme. The provision is a subsection of 8 U.S.C. § 1101(a). Section 1101(a) defines various terms as they are used in our immigration and nationality laws, U.S.Code tit. 8, ch. 12, codified at 8 U.S.C. §§1101-1537. The subsection's placement indicates that it was designed to describe the attributes of a person who has already been deemed a non-citizen national elsewhere in Chapter 12 of the U.S.Code, rather than to establish a means by which one may obtain that status. For example, 8 U.S.C. § 1408, the only statute in Chapter 12 expressly conferring "non-citizen national" status on anyone, describes four categories of persons who are "nationals, but not citizens, of the United States at birth." All of these categories concern persons who were either born in an "outlying possession" of the United States, see 8 U.S.C. §1408(1), or "found" in an "outlying possession" at a young age, see id. § 1408(3), or who are the children of non-citizen nationals, see id. §§ 1408(2) & (4).[11] Thus, § 1408 establishes a category of persons who qualify as non-citizen nationals; those who qualify, in turn, are described by § 1101(a)(22)(B) as owing "permanent allegiance" to the United States. In this context the term "permanent allegiance" merely describes the nature of the relationship between non-citizen nationals and the United States, a relationship that has already been created by another statutory provision. See Barber v. Gonzales, 347 U.S. 637, 639, 74 S.Ct. 822, 98 L.Ed. 1009 (1954) ("It is conceded that respondent was born a national of the United States;*
>
> *Page 218*

that as such he owed permanent allegiance to the United States...."); cf. Philippines Independence Act of 1934, § 2(a)(1), Pub.L. No. 73-127, 48 Stat. 456 (requiring the Philippines to establish a constitution providing that "pending the final and complete withdrawal of the sovereignty of the United States[,] ... [a]ll citizens of the Philippine Islands shall owe allegiance to the United States").

Other parts of Chapter 12 indicate, as well, that § 1101(a)(22) (B) describes, rather than confers, U.S. nationality. The provision immediately following § 1101(a)(22) defines "naturalization" as "the conferring of nationality of a state upon a person after birth, by any means whatsoever." 8 U.S.C. § 1101(a)(23). If Marquez-Almanzar were correct, therefore, one would expect to find "naturalization by a demonstration of permanent allegiance" in that part of the U.S.Code entitled "Nationality Through Naturalization," see INA tit. 8, ch. 12, subch. III, pt. II, codified at 8 U.S.C. §§1421-58. Yet nowhere in this elaborate set of naturalization requirements (which contemplate the filing by the petitioner, and adjudication by the Attorney General, of an application for naturalization, see, e.g., 8 U.S.C. §§1427, 1429), did Congress even remotely indicate that a demonstration of "permanent allegiance" alone would allow, much less require, the Attorney General to confer U.S. national status on an individual.

Finally, the interpretation of the statute underlying our decision in Oliver comports with the historical meaning of the term "national" as it is used in Chapter 12. The term (which as §§ 1101(a)(22)(B) and 1408 indicate, includes, but is broader than, "citizen") was originally intended to account for the inhabitants of certain territories-territories said to "belong to the United States," including the territories acquired from Spain during the Spanish-American War, namely the Philippines, Guam, and Puerto Ricoin the early twentieth century, who were not granted U.S. citizenship, yet were deemed to owe "permanent allegiance" to the United States and recognized as members of the national community in a way that distinguished them from aliens. See 7 Charles Gordon et al., Immigration Law and Procedure, § 91.01[3][b] (2005); see also Rabang v. Boyd, 353 U.S. 427, 429-30, 77 S.Ct. 985, 1 L.Ed.2d. 956 (1957) ("The Filipinos, as nationals, owed an obligation of permanent allegiance to this country. . . . In the [Philippine Independence Act of 1934], the Congress granted full and complete independence to [the Philippines], and necessarily severed the obligation of permanent allegiance owed by Filipinos who were nationals of the United States."). The term "non-citizen national" developed within a specific historical context and denotes a particular legal status. The phrase "owes permanent allegiance" in § 1101(a)(22)(B) is thus a term of art that denotes a legal status for which individuals have never been able to qualify by demonstrating permanent allegiance, as that phrase is colloquially understood.[12]

We hold, therefore, that one cannot qualify as a U.S. national under 8 U.S.C. §1101(a)(22)(B) by a manifestation of

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"permanent allegiance" to the United States. As we said in Oliver, the road to U.S. nationality runs through provisions detailed elsewhere in the Code, see 8 U.S.C. §§1401-58, and those provisions indicate that the only "non-citizen nationals" currently recognized by our law are persons deemed to be so under 8 U.S.C. § 1408. Our holding is consistent with the BIA's own interpretation of the statute, see In re Navas-Acosta, Interim Dec. (BIA) 3489, 23 I. & N. Dec. 586, 2003 WL 1986475 (BIA 2003), and the decisions of other circuits, see Sebastian-Soler v. U.S. Att'y Gen., 409 F.3d. 1280, 1285 (11th Cir.2005); United States v. Jimenez-Alcala, 353 F.3d. 858, 861-62 (10th Cir.2003); Perdomo-Padilla v. Ashcroft, 333 F.3d. 964, 966-67 (9th Cir.2003), cert. denied 540 U.S. 1104, 124 S.Ct. 1041, 157 L.Ed.2d. 887 (2004). To the extent that United States v. Morin, 80 F.3d. 124 (4th Cir.1996) applies in this context, we disagree with the reasoning of that court.[13]

It follows from our holding that Marquez-Almanzar is not a U.S. national, but rather an alien subject to removal under 8 U.S.C. §§1227(a)(2)(A)(iii) and (B)(i).

[Jose Napoleon MARQUEZ-ALMANZAR, Petitioner v. IMMIGRATION AND NATURALIZATION SERVICE, Respondent, 418 F.3d. 210(2005)]

Based on the above case, we conclude that:

1. 8 U.S.C. §1408 "non-citizen national of the United States** at birth" and 8 U.S.C. §1101(a)(22)(B) status are equivalent.
2. 8 U.S.C. §1408 STATUTORY "non-citizen national of the United States** at birth" or 'U.S.** national" status can only be acquired by birth and not naturalization.
3. 8 U.S.C. §1408 STATUTORY "non-citizen national of the United States** at birth" or 'U.S.** national" status can NOT be acquired merely by the taking of an oath or renunciation of a previous oath.
4. The place of birth to earn STATUTORY "non-citizen national of the United States** at birth" status under 8 U.S.C. §1408 or "non-citizen national of the United States**" status under 8 U.S.C. §1101(a)(22)(B) must be a U.S. possession and NOT a CONSTITUTIONAL state of the Union. The only remaining U.S. possessions are American Samoa and Swains Island.
5. One can earn "national" status as a state citizen under both the Fourteenth Amendment AND 8 U.S.C. §1101(a)(21) by birth within a constitutional state. No statute is needed or required under Title 8 of the U.S. Code. Title 8, in fact,

primarily deals with those born in federal territories or possessions, in fact. Only the following sections deal with states of the Union also:

5.1. 8 U.S.C. §1421: Naturalization. One cannot become an 8 U.S.C. §1401 STATUTORY citizen by naturalization. Birth is the only vehicle.

5.2. 8 U.S.C. §1481: Expatriation.

6. The best way to describe yourself if you are a state citizen, in order not to be discredited with the above case is to say you:

6.1. Are a "national" per 8 U.S.C. §1101(a)(21). "state" is in lower case because it is legislatively/statutorily foreign but not CONSTITUTIONALLY foreign in relation to the national government.

6.2. Are NOT a "national and citizen of the United States** at birth" per 8 U.S.C. §1401.

6.3. Are NOT a "non-citizen national of the United States** at birth" or "U.S.** national" per 8 U.S.C. §1408 or 8 U.S.C. §1101(a)(22)(B).

6.4. Do not derive your citizenship from ANY provision within Title 8 of the U.S. Code, but rather through the Fourteenth Amendment if born within a constitutional state of the Union.

6.5. Are a "non-resident non-person" in federal statutes because not domiciled in the STATUTORY United States** defined in Title 8 of the U.S. Code, being federal territory not within any constitutional state.

9.4 Expatriation: 8 U.S.C. §1481

How can you be sure you are a "national" or "state national" if the authority for being so can't lawfully be put in any federal statute? There are lots of ways, but the easiest way is to consider that you as a human being who was born in a state of the Union and outside the federal "United States**" can legally "expatriate" your nationality. All you need in order to do so is your original birth certificate and to follow the procedures prescribed in federal law which we explain in section 4.11.10 of our *Great IRS Hoax*, Form #11.302 book and 2.5.3.13 of our *Sovereignty Forms and Instructions Manual*, Form #10.005. What exactly are you "expatriating"? The definition of expatriation clarifies this:

> *"Expatriation is the voluntary renunciation or abandonment of **nationality** and allegiance."*
> *[Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]*

> ***"expatriation**. The voluntary act of abandoning or renouncing one's country, [nation] and becoming the citizen or subject of another.*
> *[Black's Law Dictionary, Sixth Edition, p. 576]*

Here is the statutory explanation of "expatriation":

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part III > § 1481*
> *§ 1481. Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions*

> *(a) A person who is a national of the United States[*] whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality—*

You can't abandon your "nationality" unless you had it in the first place, so you ***must*** be a "national" or a "state national"! Here is the clincher:

> *8 U.S.C. §1101: Definitions*

> *(a)(21) The term "national" means a person owing permanent allegiance to a state.*

The term "state" above can mean a state of the Union or it can mean a confederation of states called the "United States***". The reason "state" is in lower case is because it refers in most cases to a legislatively foreign state, and all states of the Union are foreign with respect to the federal government for the purposes of legislative (but not CONSTITUTIONAL) jurisdiction for nearly all subject matters. All upper case "States" in federal law refer to territories or possessions owned by the federal government under 4 U.S.C. §110(d):

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

Sneaky, huh? You'll *never* hear especially a federal lawyer agree with you on this because it destroys their jurisdiction to impose an income tax on you, but it's true!

NOTE: We are NOT suggesting that you SHOULD expatriate, but using the process to illustrate that it is completely consistent with our research. In order to move oneself outside of federal legislative jurisdiction, a human being born in a state of the Union and outside the federal United States** (a "national" of the USA) would want to ONLY move his domicile outside of the federal zone (assuming that they were domiciled in the federal zone to begin with) AND NOT expatriate his nationality. Likewise, a "National and citizen of the United states** at birth" pursuant to 8 U.S.C. §1401 would also want to move their domicile outside of the federal zone.

The rulings of the U.S. Supreme Court also reveal that "citizen of the United States***" and "nationality" are equivalent, but only in the context of the Constitution and not any act of Congress. Look at the ruling below and notice how they use "nationality" and "citizen of the United States***" interchangeably:

> *"Whether it was also the rule at common law that the children of British subjects born abroad were themselves British subjects-**nationality being attributed to parentage instead of locality**-has been variously determined. If this were so, of course the statute of Edw. III. was declaratory, as was the subsequent legislation. But if not, then such children were aliens, and the statute of 7 Anne and subsequent statutes must be regarded as in some sort acts of naturalization. On the other hand, it seems to me that the rule, 'Partus sequitur patrem,' has always applied to children of our citizens born abroad, and that the acts of congress on this subject are clearly declaratory, passed out of abundant caution, to obviate misunderstandings which might arise from the prevalence of the contrary rule elsewhere.*
>
> *"**Section 1993 of the Revised Statutes provides that children so born 'are declared to be citizens of the United States***; but the rights of citizenship shall not descend to children whose fathers never resided in the United States***.' Thus a limitation is prescribed on the passage of citizenship by descent beyond the second generation if then surrendered by permanent nonresidence, and this limitation was contained in all the acts from 1790 down. Section 2172 provides that such children shall 'be considered as citizens thereof.' "*
> *[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

If after examining the charts above, you find that your present citizenship status does not meet your needs, you are perfectly entitled to change it and the government can't stop you. We explain later in section 4.11.10 of our *Great IRS Hoax*, Form #11.302 how to abandon any type of citizenship you may find undesirable in order to have the combination of rights and "privileges" that suit your fancy. If a "national" of the USA*** wanted to qualify for Social Security Benefits, they would have to naturalize to the "United States**" to become a statutory "U.S.** national" or move their domicile to the federal zone (BAD IDEA).

9.5 Statutory geographical definitions

In the following subsections we have an outline of the legal constraints applying to persons who are "state nationals" and who do not claim the status of STATUTORY "national and citizen of the United States** at birth" under 8 U.S.C. §1401. The analysis that follows establishes that for "state nationals" , such persons may in some cases not be allowed to vote in elections without special efforts on their part to maintain their status. They are also not allowed to serve on jury duty without special efforts on their part to maintain their status. These special efforts involve clarifying our citizenship on any government forms we sign to describe ourselves as ONE of the following:

1. "nationals" or "state nationals" but not statutory "citizens of the United States**" as defined in and 8 U.S.C. §1101(a)(21).
2. **Nationals** of the "United States *of America*" (just like our passport says) but not *statutory* **c**itizens of the *federal* "United States**" pursuant to 8 U.S.C. §1101(a)(21) if we were born within and domiciled within a constitutional state of the Union.

We said in section 4.12.3 of the *Great IRS Hoax*, Form #11.302 that all people born in states of the Union are technically "state nationals" or "U.S.*** nationals". That is: "nationals of the United States*** *of America*".

The legal encyclopedia American Jurisprudence helps us define what is meant by "United States" in the context of citizenship under *federal* (not state) law:

> *3C American Jurisprudence 2d, Aliens and Citizens, §2689 (1999), Who is born in United States[**] and subject to United States[**] jurisdiction*

"A person is born *subject to the jurisdiction of the United States[**],* for purposes of acquiring citizenship at birth, if his or her birth occurs ***in territory over which the United States[**] is sovereign***, even though another country provides all governmental services within the territory, and the territory is subsequently ceded to the other country."
[American Jurisprudence 2d, Aliens and Citizens, Section 2689 (1999)]

The key word in the above definition is "territory" in relationship to the sovereignty word. The only places which are "territories" of the United States[**] government are listed in Title 48 of the United States[**] Code. The states of the union are NOT territories!

"Territory: A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical area under the jurisdiction of another country or sovereign power.

A portion of the United States[**] not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the President."
[Black's Law Dictionary, Sixth Edition, p. 1473]

And the rulings of the Supreme Court confirm this:

*"**A State does not owe its origin to the Government of the United States[**], in the highest or in any of its branches. It was in existence before it**. It derives its authority from the same pure and sacred source as itself: The voluntary and deliberate choice of the people…**A State is altogether exempt from the jurisdiction of the Courts of the United States[**], or from any other exterior authority, unless in the special instances when the general Government has power derived from the Constitution itself**."*
[Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1794)]

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*"**There is no such thing as a power of inherent sovereignty in the government of the United States[**]** .... In this country sovereignty resides in the people [living in the states of the Union, since the states created the United States[**] government and they came before it], and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."*
[Julliard v. Greenman: 110 U.S. 421 (1884)]

So what is really meant by "United States" for the three types of citizens found in federal statutes such as 8 U.S.C. §1401 and 8 U.S.C. §1408 and 8 U.S.C. §1452 is the "sovereignty of the United States**", which exists in its fullest, most exclusive, and most "general" form inside its "territories", and in federal enclaves within the states, or more generally in what we call the "federal zone" in this book. The ONLY place where the exclusive sovereignty of the United States** exists in the context of its "territories" is under Article 1, Section 8, Clause 17 of the Constitution on federal land. In the legal field, by the way, this type of exclusive jurisdiction is described as "plenary power". Very few of us are born on federal land under such circumstances, and therefore very few of us technically qualify as "citizens of the United States**". By the way, the federal government does have a very limited sovereignty or "authority" inside the states of the union, but it does not exceed that of the states, nor is it absolute or unrestrained or exclusive like it is inside the "territories" of the United States** listed in Title 48 of the United States[**] Code.

Let's now see if we can confirm the above conclusions with the weasel words that the lawyers in Congress wrote into the statutes with the willful intent to deceive common people like you. The key phrase in 8 U.S.C. §1101(a)(38) above is "*the continental United States***". The definition of this term is hidden in the regulations as follows:

[Code of Federal Regulations]
[Title 8, Volume 1]
[Revised as of January 1, 2002]
From the U.S. Government Printing Office via GPO Access
[CITE: 8CFR215]
TITLE 8--ALIENS AND NATIONALITY CHAPTER I--IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE
PART 215--CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES[**]
Section 215.1: Definitions

*(f) The term continental United States[**] means the District of Columbia and the several **States**, except Alaska and Hawaii.*

The term "States", which is suspiciously capitalized and is then also defined elsewhere in Title 8 as follows:

8 U.S.C. §1101(a)(36): State [naturalization]

*The term "State" **includes** the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[**].*

Do you see the sovereign Union states in the above definition? They aren't there. Note that there are several entities listed in the above definition of "State", which collectively are called "several States". But when Congress really wants to clearly state the 50 Union states that are "foreign states" relative to them, they have no trouble at all, because here is another definition of "State" found under an older version of Title 40 of the U.S. Code prior to 2005 which refers to easements on Union state property by the federal government:

TITLE 40 > CHAPTER 4 > Sec. 319c
Sec. 319c. - Definitions for easement provisions

As used in sections 319 to 319c of this title -

*(a) The term "State" **means** the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States[**].*

The above section, after we found it in 2002 and documented it here, was REWRITTEN in 2005 and REMOVED from Title 40 of the U.S. Code in order to cover up the distinctions we are trying to make here. Does that surprise you? In fact, this kind of "word smithing" by covetous lawyers is at the heart of how the separation of powers between the state and federal governments is being systematically destroyed, as documented below:

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

Did you notice in the now repealed 40 U.S.C. §319c that they used the term "means" instead of "includes" and that they said "States of the Union" instead of "several States"? You can tell they are playing word games and trying to hide their limited jurisdiction whenever they throw in the word "includes" and do not use the word "Union" in their definition of "State". As a matter of fact, section 5.6.15 of the *Great IRS Hoax*, Form #11.302 reveals that there is a big scandal surrounding the use of the word "includes". That word is abused as a way to illegally expand the jurisdiction of the federal government beyond its clear Constitutional limits. The memorandum of law below thoroughly rebuts any lies or deception the government is likely to throw at you regarding the word "includes" and you might want to read it:

Legal Deception, Propaganda, and Fraud, Form #05.014 http://sedm.org/Forms/FormIndex.htm

Moving on, if we then substitute the definition of the term "State" from 8 U.S.C. §1101(a)(36) into the definition of "continental United States[**]" in 8 C.F.R. §215.1, we get:

8 C.F.R. §215.1

The term continental United States[**] means the District of Columbia and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[**], except Alaska and Hawaii.

We must then conclude that the "continental United States**" means essentially the federal areas within the real (not statutorily defined) continental United States**. We must also conclude based on the above analysis that:

3. The term "continental United States**" is redundant and unnecessary within the definition of "United States**" found in 8 U.S.C. §1101(a)(38).
4. The use of the term "continental United States**" is introduced mainly to deceive and confuse the average American about his true citizenship status as a "national" or a "state national" and not a "U.S. national".

The above analysis also leaves us with one last nagging question: why do Alaska and Hawaii appear in the definition of "United States**" in 8 U.S.C. §1101(a)(38), since we showed that the *other* "States" mentioned as part of this *statutory* "United States**" are federal "States"? If our hypothesis is correct that the "United States**" means "the federal zone" within federal statutes and regulations and "the states of the Union" collectively within the Constitution, then the definition from the regulation above can't include any part of a Union state that is not a federal enclave. In the case of Alaska and

Hawaii, they were only recently admitted as Union states (1950's). The legislative notes for Title 8 of the U.S. Code (entitled "Aliens and Nationality") reveal that the title is primarily derived from the Immigration and Nationality Act of 1940, which was written and codified BEFORE Alaska and Hawaii joined the Union. Before that, they were referred to as the Territories of Alaska and Hawaii, which belonged to the "United States**" or simply "Alaska and Hawaii". Note that 8 U.S.C. §1101(a)(38) adds the phrase "***of*** the United States**" after the names of these two former territories and groups them *together* with other federal territories, which to us implies that they are referring to Alaska and Hawaii *when they were territories* rather than Union states. At the time they were federal territories, then they were federal "States". These conclusions are confirmed by a rule of statutory construction known as "ejusdem generis", which basically says that items of the same class or general type *must* be grouped together. The other items that Alaska and Hawaii are grouped with are federal territories in the list of enumerated items:

> *"**Ejusdem generis.** Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the "ejusdem generis rule" is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.*
>
> *Under "ejusdem generis" cannon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696."*
> *[Black's Law Dictionary, Sixth Edition, p. 517]*

9.6 The Fourteenth Amendment

Many freedom lovers allow themselves to be confused by the content of the Fourteenth Amendment so that they do not believe the distinctions we are trying to make here about the differences in meaning of the term "United States" between the Constitution and federal statutes. Here is what section 1 of that Amendment says:

> *Fourteenth Amendment*
>
> *"Section 1. All persons born or naturalized in the United States[***] and subject to **the** jurisdiction thereof, are citizens of the United States[***] and of the State wherein they reside."*

The U.S. Supreme Court clarifies exactly what the phrase "subject to ***the*** jurisdiction" above means. It means the "political jurisdiction" of the United States** and NOT the "legislative jurisdiction"(!):

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

"Political jurisdiction" is NOT the same as "legislative jurisdiction". "Political jurisdiction" was defined by the Supreme Court in Minor v. Happersett:

> *"There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. **He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.***
>
> *"For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words 'subject,' 'inhabitant,' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government. **Citizen is now more commonly employed, however, and as it has been considered better suited to***

> ***the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States[***]. When used in this sense it [the word "citizen"] is understood as conveying the idea of membership of a nation, and nothing more.***"
>
> "***To determine, then, who were citizens of the United States[***] before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.***"
> *[Minor v. Happersett, 88 U.S. 162 (1874)]*

Notice how the Supreme court used the phrase "and nothing more", as if to emphasize that citizenship doesn't imply legislative jurisdiction, but simply political membership. We described in detail the two political jurisdictions within our country in section 4.7 of our *Great IRS Hoax*, Form #11.302 book. "Political jurisdiction" implies only the following:

1. Membership in a community (see *Minor v. Happersett*, 88 U.S. 162 (1874))
2. Right to vote.
3. Right to serve on jury duty.

"Legislative jurisdiction", on the other hand, implies being "completely subject" and subservient to federal laws and all "Acts of Congress", which only people in the District of Columbia and the territories and possessions of the United States[**] can be. You can be "completely subject to the political jurisdiction" of the United States*** without being subject in any degree to a specific "Act of Congress" or the Internal Revenue Code, for instance. The final nail is put in the coffin on the subject of what "subject to **the** jurisdiction" means in the Fourteenth Amendment, when the Supreme Court further said in the above case:

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

So "subject to the jurisdiction" in the context of citizenship within the Fourteenth Amendment means "subject to the **[political]** jurisdiction" of the United States*** and not legislative jurisdiction, and the Fourteenth Amendment definitely describes only those people born in states of the Union. Another very interesting conclusion reveals itself from reading the following excerpt from the above case:

> *"And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in analyzing the first clause, observed that "the phrase 'subject to the jurisdiction thereof" was intended to exclude from its operation children of ministers, consuls, and* ***citizens or subjects of foreign states****, born within the United States[***]."*
> *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]*

When we first read that, an intriguing question popped into our head:

> *Is "Heaven" or any religious group for that matter a "foreign state" with respect to the United States** government and are we God's "ambassadors" and "ministers" of the Sovereign ("God") in that "foreign state"?*

Based on the way our deceitful and wicked public servants have been acting lately, we think so and here are the scriptures to back it up!

> *"For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ"—*
> *[Philippians 3:20, Bible, NKJV]*

> *"Now, therefore, you are no longer strangers and foreigners, but* ***fellow citizens with the saints and members of the household of God****."*
> *[Ephesians 2:19, Bible, NKJV]*

> *"These all died in faith, not having received the promises, but having seen them afar off were assured of them, embraced them* ***and confessed that they were strangers and pilgrims on the earth****."*
> *[Hebrews 11:13, Bible, NKJV]*

*"Beloved, I beg you **as sojourners and pilgrims**, abstain from fleshly lusts which war against the soul..."*
[1 Peter 2:11, Bible, NKJV]

Furthermore, if you read section 5.2.11 of the *Great IRS Hoax*, Form #11.302, you will *also* find that the 50 Union states are considered "foreign states" and "foreign countries" with respect to the U.S. government as far as Subtitle A income taxes are concerned:

Foreign courts: "The courts of a foreign state or nation. In the United States[**], this term is frequently applied to the courts of one of the states when their judgments or records are introduced in the courts of another."
[Black's Law Dictionary, Sixth Edition, p. 647]

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

9.7 Department of State Foreign Affairs Manual (FAM)

Another place you can look to find confirmation of our conclusions is the Department of State Foreign Affairs Manual, section 7 Foreign Affairs Manual (F.A.M.), Section 1116.1-1, available on our website at:

Dept. of State Foreign Affairs Manual (FAM), Volume 7, Section 1116.1
http://famguardian.org/TaxFreedom/Evidence/Citizenship/7FAM1100,1110,1111-DeptOfState.pdf

and also available on the Department of State website at:

Department of State
http://foia.state.gov/REGS/Search.asp

which says in pertinent part:

*"d. **Prior to January 13, 1941, there was no statutory definition of "the United States" for citizenship purposes**. Thus there were varying interpretations. Guidance should be sought from the Department (CA/OCS) when such issues arise." [emphasis added]*

If our own government hadn't defined the meaning of the term "United States" up until 1941, then do you think there might have been some confusion over this and that this confusion was deliberate? Can you also see how the ruling in *Wong Kim Ark* might have been somewhat ambiguous to the average American without a statutory (legal) reference for the terms it was using? Once again, the government likes to confuse people about its jurisdiction in order to grab more of it. Here is how Thomas Jefferson explained it:

*"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate**."*
[Thomas Jefferson: Autobiography, 1821. ME 1:121]

"We all know that permanent judges acquire an esprit de corps; *that, being known, **they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative**; that it is better to leave a cause to the decision of cross and pile than to that of a judge biased to one side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."*
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

*"**It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the absence of responsibility, and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear**?"*
[Thomas Jefferson: Autobiography, 1821. ME 1:121]

*"At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. **Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office**; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little and*

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little the foundations of the Constitution and working its change by construction before any one has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account."
[Thomas Jefferson to A. Coray, 1823. ME 15:486]

"I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its toleration leads to public ruin. ***As for the safety of society, we commit honest maniacs to Bedlam; so judges should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the republic, which is the first and supreme law.****"*
[Thomas Jefferson: Autobiography, 1821. ME 1:122]

*"****The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its own will.****"*
[Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68]

*"****It is a misnomer to call a government republican in which a branch of the supreme power [the Federal Judiciary] is independent of the nation****."*
[Thomas Jefferson to James Pleasants, 1821. FE 10:198]

*"****It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty.****"*
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

With respect to that last remark, keep in mind that NONE of the rulings of U.S. Supreme Court cases like *Wong Kim Ark* have juries, so what do you think the judges are going to try to do?.. expand their power and enhance their retirement benefits, duhhhh! Another portion of that same document found in 7 Foreign Affairs Manual (F.A.M.), Section 1116.2-1 says:

"a. Simply stated, "subject to ***the*** *jurisdiction" [within the context of federal statutes but not within the Fourteenth Amendment] of the United States[**] means subject to the laws of the United States[**]." [emphasis added]*

So what does "subject to the laws of the United States**" mean? It means subject to the *exclusive/general/plenary legislative jurisdiction* of the national (not federal) government under Article 1, Section 8, Clause 17 of the Constitution, which only occurs within the federal zone. We covered this earlier in section 4.10 of the *Great IRS Hoax*, Form #11.302 and again later throughout chapter 5 of that book. Here is how we explain the confusion created by 7 Foreign Affairs Manual (F.A.M.), Section 1116.2-1 above in the note we attached to it inside the Acrobat file of it on our website:

*This is a distortion. Wong Kim Ark also says: "To be 'completely subject' to the political jurisdiction of the United States*** is to be in no respect or degree subject to the* ***political*** *jurisdiction of any other government."*

If you are subject to a Union state government, then you CANNOT meet the criteria above. That is why a "national" is defined in 8 U.S.C. §1101(a)(21) as "a person owing permanent allegiance to a [Union] state" and why most natural persons are "nationals" rather than "U.S. citizens"

9.8 Federal court jurisdiction

Let's now further explore what 7 Foreign Affairs Manual (F.A.M.), Section 1116.2-1 means when it says "subject to the laws of the United States**". In doing so, we will draw on a very interesting article on our website entitled *Authorities on Jurisdiction of Federal Courts* found on our website at:

Authorities on Jurisdiction of Federal Courts, Family Guardian Fellowship http://famguardian.org/Subjects/LegalGovRef/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm

We start with a cite from Title 18 that helps explain the jurisdiction of "the laws of the United States**":

TITLE 18 > PART III > CHAPTER 301 > Sec. 4001.
Sec. 4001. - Limitation on detention; control of prisons

*(a) No citizen shall be imprisoned or otherwise detained by the United States** except pursuant to an Act of Congress.*

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Building on this theme, we now add a corroborating citation from the Federal Rules of Criminal Procedure, Rule 26, Notes of Advisory Committee on Rules, paragraph 2, in the middle,

> *"On the other hand since all Federal crimes are statutory [see United States v. Hudson, 11 U.S. 32, 3 L.Ed. 259 (1812)] and **all criminal prosecutions in the Federal courts are based on acts of Congress**, . . ." [emphasis added]*

We emphasize the phrase "**Acts of Congress**" above. In order to define the jurisdiction of the Federal courts to conduct criminal prosecutions and how they might apply "the laws of the United States**" in any given situation, one would have to find out what the specific definition of "Act of Congress," is. We find such a definition in Federal Rule of Criminal Procedure 54(c) prior to Dec. 2002, wherein "Act of Congress" was defined. Rule 54(c) stated:

> *"Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession."*

If you want to examine this rule for yourself, here is the link:

http://www2.law.cornell.edu/cgi-bin/foliocgi.exe/frcrm/query=[jump!3A!27district+court!27]/doc/{@772}?

The $64,000 question is:

> *"ON WHICH OF THE FOUR LOCATIONS NAMED IN [former] RULE 54(c) OF the FEDERAL RULES OF CRIMINAL PROCEDURE IS THE UNITED STATES** DISTRICT COURT ASSERTING JURISDICTION WHEN THE U.S. ATTORNEY HAULS YOUR ASS IN COURT ON AN INCOME TAX CRIME?"*

Hint: everyone knows what and where the District of Columbia is, and everyone knows where Puerto Rico is, and territories and insular possessions are defined in Title 48 United States Code, happy hunting!

The Supreme Court says the same thing about this situation as well:

> *"**It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**"*
> *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

Keep in mind that Title 8 of the U.S. Code, which establishes citizenship under federal law is federal "legislation". I guess that means there is *nothing* in that title that can define or circumscribe our rights as people born within and domiciled within a state of the Union, which is foreign to the federal government for the purposes of legislative jurisdiction. In fact, that is exactly our status as a "national" defined in 8 U.S.C. §1101(a)(21). The term "national" is defined in Title 8, Section 1101 but the rights of such a human being are not limited or circumscribed there because they can't be under the Constitution. This, folks, is the essence of what it means to be truly "sovereign" with respect to the federal government, which is that you aren't the subject of any federal law. Laws limit rights and take them away. Rights don't come from laws, they come from God! America is "The land of the Kings". Every one of you is a king or ruler over your public servants, and THEY, not you, should be "rendering to Caesar", just as the Bible says in Matt. 22:15:22:

> *"**The people of the state [not the federal government, but the state: IMPORTANT!], as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the king by his own prerogative.**"*
> *[Lansing v. Smith, 4 Wendell 9, (NY) (1829)]*

> *"It will be admitted on all hands that with the exception of the powers granted to the states and the federal government, through the Constitutions, **the people of the several states are unconditionally sovereign within their respective states.**"*
> *[Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997]*

> *"**Sovereignty [that's you!] itself is, of course, not subject to law, for it is the author and source of law**; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts."*
> *[Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]*

9.9 Title 8 status definitions

"nationals" and "state nationals" are also further defined in 8 U.S.C. §1101 as follows:

> *8 U.S.C. §1101 Definitions [for the purposes of citizenship]*
>
> *(a) As used in this chapter—*
>
> *(21) The term "national" means a person owing permanent allegiance to a state.*
>
> *(22) The term "national of the United States[**]" means:*
>
> *(A) a citizen of the United States[**], or*
>
> *(B) a person who, though not a citizen of the United States[**], owes permanent allegiance to the United States[**].*

Note the suspect word "permanent" in the above definition. Below is the definition of "permanent" from the same title found in 8 U.S.C. §1101(a)(31):

> *8 U.S.C. §1101 Definitions [for the purposes of citizenship]*
>
> *(a) As used in this chapter—*
>
> *(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States[**] or of the individual, in accordance with law.*

For those of you who are Christians, you realize that this life is very temporary and that nothing on this earth can be permanent, and especially not your life:

> *"In the sweat of your face you shall eat bread*
> *Till you return to the ground,*
> *For out of it you were taken;*
> *For dust you are,*
> *And to dust you shall return."*
> *[God speaking to Adam and Eve, Gen. 3:19, Bible, NKJV]*

If we are going to be "dust", then how can our intact living body have a permanent earthly place of abode? The Bible says in Romans 6:23 that "the wages of sin is death", and that Eve brought sin into the world and thereby cursed all her successors so there is nothing more certain than death, which means there can be nothing physical that is permanent on earth including our very short lives. The only thing permanent is our spirit and not our physical body, which will certainly deteriorate and die. Therefore, there can be no such thing as "permanent allegiance" on our part to anything but God for Christians, because exclusive allegiance to God is the only way to achieve immortality and eternal life. Exclusive allegiance to anything but God is idolatry, in violation of the first four commandments of the ten commandments.

When we bring up the above kinds of issues, some of our readers have said that they don't even like being called "nationals" as they are defined above, and we agree with them. However, it is a practical reality that you cannot get a passport within our society without being either a "citizen or non-citizen national of the United States*". The compromise we make in this sort of dilemma is to clarify on our passport application that:

1. The term "U.S." as used on our passport application means the "United States of America" and not the federal United States**.
2. The term "U.S." used on the USA passport application excludes the federal corporation called the United States** government.
3. We are not the statutory "national and citizen of the United States** at birth" defined in 8 U.S.C. §1401.
4. Anyone who interferes with our status declaration in the context of the passport application is doing the following, both of which are a violation of 22 U.S.C. §2721:
   4.1. Interfering with our First Amendment right of free association and freedom from compelled association.
   4.2. Compelling us to contract with the government in procuring a franchise status that we don't consent to.

Below, in fact, is a procedure we use to apply for a passport without creating a false presumption that we are a "U.S. citizen" that worked for us:

Getting a USA Passport as a "state national", Form #10.012 FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

Sneaky, huh? This is a chess game using "words of art" conducted by greedy lawyers to steal your property and your liberty, folks! Now we ask our esteemed readers:

> *"After all the crazy circuitous logic and wild goose chasing that results from listening to the **propaganda** of the government from its various branches on the citizenship definitions, what should a reasonable man conclude about the meanings of these terms? We only have two choices:*
>
> 1. *'United States**' as used in 8 U.S.C. §1101(a)(38) means the federal zone and 'U.S. citizens' are born in the federal zone under all federal statutes and "acts of Congress". This implies that Americans born and domiciled outside the federal zone and in a constitutional state of the Union can only be state nationals per 8 U.S.C. §1101(a)(21).*
>
> 2. *'United States**' as used in 8 U.S.C. §1101(a)(38) means the entire country and political jurisdictions that are legislatively foreign to that of the federal government which are found in the states. This implies that most Americans can only be statutory "nationals and citizens of the United States" per 8 U.S.C. §1401.*

We believe the answer is that our system of jurisprudence is based on "innocence until proven guilty". In this case, the fact in question is: "Are you a statutory U.S. citizen", and being "not guilty" means having our rights and sovereignty respected by our deceitful government under these circumstances implies being a "national" or a "state national". Therefore, at best, we should conclude that the above analysis is correct and clearly explains the foundations of what it means to be a "national" or a "state national" and why most Americans fit that description. At the very worst, our analysis clearly establishes that federal statutory and case law, at least insofar as "U.S. citizenship" is very vague and very ambiguous and needs further definition. The U.S. Supreme Court has held that when laws are vague, then they are "void for vagueness", null, and unenforceable. See the following cases for confirmation of this fact:

> *"**A statute which either forbids or requires the doing of an act in terms so vague that men and women of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.**"*
> *[Connally v. General Construction Co., 269 U.S. 385 (1926)]*
>
> ---
>
> *"**It is a basic principle of due process that an enactment [435 U.S. 982 , 986] is void for vagueness if its prohibitions are not clearly defined**. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application."*
> *[Grayned v. City of Rockford, 408 U.S. 104, 108 (1972), emphasis added]*

We refer you to the following additional rulings of the U.S. Supreme Court on "void for vagueness" as additional authorities:

1. Papachristou v. City of Jacksonville, 405 U.S. 156 (1972)
2. Cline v. Frink Dairy Co., 274 U.S. 445, 47 S. Ct. 681 (1927)
3. Sewell v. Georgia, 435 U.S. 982 (1978)

Here is the way one of our readers describes the irrational propaganda and laws the government writes:

> *"If it doesn't make sense, it's probably because politics is involved!"*

9.10 Conclusions

Our conclusions then to the matters at our disposal are the following based on the above reasonable analysis:

1. The "United States***" defined in Section 1 of the Fourteenth Amendment means the states of the Union while the "United States**" appearing in federal statutes in most cases, means the federal zone. For instance, the definition of "United States**" relating to citizenship and found in 8 U.S.C. §1101(a)(38) means the federal zone, as we prove in the following:

   Tax Deposition Questions, Form #03.016, Questions 77 through 82
   http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section 14.htm.

2. Most Americans, and especially those born in and living within states of the Union are statutory "nationals" or "state nationals" rather than statutory "U.S. citizens", "citizens and nationals of the United States**", or "U.S. nationals" under all "acts of Congress" and federal statutes. The Internal Revenue Code is an "act of Congress" and a federal statute.
3. The government has deliberately tried to confuse and obfuscate the laws on citizenship to fool the average American into incorrectly declaring that they are "U.S. citizens" in order to be subject to their laws and come under their jurisdiction. See section 4.11.10 of our *Great IRS Hoax*, Form #11.302 book for complete details on how they have done it.
4. The courts have not lived up to their role in challenging unconstitutional exercises of power by the other branches of government or in protecting our Constitutional rights. They are on the take like everyone else who works in the federal government and have conspired with the other branches of government in illegally expanding federal jurisdiction.
5. Once the feds used this ruse with words to get Americans under their corrupted jurisdiction as statutory "U.S. citizens" and presumed "taxpayers", our federal "servants" have then made themselves into the "masters" by subjecting sovereign Americans to their corrupted laws within the federal zone that can disregard the Constitution because the Constitution doesn't apply in these areas. By so doing, they can illegally enforce their income tax laws and abuse their powers to plunder the assets, property, labor, and lives of most Americans in the covetous pursuit of money that the law and the Constitution did not otherwise entitle them to. This act to subvert the operation of the Constitution amounts to an act of war and treason on the sovereignty of Americans and the sovereign states that they are domiciled in, punishable under Article III, Clause 3 of the U.S. Constitution with *death by execution*.

If you would like to read a law review article on the subject of who are "non-citizen nationals of the United States**", please see:

Our Non-Citizen Nationals, Who are They?, California Law Review, Vol. XIII, Sept. 1934, Number 6, pp. 593-635, SEDM Exhibit #01.010
http://sedm.org/Exhibits/ExhibitIndex.htm

10. SUMMARY OF CONSTRAINTS APPLYING TO STATUTORY "STATE NATIONAL" STATUS

So basically, if you owe allegiance to your state and are a constitutional "citizen" of that state, you are a "national" under federal law. But how does that affect one's voting rights? Below is the answer for California:

> *CALIFORNIA CONSTITUTION*
> *ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL*
>
> *SEC. 2. A United States[**] **citizen** 18 years of age and resident in this State may vote.*

The situation may be different for other states. If you are domiciled in a state other than California, you will need to check the laws of your specific home state in order to determine whether the prohibition against voting applies to "nationals" in your state. If authorities give you a bad time about trying to register to vote without being a STATUTORY "U.S.** citizen", then show them the Declaration of Independence, which says:

> *"We hold these truths to be self-evident, that all men are created equal, that **they are endowed by their Creator with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.—"*

Emphasize that it doesn't say "*endowed by their government*" or "*endowed by their federal citizenship*" or "*endowed by their registrar of voters*", but instead "***endowed by their CREATOR***". The rights to life, liberty, and the pursuit of happiness certainly include suffrage and the right to own property. Suffrage is necessary in turn to protect personal property from encroachment by the government and socialistic fellow citizens. These are not "privileges" that result from *federal citizenship*. They are rights that result from ***birth***! Thomas Jefferson said so:

"A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate." [Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134]

"Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath?" [Thomas Jefferson: Notes on Virginia Q.XVIII, 1782. ME 2:227]

We will now analyze the constraints applying to "nationals" :

1. **Right to vote:**
   1.1. "nationals" or "state nationals" can *register to vote* under laws in most states but must be careful how they describe their status on the voter registration application.
   1.2. Some state voter registration forms have a formal affidavit by which signer swears, under penalties of perjury, that s/he is a "citizen of the United States**" or a "U.S.** citizen".
   1.3. Such completed affidavits become admissible evidence and conclusive proof that signer is a "citizen of the United States**" under federal statutes, which is not the same thing as a "national" or "state national".
2. **Right to serve on jury duty:**
   2.1. "nationals" or "state nationals" can *serve on jury duty* under most state laws. If your state gives you trouble by not allowing you to serve on jury duty as a "national", you are admonished to litigate to regain your voting rights and change state law.
   2.2. Some state jury summons forms have a section that allows persons to disqualify themselves from serving on jury duty if they do not claim to be "citizens of the United States**". We should return the summons form with an affidavit claiming that we want to serve on jury duty and are "nationals" rather than "citizens" of the United States**. If they then disqualify us from serving on jury duty, we should litigate to regain our right to serve on juries.
3. The exercise of federal citizenship, including voting and serving on jury duty, is a statutory privilege which can be created, taxed, regulated and even revoked by Congress! Please reread section 4.3 of *The Great IRS Hoax*, Form #11.302 book about "Government instituted slavery using privileges" for clarification on what this means. In effect, the government, through operation of law, has transformed a right into a taxable privilege, .
4. The exercise of "national" Citizenship is an unalienable Right which Congress cannot tax, regulate or revoke under any circumstances.
5. Such a Right is guaranteed by the U.S. Constitution, which Congress cannot amend without the consent of three-fourths of the Union States.

11. CITIZENSHIP, DOMICILE, AND TAX STATUS OPTIONS SUMMARY

"Dolosus versatur generalibus. **A deceiver deals in generals.** *2 Co. 34."*

"Fraus latet in generalibus. **Fraud lies hid in general expressions.***"*

Generale nihil certum implicat. **A general expression implies nothing certain.** *2 Co. 34.*

Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. **Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right.** *10 Co. 78. [Bouvier's Maxims of Law, 1856]*

"General expressions", and especially those relating to geographical terms, franchise statuses, or citizenship, are the biggest source of FRAUD in courtrooms across the country. By "general expressions", we mean those which:

1. The speaker is either not accountable or **REFUSES to be accountable** for the accuracy or truthfulness or definition of the word or expression.
2. Fail to recognize that there are multiple contexts in which the word could be used.
   2.1. CONSTITUTIONAL (States of the Union).
   2.2. STATUTORY (federal territory).
3. Are susceptible to two or more CONTEXTS or interpretations, one of which the government representative interpreting the context stands to benefit from handsomely. Thus, "equivocation" is undertaken, in which they TELL you they mean the CONSTITUTIONAL interpretation but after receiving your form or pleading, interpret it to mean the STATUTORY context.

equivocation

EQUIVOCA'TION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. Equivocation is incompatible with the Christian character and profession.

[SOURCE: http://1828.mshaffer.com/d/search/word,equivocation]

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

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

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

[Wikipedia topic: Equivocation, Downloaded 9/15/2015; SOURCE: https://en.wikipedia.org/wiki/Equivocation]

4. **PRESUMES** that all contexts are equivalent, meaning that CONSTITUTIONAL and STATUTORY are equivalent.
5. Fail to identify the specific context implied on the form.
6. Fail to provide an actionable definition for the term that is useful as evidence in court.
7. Government representatives actively interfere with or even penalize efforts by the applicant to define the context of the terms so that they can protect their right to make injurious presumptions about their meaning.

Pictures really are worth a THOUSAND words. There is no better place we know of to use a picture to describe relationship than in the context of citizenship, domicile, and residency. Below are tables summarizing citizenship status v. Tax status. After that, we show a graphical diagram that makes the relationships perfectly clear. Finally, after the graphical diagram, we present a text summary for all the legal rules that govern transitioning between the various citizenship and domicile conditions described. If you want a terse handout for convenient use at depositions and to attach to government forms which contains the information in this section, see:

Citizenship, Domicile, and Tax Status Options, Form #10.003 http://sedm.org/Forms/FormIndex.htm

11.1 The Four "United States"

It is very important to understand that there are THREE separate and distinct GEOGRAPHICAL CONTEXTS in which the term "United States" can be used, and each has a mutually exclusive and different meaning. These three geographical definitions of "United States" were described by the U.S. Supreme Court in Hooven and Allison v. Evatt, 324 U.S. 652 (1945):

Table 14: Geographical terms used throughout this page

Term	*# in diagrams*	*Meaning*
United States*	1	The country "United States" in the family of nations throughout the world.
United States**	2	The "federal zone".
United States***	3	Collective states of the Union mentioned throughout the Constitution.

In addition to the above GEOGRAPHICAL context, there is also a legal, non-geographical context in which the term "United States" can be used, which is the GOVERNMENT as a legal entity. Throughout this page and this website, we identify THIS context as "United States****" or "United States[4]". The only types of "persons" within THIS context are public offices within the national and not state government. It is THIS context in which "sources within the United States" is used for the purposes of "income" and "gross income" within the Internal Revenue Code, as proven by:

Non-Resident Non-Person Position, Form #05.020, Sections 5.4 and 5.4.11
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/NonresidentAlienPosition.pdf

The reason these contexts are not expressly distinguished in the statutes by the Legislative Branch or on government forms crafted by the Executive Branch is that they are the KEY mechanism by which:

1. Federal jurisdiction is unlawfully enlarged by abusing presumption, which is a violation of due process of law. See:
   Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Presumption.pdf
2. The separation of powers between the states and the national government is destroyed, in violation of the legislative intent of the Constitution. See:
   Government Conspiracy to Destroy the Separation of Powers, Form #05.023
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf
3. A "society of law" is transformed into a "society of men" in violation of Marbury v. Madison, 5 U.S. 137 (1803):

   > *"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right."*
   > *[*Marbury v. Madison, 5 U.S. 137, 163 (1803)*]*

4. Exclusively PRIVATE rights are transformed into public rights in a process we call "invisible eminent domain using presumption and words of art".
5. Judges are unconstitutionally delegated undue discretion and "arbitrary power" to unlawfully enlarge federal jurisdiction. See:
   Federal Jurisdiction, Form #05.018
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/FederalJurisdiction.pdf

The way a corrupted Executive Branch or judge accomplish the above is to unconstitutionally:

1. PRESUME that ALL of the four contexts for "United States" are equivalent.
2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY "national and citizen of the United States** at birth" per 8 U.S.C. §1401. See:
   Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyANational.pdf
3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:
   Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf
4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.
5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
6. Confuse the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:
   Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf
7. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. See:

Legal Deception, Propaganda, and Fraud, Form #05.014
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf

8. PRESUME that STATUTORY diversity of citizenship under 28 U.S.C. §1332 and CONSTITUTIONAL diversity of citizenship under Article III, Section 2 of the United States Constitution are equivalent.
   8.1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive.
   8.2. The STATUTORY definition of "State" in 28 U.S.C. §1332(e) is a federal territory. The definition of "State" in the CONSTITUTION is a State of the Union and NOT federal territory.
   8.3. They try to increase this confusion by dismissing diversity cases where only diversity of RESIDENCE (domicile) is implied, instead insisting on "diversity of CITIZENSHIP" and yet REFUSING to define whether they mean DOMICILE or NATIONALITY when the term "CITIZENSHIP" is invoked. See Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)("To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]verments of residence are wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone.").
9. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
10. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The IRS does this with ALL of their publications and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf

This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

> *'When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, **we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.**'*
> *[Yick Wo v. Hopkins, 118 U.S. 356, 369 , 6 S.Sup.Ct. 1064, 1071]*

Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he said:

> *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed.**"*
> *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

> *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate.**"*
> *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

> *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. **This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.**'"*
> *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

> *"**When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.**"*
> *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]*

> *"What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business" scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the hands of the General Government!"*
> *[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]*

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11.2 Statutory v. Constitutional contexts

It is very important to understand that there are TWO separate, distinct, and mutually exclusive contexts in which geographical "words of art" can be used at the federal or national level:

1. Statutory.
2. Constitutional.

The purpose of providing a statutory definition of a legal "term" is to supersede and not enlarge the ordinary, common law, constitutional, or common meaning of a term. Geographical words of art include:

1. "State"
2. "United States"
3. "alien"
4. "citizen"
5. "resident"
6. "U.S. person"

The terms "State" and "United States" within the Constitution implies the constitutional states of the Union and excludes federal territory, statutory "States" (federal territories), or the statutory "United States" (the collection of all federal territory). This is an outcome of the separation of powers doctrine. See:

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

The U.S. Constitution creates a public trust which is the delegation of authority order that the U.S. Government uses to manage federal territory and property. That property includes franchises, such as the "trade or business" franchise. All statutory civil law it creates can and does regulate only THAT property and not the constitutional States, which are foreign, sovereign, and statutory "aliens" for the purposes of federal legislative jurisdiction.

It is very important to realize the consequences of this constitutional separation of powers between the states and national government. Some of these consequences include the following:

1. Statutory "States" as indicated in 4 U.S.C. §110(d) and "States" in nearly all federal statutes are in fact federal territories and the definition does NOT include constitutional states of the Union.
2. The statutory "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d) includes federal territory and excludes any land within the exclusive jurisdiction of a constitutional state of the Union.
3. Terms on government forms assume the statutory context and NOT the constitutional context.
4. Domicile is the origin of civil legislative jurisdiction over human beings. This jurisdiction is called "in personam jurisdiction".
5. Since the separation of powers doctrine creates two separate jurisdictions that are legislatively "foreign" in relation to each other, then there are TWO types of political communities, two types of "citizens", and two types of jurisdictions exercised by the national government.

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

6. A human being domiciled in a Constitutional state and born or naturalized anywhere in the Union. These are:
   6.1. A state national pursuant to 8 U.S.C. §1101(a)(21)
   6.2. A statutory "non-resident non-person" if exclusively PRIVATE and not engaged in a public office.
   6.3. A statutory "nonresident alien" (26 U.S.C. §7701(b)(1)(B)) in relation to the national government if they lawfully serve in a public office.
7. You can be a statutory "nonresident alien" pursuant to 26 C.F.R. §1.1441-1(c)(3)(ii) and a constitutional or Fourteenth Amendment "Citizen" AT THE SAME TIME. Why? Because the Supreme Court ruled in Hooven and Allison v. Evatt, 324 U.S. 652 (1945), that there are THREE different and mutually exclusive "United States", and therefore

THREE types of "citizens of the United States". Here is an example:

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.* ***No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.*** *It had been the occasion of much discussion in the courts, by the executive departments and in the public journals.* ***It had been said by eminent judges that no man was a citizen of the [***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories [STATUTORY citizens], though within the United States[*], were not [CONSTITUTIONAL] citizens****."*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

The "citizen of the United States" mentioned in the Fourteenth Amendment is a constitutional "citizen of the United States", and the term "United States" in that context includes states of the Union and excludes federal territory. Hence, you would NOT be a "citizen of the United States**" within any federal statute, because all such statutes define "United States" to mean federal territory and EXCLUDE states of the Union. For more details, see:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006 http://sedm.org/Forms/FormIndex.htm

8. Your job, if you say you are a "citizen of the United States" or "U.S. citizen" on a government form (a VERY DANGEROUS undertaking!) is to understand that all government forms presume the statutory and not constitutional context, and to ensure that you define precisely WHICH one of the three "United States" you are a "citizen" of, and do so in a way that excludes you from the civil jurisdiction of the national government because domiciled in a "foreign state". Both foreign countries and states of the Union are legislatively "foreign" and therefore "foreign states" in relation to the national government of the United States. The following form does that very carefully:

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

9. Even the IRS says you CANNOT trust or rely on ANYTHING on any of their forms and publications. We cover this in our Reasonable Belief About Income Tax Liability, Form #05.007. Hence, if you are compelled to fill out a government form, you have an OBLIGATION to ensure that you define all "words of art" used on the form in such a way that there is no room for presumption, no judicial or government discretion to "interpret" the form to their benefit, and no injury to your rights or status by filling out the government form. This includes attaching the following forms to all tax forms you submit:
   9.1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
   http://sedm.org/Forms/FormIndex.htm
   9.2. *Tax Form Attachment*, Form #04.201
   http://sedm.org/Forms/FormIndex.htm

We started off section 11 of this document with maxims of law proving that "a deceiver deals in generals". Anyone who refuses to identify the precise context, statutory or constitutional, for EVERY "term of art" they are using in the legal field ABSOLUTELY IS A DECEIVER.

11.3 Statutory v. Constitutional Citizens

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

Statutory citizenship is a legal status that designates a person's domicile while constitutional citizenship is a political status that designates a person's nationality. Understanding the distinction between nationality and domicile is absolutely critical.

1. Nationality:
   1.1. Is not necessarily consensual or discretionary. For instance, acquiring nationality by birth in a specific place was not a matter of choice whereas acquiring it by naturalization is.
   1.2. Is a political status.
   1.3. Is defined by the Constitution, which is a political document.
   1.4. Is synonymous with being a "national" within statutory law.
   1.5. Is associated with a specific COUNTRY.
   1.6. Is called a "political citizen" or a "citizen of the United States in a political sense" by the courts to distinguish it from a STATUTORY citizen. See Powe v. United States, 109 F.2d. 147 (1940).
2. Domicile:
   2.1. Always requires your consent and therefore is discretionary. See:

2.2. Is a civil status.
2.3. Is not even addressed in the constitution.
2.4. Is defined by civil statutory law RATHER than the constitution.
2.5. Is in NO WAY connected with one's nationality.
2.6. Is usually connected with the word "person", "citizen", "resident", or "inhabitant" in statutory law.
2.7. Is associated with a specific COUNTY and a STATE rather than a COUNTRY.
2.8. Implies one is a "SUBJECT" of a SPECIFIC MUNICIPAL but not NATIONAL government.

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

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

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

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

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

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

CONSTITUTIONAL "Citizens" or "citizens of the United States***" in the Fourteenth Amendment rely on the CONSTITUTIONAL context for the geographical term "United States", which means states of the Union and EXCLUDES federal territory.

> *". . .**the Supreme Court in the Insular Cases [45] provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment**. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. **The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union**. U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("**[I]t can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of***

[45] De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives."); Rabang, 35 F.3d at 1452. ***Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787***.

The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend XIV, § 1 (emphasis added). ***The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are no[t] part of the Union" to which the Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States '] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union****. Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("****[I]n dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located."****).*[46]
[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

STATUTORY citizens under 8 U.S.C. §1401, on the other hand, rely on the STATUTORY context for the geographical term "United States", which means federal territory and EXCLUDES states of the Union:

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]
Sec. 7701. – Definitions
(a)(9) United States

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

(a)(10) State

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

_____

TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
CHAPTER 4 - ***THE STATES***
Sec. 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

One CANNOT simultaneously be BOTH a CONSTITUTIONAL citizen AND a STATUTORY citizen at the same time, because the term "United States" has a different, mutually exclusive meaning in each specific context.

"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. ***No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.*** *It had been the occasion of much discussion in the courts, by the executive departments and in the public journals.* ***It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens****. Whether this proposition was sound or not had never been judicially decided."*
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

_____

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401 STATUTORY citizen]*. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States * * * are citizens of the United States * * *.' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so*

[46] Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. ***While conceding that Bellei is an American citizen****, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution.* ***I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others****. [. . .]*

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[. . .]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.
[Rogers v. Bellei, 401 U.S. 815 (1971)]

STATUTORY citizens are the ONLY type of "citizens" mentioned in the entire Internal Revenue Code, and therefore, the income tax under Subtitles A and C does not apply to the states of the Union.

Title 26: Internal Revenue
PART 1—INCOME TAXES
Normal Taxes and Surtaxes
§ 1.1-1 Income tax on individuals.

(c) Who is a citizen.

Every person ["person" as used in 26 U.S.C. §6671(b) and 26 U.S.C. §7343, which both collectively are officers or employees of a corporation or a partnership with the United States government] born or naturalized in the United States and subject to its jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1401–1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481–1489), Schneider v. Rusk, (1964) 377 U.S. 163, and Rev. Rul. 70–506, C.B. 1970–2, 1. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.

[SOURCE: http://law.justia.com/cfr/title26/26-1.0.1.1.1.0.1.2.html]

If you look in 8 U.S.C. §§1401-1459,. the ONLY type of "citizen" is the one mentioned in 8 U.S.C. §1401, which is a human born in a federal territory not part of a state of the Union. Anyone who claims a state citizen or CONSTITUTIONAL citizen is also a STATUTORY "U.S. citizen" subject to the income tax is engaging in criminal identity theft as documented in the following. They are also criminally impersonating a "U.S. citizen" in violation of 18 U.S.C. §911:

Government Identity Theft, Form #05.046 http://sedm.org/Forms/FormIndex.htm

Domicile and NOT nationality is what imputes a status under the tax code and a liability for tax. Tax liability is a civil liability that attaches to civil statutory law, which in turn attaches to the person through their choice of domicile. When you CHOOSE a domicile, you elect or nominate a protector, which in turn gives rise to an obligation to pay for the civil protection

demanded. The method of providing that protection is the civil laws of the municipal (as in COUNTY) jurisdiction that you chose a domicile within.

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

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

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

We establish later in section 12.14 that federal courts regard the term "citizenship" as equivalent to domicile, meaning domicile on federal territory.

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

Hence:

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

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

11.4 Citizenship Status v. Tax Status

Table 15: "Citizenship status" vs. "Income tax status"

#	*Citizenship status*	*Place of birth*	*Domicile*	*Accepting tax treaty benefits?*	*Defined in*	*Tax Status under 26 U.S.C./Internal Revenue Code*			
						"Citizen" *(defined in 26 C.F.R. §1.1-1)*	***"Resident alien"*** (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	***"Nonresident alien INDIVIDUAL"*** (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	***"Non-resident NON-person"*** (NOT defined)
1	"national and citizen of the United States** at birth" or "U.S.** citizen" or Statutory "U.S.** citizen"	Statutory "United States" pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29)	District of Columbia, Puerto Rico, Guam, Virgin Islands	NA	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	Yes (only pay income tax abroad with IRS Forms 1040/2555. See Cook v. Tait, 265 U.S. 47 (1924))	No	No	No
2	"non-citizen national of the United States** at birth" or "U.S.** national"	Statutory "United States" pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29)	American Samoa; Swain's Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	NA	8 U.S.C. §1408 8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1452	No (see 26 U.S.C. §7701(b)(1)(B))	No	Yes (see IRS Form 1040NR for proof)	No
3.1	"U.S.A.*** national" or "state national" or "Constitutional but not statutory U.S.*** citizen"	Constitutional Union state	State of the Union	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	No	No	No	Yes
3.2	"U.S.A.*** national" or "state national" or "Constitutional but not statutory U.S.*** citizen"	Constitutional Union state	Foreign country	Yes	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	No	No	Yes	No
3.3	"U.S.A.*** national" or "state national" or "Constitutional but not statutory U.S.*** citizen"	Constitutional Union state	Foreign country	No	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	No	No	No	Yes

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#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						"Citizen" *(defined in 26 C.F.R. §1.1-1)*	***"Resident alien"*** (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	***"Nonresident alien INDIVIDUAL"*** (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	***"Non-resident NON-person"*** (NOT defined)
3.4	Statutory "citizen of the United States**" or Statutory "U.S.** citizen"	Constitutional Union state	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	Yes	No	No	No
4.1	"alien" or "Foreign national"	Foreign country	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	Yes	No	No
4.2	"alien" or "Foreign national"	Foreign country	State of the Union	Yes	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.3	"alien" or "Foreign national"	Foreign country	State of the Union	No	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	No	Yes
4.4	"alien" or "Foreign national"	Foreign country	Foreign country	Yes	8 U.S.C. §1101(a)(21)	No	No	Yes	No
4.5	"alien" or "Foreign national"	Foreign country	Foreign country	No	8 U.S.C. §1101(a)(21)	No	No	No	Yes

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NOTES:

1. Domicile is a prerequisite to having any civil status per Federal Rule of Civil Procedure 17. One therefore cannot be a statutory "alien" under 8 U.S.C. §1101(a)(3) without a domicile on federal territory. Without such a domicile, you are a transient foreigner and neither an "alien" nor a "nonresident alien".
2. ”United States” is described in 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) and includes only federal territory and possessions and excludes all Constitutional Union states. This is a product of the separation of powers doctrine that is the heart of the United States Constitution.
3. A “nonresident alien individual” who has made an election under 26 U.S.C. §6013(g) and (h) to be treated as a “resident alien” is treated as a “nonresident alien” for the purposes of withholding under Internal Revenue Code (I.R.C.) Subtitle C but retains their status as a “resident alien” under Internal Revenue Code (I.R.C.) Subtitle A. See 26 C.F.R. §1.1441-1(c)(3)(ii).
4. A "non-person" is really just a transient foreigner who is not "purposefully availing themselves" of commerce within the legislative jurisdiction of the United States on federal territory under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. The real transition from a "NON-person" to an "individual" occurs when one:
   - 4.1. "Purposefully avails themself" of commerce on federal territory and thus waives sovereign immunity. Examples of such purposeful availment are the next three items.
   - 4.2. Lawfully and consensually occupying a public office in the U.S. government and thereby being an “officer and individual” as identified in 5 U.S.C. §2105(a). Otherwise, you are PRIVATE and therefore beyond the civil legislative jurisdiction of the national government.
   - 4.3. Voluntarily files an IRS Form 1040 as a citizen or resident abroad and takes the foreign tax deduction under 26 U.S.C. §911. This too is essentially an act of "purposeful availment". Nonresidents are not mentioned in section 911. The upper left corner of the form identifies the filer as a “U.S. individual”. You cannot be an “U.S. individual” without ALSO being an “individual”. All the "trade or business" deductions on the form presume the applicant is a public officer, and therefore the "individual" on the form is REALLY a public officer in the government and would be committing FRAUD if he or she was NOT.
   - 4.4. VOLUNTARILY fills out an IRS Form W-7 ITIN Application (IRS identifies the applicant as an "individual") AND only uses the assigned number in connection with their compensation as an elected or appointed public officer. Using it in connection with PRIVATE earnings is FRAUD.
5. What turns a “non-resident NON-person” into a “nonresident alien individual” is meeting one or more of the following two criteria found in 26 C.F.R. §1.1441-1(c)(3)(ii):
   - 5.1. Residence/domicile in a foreign country under the residence article of an income tax treaty and 26 C.F.R. §301.7701(b)-7(a)(1).
   - 5.2. Residence/domicile as an alien in Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under 26 C.F.R. §301.7701(b)-1(d).
6. All “taxpayers” are STATUTORY “aliens” or “nonresident aliens”. The definition of “individual” found in 26 C.F.R. §1.1441-1(c)(3) does NOT include “citizens”. The only occasion where a “citizen” can also be an “individual” is when they are abroad under 26 U.S.C. §911 and interface to the Internal Revenue Code (I.R.C.) under a tax treaty with a foreign country as an alien pursuant to 26 C.F.R. §301.7701(b)-7(a)(1)

> *And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take customs or taxes, from their sons [citizens and subjects] or from strangers ["aliens", which are synonymous with "residents" in the tax code, and exclude "citizens"]?"*

> *Peter said to Him, "From strangers ["aliens"/"residents" ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §301.6109-1(d)(3)]."*

> *Jesus said to him, "Then the sons ["citizens" of the Republic, who are all sovereign "nationals" and "nonresident aliens" under federal law] are free [sovereign over their own person and labor. e.g. SOVEREIGN IMMUNITY]. "*
> *[Matt. 17:24-27, Bible, NKJV]*

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11.5 Effect of Domicile on Citizenship Status

Table 16: Effect of domicile on citizenship status

	CONDITION		
Description	**Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE**	**Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country**	**Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE**
Location of domicile	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), 7408(d)	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), 7408(d)	Without the "United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), 7408(d)
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations states of the Union Federal possessions
Tax Status	"U.S. Person" 26 U.S.C. §7701(a)(30)	"U.S. Person" 26 U.S.C. §7701(a)(30)	"Nonresident alien individual" if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3)(ii) "Non-resident NON-person" if NOT a public officer in the U.S. government
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	IRS Form 1040NR: "alien individuals", "nonresident alien individuals" No filing requirement: "non-resident NON-person"
Status if DOMESTIC "national of the United States*"	"national and citizen of the United States** at birth" per 8 U.S.C. §1401 and "citizen of the United States**" per 8 U.S.C. §1101(a)(22)(A) if born in on federal territory. (Not required to file if physically present in the "United States" because no statute requires it)	Citizen abroad 26 U.S.C. §911 (Meets presence test)	"non-resident" if born in a state of the Union 8 U.S.C. §1408, 8 U.S.C. §1452, and 8 U.S.C. §1101(a)(22)(B)if born in a possession.
Status if FOREIGN "national" pursuant to 8 U.S.C. §1101(a)(21)	"Resident alien" 26 U.S.C. §7701(b)(1)(A)	"Resident alien abroad" 26 U.S.C. §911 (Meets presence test)	"Nonresident alien individual" if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3)(ii) "Non-resident NON-person" if NOT a public officer in the U.S. government

NOTES:

1. "United States" is defined as federal territory within 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), and 7408(d), and 4 U.S.C. §110(d). It does not include any portion of a Constitutional state of the Union.
2. The "District of Columbia" is defined as a federal corporation but not a physical place, a "body politic", or a de jure "government" within the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. See:

   Corporatization and Privatization of the Government, Form #05.024
   http://sedm.org/Forms/FormIndex.htm.
3. "nationals" of the United States of America who are domiciled outside of federal jurisdiction, either in a state of the Union or a foreign country, are "nationals" but not "citizens" under federal law. They also qualify as "nonresident aliens"

under 26 U.S.C. §7701(b)(1)(B) if and only if they are engaged in a public office. See sections 4.11.2 of the *Great IRS Hoax*, Form #11.302 for details.

4. Temporary domicile in the middle column on the right must meet the requirements of the "Presence test" documented in IRS publications.
5. "FEDERAL ZONE"=District of Columbia and territories of the United States in the above table
6. The term "individual" as used on the IRS Form 1040 means an "alien" engaged in a "trade or business". All "taxpayers" are "aliens" engaged in a "trade or business". This is confirmed by 26 C.F.R. §1.1441-1(c)(3), 26 C.F.R. §1.1-1(a)(2)(ii), and 5 U.S.C. §552a(a)(2). Statutory "U.S. citizens" as defined in 8 U.S.C. §1401 are not "individuals" unless temporarily abroad pursuant to 26 U.S.C. §911 and subject to an income tax treaty with a foreign country. In that capacity, statutory "U.S. citizens" interface to the Internal Revenue Code (I.R.C.) as "aliens" rather than "U.S. citizens" through the tax treaty.

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11.6 Meaning of Geographical "Words of Art"

Because the states of the Union and the federal government are "foreign" to each other for the purposes of legislative jurisdiction, then it also follows that the definitions of terms in the context of all state and federal statutes must be consistent with this fact. The table below was extracted from the *Great IRS Hoax*, Form #11.302, Section 4.9 if you would like to investigate further, and it clearly shows the restrictions placed upon definitions of terms within the various contexts that they are used within state and federal law:

Table 17: Meaning of geographical "words of art"

Law	**Federal constitution**	**Federal statutes**	**Federal regulations**	**State constitutions**	**State statutes**	**State regulations**
Author	**Union States/ "We The People"**	**Federal Government**		**"We The People"**	**State Government**	
"state"	Foreign country	Union state or foreign country	Union state or foreign country	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State"[47]	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"State"[48] **(State Revenue and taxation code only)**	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively[49]	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

NOTES:

1. The term "Federal state" or "Federal 'States'" as used above means a federal territory as defined in 4 U.S.C. §110(d) and EXCLUDES states of the Union.
2. The term "Union state" means a "State" mentioned in the United States Constitution, and this term EXCLUDES and is mutually exclusive to a federal "State".
3. If you would like to investigate the various "words of art" that lawyers in the federal government use to deceive you, we recommend the following:
   - 3.1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm
   - 3.2. *Great IRS Hoax*, Form #11.302, sections 3.9.1 through 3.9.1.28.

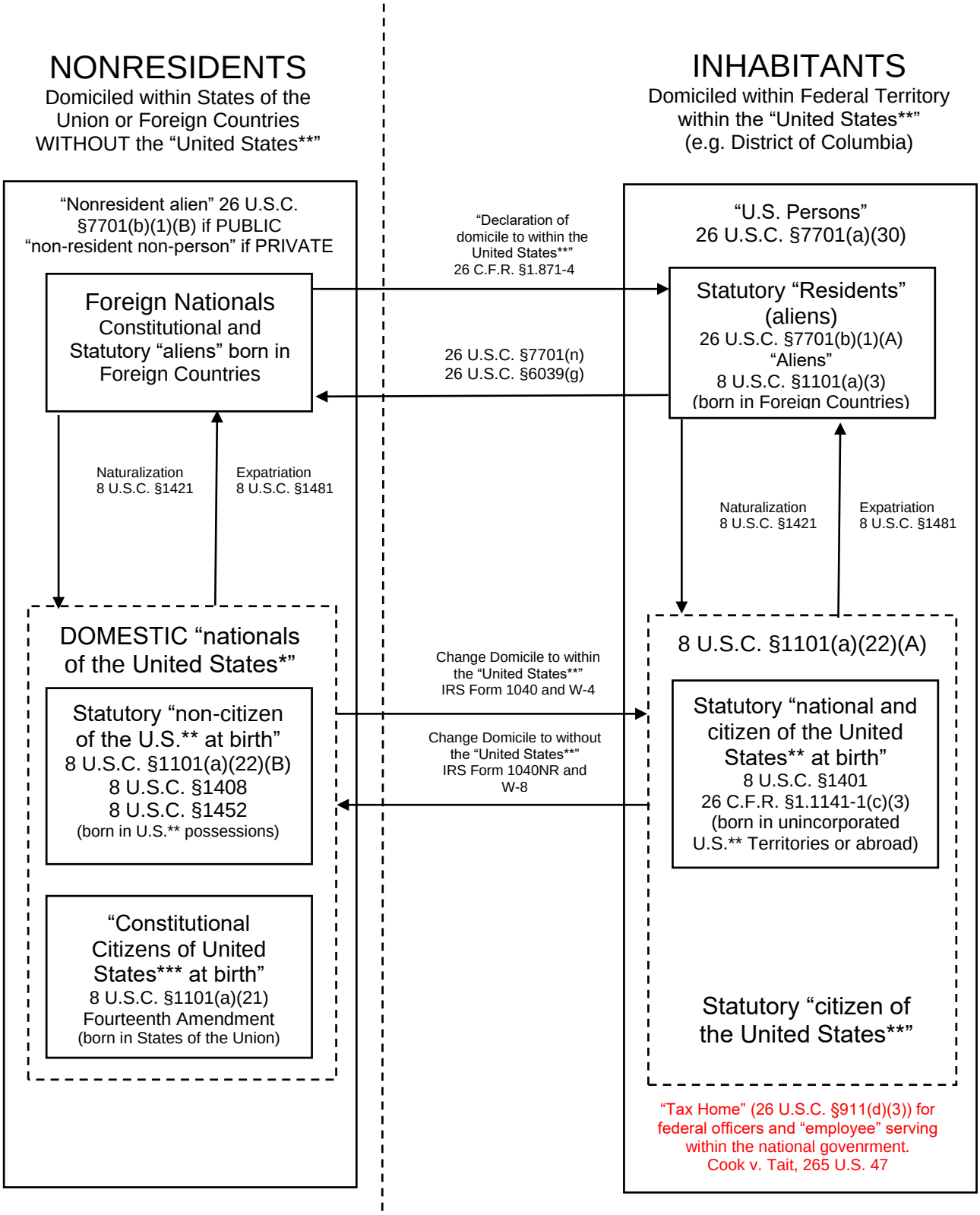
[47] See California Revenue and Taxation Code, Section 6017.

[48] See California Revenue and Taxation Code, Section 17018.

[49] See, for instance, U.S. Constitution Article IV, Section 2.

11.7 Citizenship and Domicile Options and Relationships

Figure 2: Citizenship and domicile options and relationships



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NOTES:

1. Changing domicile from "foreign" on the left to "domestic" on the right can occur EITHER by:
   1.1. Physically moving to the federal zone.
   1.2. Being lawfully elected or appointed to political office, in which case the OFFICE/STATUS has a domicile on federal territory but the OFFICER does not.
2. Statuses on the right are civil franchises granted by Congress. As such, they are public offices within the national government. Those not seeking office should not claim any of these statuses.

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11.8 Statutory Rules for Converting Between Various Domicile and Citizenship Options Under Federal Law

The rules depicted above are also described in text form using the list below, if you would like to investigate the above diagram further:

1. "non-resident non-person": Those with no domicile on federal territory and who are born either in a foreign country, a state of the Union, or within the federal zone. Also called a "nonresident", "stateless person", or "transient foreigner". They are exclusively PRIVATE and beyond the reach of the civil statutory law because:
   1.1. They are not a "person" or "individual" because not engaged in an elected or appointed office.
   1.2. They have not waived sovereign immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97.
   1.3. They have not "purposefully" or "consensually" availed themselves of commerce within the exclusive or general jurisdiction of the national government within federal territory.
   1.4. They waived the "benefit" of any and all licenses or permits in the context of a specific transaction or agreement.
   1.5. In the context of a specific business dealing, they have not invoked any statutory status under federal civil law that might connect them with a government franchise, such as "U.S. citizen", "U.S. resident", "person", "individual", "taxpayer", etc.
   1.6. If they are demanded to produce an identifying number, they say they don't consent and attach the following form to every application or withholding document:

Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205 http://sedm.org/Forms/FormIndex.htm

2. "Aliens" or "alien individuals": Those born in a foreign country and not within any state of the Union or within any federal territory.
   2.1. "Alien" is defined in 8 U.S.C. §1101(a)(3) as a person who is neither a citizen nor a national.
   2.2. "Alien individual" is defined in 26 C.F.R. §1.1441-1(c)(3)(i).
   2.3. An alien is defined in 8 U.S.C. §1101(a)(3) as a person who is neither a statutory "U.S.** citizen" per 8 U.S.C. §1401 nor a "national of the United States**" per 8 U.S.C. §1101(a)(22).
   2.4. An alien with no domicile in the "United States" is presumed to be a "nonresident alien" pursuant to 26 C.F.R. §1.871-4(b).
3. "Residents" or "resident aliens": An "alien" or "alien individual" with a legal domicile on federal territory.
   3.1. "Resident aliens" are defined in 26 U.S.C. §7701(b)(1)(A).
   3.2. A "resident alien" is an alien as defined in 8 U.S.C. §1101(a)(3) who has a legal domicile on federal territory that is no part of the exclusive jurisdiction of any state of the Union.
   3.3. An "alien" becomes a "resident alien" by filing IRS Form 1078 pursuant to 26 C.F.R. §1.871-4(c)(ii) and thereby electing to have a domicile on federal territory.
4. "Nonresident aliens": Those with no domicile on federal territory and who are born either in a foreign country, a state of the Union, or within the federal zone. They serve in a public office in the national but not state government.
   4.1. Defined in 26 U.S.C. §7701(b)(1)(B).
   4.2. A "nonresident alien" is defined as a person who is neither a statutory "citizen" pursuant to 26 C.F.R. §1.1-1(c) nor a statutory "resident" pursuant to 26 U.S.C. §7701(b)(1)(A).
   4.3. A person who is a "non-citizen national" pursuant to 8 U.S.C. §1452 and 8 U.S.C. §1101(a)(22)(B) is a "nonresident alien", but only if they are lawfully engaged in a public office of the national government.
5. "Nonresident alien **individuals**": Those who are aliens and who do not have a domicile on federal territory.
   5.1. Defined in 26 C.F.R. §1.1441-1(c)(3)(ii).
   5.2. Status is indicated in block 3 of the IRS Form W-8BEN under the term "Individual".
   5.3. Includes only nonresidents not domiciled on federal territory but serving in public offices of the national government. "person" and "individual" are synonymous with said office in 26 U.S.C. §6671(b) and 26 U.S.C. §7343.
6. Convertibility between "aliens", "resident aliens", and "nonresident aliens", and "nonresident alien individuals":
   6.1. A "nonresident alien" is not the legal equivalent of an "alien" in law nor is it a subset of "alien".
   6.2. IRS Form W-8BEN, Block 3 has no block to check for those who are "non-resident non-persons" but not "nonresident aliens" or "nonresident alien individuals". Thus, the submitter of this form who is a statutory "non-resident non-person" but not a "nonresident alien" or "nonresident alien individual" is effectively compelled to make an illegal and fraudulent election to become an alien and an "individual" if they do not add a block for "transient foreigner" or "Union State Citizen" to the form. See section 5.3 of the following:

About IRS Form W-8BEN, Form #04.202 http://sedm.org/Forms/FormIndex.htm

6.3. 26 U.S.C. §6013(g) and (h) and 26 U.S.C. §7701(b)(4)(B) authorize a "nonresident alien" who is married to a statutory "U.S. citizen" as defined in 26 C.F.R. §1.1-1(c) to make an "election" to become a "resident alien".

6.4. It is unlawful for an unmarried "state national" pursuant to either 8 U.S.C. §1101(a)(21) to become a "resident alien". This can only happen by either fraud or mistake.

6.5. An alien may overcome the presumption that he is a "nonresident alien" and change his status to that of a "resident alien" by filing IRS Form 1078 pursuant to 26 C.F.R. §1.871-4(c)(ii) while he is in the "United States".

6.6. The term "residence" can only lawfully be used to describe the domicile of an "alien". Nowhere is this term used to describe the domicile of a "state national" or a "nonresident alien". See 26 C.F.R. §1.871-2.

6.7. The only way a statutory "alien" under 8 U.S.C. §1101(a)(3) can become both a "state national" and a "nonresident alien" at the same time is to be naturalized pursuant to 8 U.S.C. §1421 and to have a domicile in either a U.S. possession or a state of the Union.

7. Sources of confusion on these issues:

7.1. One can be a "non-resident non-person" *without* being an "individual" or a "nonresident alien individual" under the Internal Revenue Code. An example would be a human being born within the exclusive jurisdiction of a state of the Union who is therefore a "state national" pursuant to 8 U.S.C. §1101(a)(21) who does not participate in Social Security or use a Taxpayer Identification Number.

7.2. The term "United States" is defined in the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and (a)(10).

7.3. The term "United States" for the purposes of citizenship is defined in 8 U.S.C. §1101(a)(38).

7.4. Any "U.S. Person" as defined in 26 U.S.C. §7701(a)(30) who is not found in the "United States" (District of Columbia pursuant to 26 U.S.C. §7701(a)(9) and (a)(10)) shall be treated as having an effective domicile within the District of Columbia pursuant to 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) .

7.5. The term "United States" is equivalent for the purposes of statutory "citizens" pursuant to 26 C.F.R. §1.1-1(c) and "citizens" as used in the Internal Revenue Code. See 26 C.F.R. §1.1-1(c).

7.6. The term "United States" as used in the Constitution of the United States is NOT equivalent to the statutory definition of the term used in:

7.6.1. 26 U.S.C. §7701(a)(9) and (a)(10).

7.6.2. 8 U.S.C. §1101(a)(38).

The "United States" as used in the Constitution means the states of the Union and excludes federal territory, while the term "United States" as used in federal statutory law means federal territory and excludes states of the Union.

7.7. A constitutional "citizen of the United States" as mentioned in the Fourteenth Amendment is NOT equivalent to a statutory "national and citizen of the United States" as used in 8 U.S.C. §1401. See:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006 http://sedm.org/Forms/FormIndex.htm

7.8. In the case of jurisdiction over CONSTITUTIONAL aliens only (meaning foreign NATIONALS), the term "United States" implies all 50 states and the federal zone, and is not restricted only to the federal zone. See:

7.8.1. *Non-Resident Non-Person Position*, Form #05.020
http://sedm.org/Forms/FormIndex.htm

7.8.2. Kleindienst v. Mandel, 408 U.S. 753 (1972)

> *In accord with ancient principles of the international law of nation-states, the Court in The Chinese Exclusion Case, 130 U.S. 581, 609 (1889), and in Fong Yue Ting v. United States, 149 U.S. 698 (1893), held broadly, as the Government describes it, Brief for Appellants 20, that* ***the power to exclude aliens is "inherent in sovereignty, necessary for maintaining normal international relations and defending the country against foreign encroachments and dangers - a power to be exercised exclusively by the political branches of government . . . ." Since that time, the Court's general reaffirmations of this principle have [408 U.S. 753, 766] been legion. 6 The Court without exception has sustained Congress' "plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden." Boutilier v. Immigration and Naturalization Service, 387 U.S. 118, 123 (1967). "[O]ver no conceivable subject is the legislative power of Congress more complete than it is over" the admission of aliens. Oceanic Navigation Co. v. Stranahan, 214 U.S. 320, 339 (1909).***
> *[Kleindienst v. Mandel, 408 U.S. 753 (1972)]*

7.8.3. Chae Chan Ping v. U.S., 130 U.S. 581 (1889)

> *While under our constitution and form of government the great mass of local matters is controlled by local authorities, t****he United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory.*** *The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice which control, more*

*or less, the conduct of all civilized nations. As said by this court in the case of Cohens v. Virginia, 6 Wheat. 264, 413, speaking by the same great chief justice: '**That the United States form, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one; and the government which is alone capable of controlling and managing their interests in all these respects is the government of the Union**. It is their government, and in that character they have no other. America has chosen to [130 U.S. 581, 605] be in many respects, and to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is competent. **The people have declared that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory."***

[. . .]

*"**The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the United States as a part of those sovereign powers delegated by the constitution**, the right to its exercise at any time when, in the judgment of the government, the interests of the country require it, cannot be granted away or restrained on behalf of any one. **The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties.** They cannot be abandoned or surrendered. **Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract.**"*
[Chae Chan Ping v. U.S., 130 U.S. 581 (1889)]

11.9 Effect of Federal Franchises and Offices Upon Your Citizenship and Standing in Court

Another important element of citizenship is that artificial entities like corporations are statutory but not constitutional citizens in the context of civil litigation.

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

"A corporation is not a citizen within the meaning of that provision of the Constitution, which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."
[Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed. 357 (1868)]

Likewise, all governments are "corporations" as well.

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

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART VI - PARTICULAR PROCEEDINGS
CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE
SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS
Sec. 3002. Definitions

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

---

*"A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. **The United States government is a foreign corporation with respect to a state."***
[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]

Those who are acting in a representative capacity on behalf of the national government as "public officers" therefore assume the same status as their employer pursuant to Federal Rule of Civil Procedure 17(b). To wit:

> *IV. PARTIES > Rule 17.*
> *Rule 17. Parties Plaintiff and Defendant; Capacity*
>
> *(b) Capacity to Sue or be Sued.*
>
> *Capacity to sue or be sued is determined as follows:*
> *(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;*
> ***(2) for a corporation [the "United States", in this case, or its officers on official duty representing the corporation], by the law under which it was organized [municipal laws of the District of Columbia]; and***
> *(3) for all other parties, by the law of the state where the court is located, except that:*
> *(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and*
> *(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.*
>
> *[Federal Rule of Civil Procedure 17(b)]*

Persons acting in the capacity as "public officers" of the national government are therefore acting as "officers of a corporation" as described in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 and become "persons" within the meaning of federal statutory law.

> *TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671*
> *§ 6671. Rules for application of assessable penalties*
>
> *(b) Person defined*
>
> *The term "person", as used in this subchapter, **includes an officer or employee of a corporation, or a member or employee of a partnership,** who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*
>
> _____
>
> *TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343*
> *§7343. Definition of term "person"*
>
> *The term "person" as used in this chapter **includes an officer or employee of a corporation, or a member or employee of a partnership,** who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.*

Because all corporations are "citizens", then "public officers" also take on the character of "U.S. citizens" in the capacity of their official duties, regardless of what they are as private individuals. It is also interesting to note that IRS correspondence very conspicuously warns the recipient right underneath the return address the following, confirming that they are corresponding with a "public officer" and not a private individual:

> *"Penalty for private use $300."*

Note that all "taxpayers" are "public officers" of the national government, and they are referred to in the Internal Revenue Code as "effectively connected with a trade or business". The term "trade or business" is defined as "the functions of a public office":

> *26 U.S.C. Sec. 7701(a)(26)*
>
> *"The term 'trade or business' includes the performance of the functions of a public office."*

For details on this scam, see:

1. *Proof That There is a "Straw Man"*, Form #05.042
   http://sedm.org/Forms/FormIndex.htm
2. *Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008

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

3. *The "Trade or Business" Scam*, Form #05.001
   http://sedm.org/Forms/FormIndex.htm
4. *Who are "Taxpayers" and Who Needs a "Taxpayer Identification Number"?*, Form #05.013
   http://sedm.org/Forms/FormIndex.htm

The U.S. Supreme Court has also said it is "repugnant to the constitution" for the government to regulate private conduct. The only way you can lawfully become subject to the government's jurisdiction or the tax laws is to engage in "public conduct" as a "public officer" of the national government.

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

Note also that ordinary "employees" are NOT "public officers":

> *Treatise on the Law of Public Offices and Officers*
> *Book 1: Of the Office and the Officer: How Officer Chosen and Qualified*
> *Chapter I: Definitions and Divisions*
> *§2 How Office Differs from Employment.-*
>
> *A public office differs in material particulars from a public employment, for, as was said by Chief Justice MARSHALL, "although an office is an employment, it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to perform a service without becoming an officer."*
>
> *"We apprehend that the term 'office,'" said the judges of the supreme court of Maine, "implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments and sometimes to another; still it is a legal power which may be rightfully exercised, and in its effects it will bind the rights of others and be subject to revision and correction only according to the standing laws of the state. An employment merely has none of these distinguishing features. A public agent acts only on behalf of his principal, the public, whoso sanction is generally considered as necessary to give the acts performed the authority and power of a public act or law.* ***And if the act be such as not to require subsequent sanction, still it is only a species of service performed under the public authority and for the public good, but not in the exercise of any standing laws which are considered as roles of action and guardians of rights.****"*
>
> *"The officer is distinguished from the employee," says Judge COOLEY, "in the greater importance, dignity and independence of his position; in being required to take an official oath, and perhaps to give an official bond; in the liability to be called to account as a public offender for misfeasance or non-feasance in office, and usually, though not necessarily, in the tenure of his position. In particular cases, other distinctions will appear which are not general."*
> *[A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, pp. 3-4, §2;*
> *SOURCE:* http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage*]*

The ruse described in this section of making corporations into "citizens" and those who work for them into "public officers" of the government and "taxpayers" started just after the Civil War. Congress has always been limited to taxing things that it creates, which means it has never been able to tax anything but federal and not state corporations. The Supreme Court has confirmed, for instance, that the income tax is and always has been a franchise or privilege tax upon profit of federal corporations.

> *"****Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon licenses to pursue certain occupations and upon corporate privileges****...****the requirement to pay such taxes involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand is lacking****..*
>
> *...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the measure of taxation is found in the income produced in part from property which of itself considered is nontaxable...*

Conceding the power of Congress to tax the business activities of private corporations.. the tax must be measured by some standard..."
[Flint v. Stone Tracy Co., 220 U.S. 107 (1911)]

"The Sixteenth Amendment declares that Congress shall have power to levy and collect taxes on income, "from [271 U.S. 174] whatever source derived," without apportionment among the several states and without regard to any census or enumeration. It was not the purpose or effect of that amendment to bring any new subject within the taxing power. Congress already had power to tax all incomes. But taxes on incomes from some sources had been held to be "direct taxes" within the meaning of the constitutional requirement as to apportionment. Art. 1, § 2, cl. 3, § 9, cl. 4; Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601. The Amendment relieved from that requirement, and obliterated the distinction in that respect between taxes on income that are direct taxes and those that are not, and so put on the same basis all incomes "from whatever source derived." Brushaber v. Union P. R. Co., 240 U.S. 1, 17. ***"Income" has been taken to mean the same thing as used in the Corporation Excise Tax Act of 1909, in the Sixteenth Amendment, and in the various revenue acts subsequently passed. Southern Pacific Co. v. Lowe, 247 U.S. 330, 335; Merchants' L. & T. Co. v. Smietanka, 255 U.S. 509, 219. After full consideration, this Court declared that income may be defined as gain derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital. Stratton's Independence v. Howbert, 231 U.S. 399, 415; Doyle v. Mitchell Brothers Co., 247 U.S. 179, 185; Eisner v. Macomber, 252 U.S. 189, 207.*** *And that definition has been adhered to and applied repeatedly. See, e.g., Merchants' L. & T. Co. v. Smietanka, supra; 518; Goodrich v. Edwards, 255 U.S. 527, 535; United States v. Phellis, 257 U.S. 156, 169; Miles v. Safe Deposit Co., 259 U.S. 247, 252-253; United States v. Supplee-Biddle Co., 265 U.S. 189, 194; Irwin v. Gavit, 268 U.S. 161, 167; Edwards v. Cuba Railroad, 268 U.S. 628, 633. In determining what constitutes income, substance rather than form is to be given controlling weight. Eisner v. Macomber, supra, 206. [271 U.S. 175]"*
[Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, (1926)]

"As repeatedly pointed out by this court, the Corporation Tax Law of 1909.. ***imposed an excise or privilege tax, and not in any sense, a tax upon property or upon income merely as income****. It was enacted in view of the decision of Pollock v. Farmer's Loan & T. Co., 157 U.S. 429, 29 L.Ed. 759, 15 Sup.St.Rep. 673, 158 U.S. 601, 39 L.Ed. 1108, 15 Sup.Ct.Rep. 912, which held the income tax provisions of a previous law to be unconstitutional because amounting in effect to a direct tax upon property within the meaning of the Constitution, and because not apportioned in the manner required by that instrument."*
[U.S. v. Whiteridge, 231 U.S. 144, 34 S.Sup.Ct. 24 (1913)]

To create and expand a national income tax, the federal government therefore had to make the municipal government of the District of Columbia into a federal corporation in 1871 and then impose an income tax upon the officers of the corporation ("public officers") by making all of their earnings from the office into "profit" and "gross income" subject to excise tax upon the franchise they participate in. Below is the history of this transformation. You can find more in Great IRS Hoax, Form #11.302, Chapter 6:

1. The first American Income Tax was passed in 1862. See:
   12 Stat. 432.
   http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=012/llsl012.db&recNum=463
2. The License Tax Cases were heard in 1866 by the Supreme Court, in which the Supreme Court said that Congress could not license a trade or business in a state in order to tax it, referring to the civil war tax enacted in 1862. See:
   License Tax Cases, 72 U.S. 462 (1866)
   http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=72&page=462
3. The Fourteenth Amendment was ratified in 1868. This Amendment uses the phrase "citizens of the United States" in order to confuse it with statutory "citizens of the United States" domiciled on federal territory in the exclusive jurisdiction of Congress under 8 U.S.C. §1401.
4. The civil war income tax was repealed in 1871. See:
   4.1. 17 Stat. 401
   4.2. *Great IRS Hoax*, Form #11.302, Section 6.5.20.
5. Congress incorporated the District of Columbia in 1871. The incorporation of the District of Columbia was done to expand the income tax by taxing the government's own "public officers" as a federal corporation. See the following:
   19 Stat. 419
   http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf

If you would like to know more about how franchises such as a "public office" affect your effective citizenship and standing in court, see:

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

1

11.10 Federal Statutory Citizenship Statuses Diagram

We have prepared a Venn diagram showing all of the various types of citizens so that you can properly distinguish them. The important thing to notice about this diagram is that there are multiple types of "citizens of the United States" and "nationals of the United States" because there are multiple definitions of "United States" according to the U.S. Supreme Court, as we showed earlier in section 11.1.

Figure 3: Federal Statutory Citizenship Statuses Diagram

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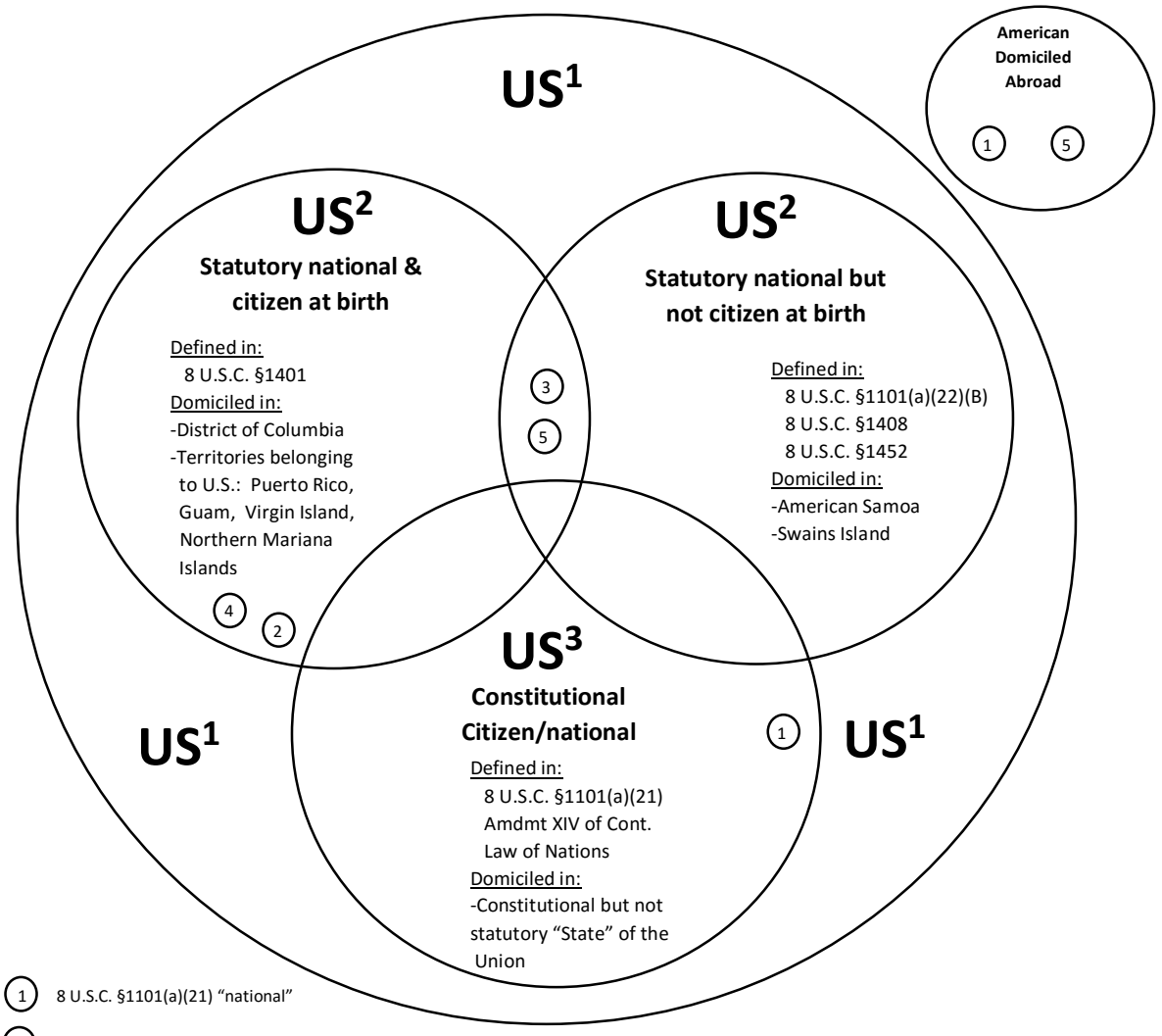
FEDERAL STATUTORY CITIZENSHIP STATUSES

"The term 'United States' may be used in any one of several senses. **1)** It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. **2)** It may designate the territory over which the sovereignty of the United States extends,or **3)** it may be the collective name of the states which are united by and under the Constitution." **[Numbering Added]** [Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]

US[1]-Context used in matters describing our sovereign country within the family of nations.

US[2]-Conext used to designate the territory over which the Federal Government is exclusively sovereign.

US[3]-Context used regarding sovereign states of the Union united by and under the Constitution.



1. 8 U.S.C. §1101(a)(21) "national"
2. 8 U.S.C. §1401 "national & citizen of the United States[2] at birth"
3. 8 U.S.C. §1101(a)(22)-"national of the United States[2]"
4. 8 U.S.C. §1101(a)(22)(A)-"citizen of the United States[2]"
5. 8 U.S.C. §1101(a)(22)(B)-"non-citizen national of the United States[2]"

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12. HOW YOU ARE ILLEGALLY DECEIVED OR COMPELLED TO TRANSITION FROM BEING A CONSTITUTIONAL CITIZEN/RESIDENT TO A STATUTORY CITIZEN/RESIDENT: BY CONFUSING THE TWO CONTEXTS

This section builds on the content of section 4.11.3.8 of the *Great IRS Hoax*, Form #11.302, where we talked about definitions of U.S. citizenship terms. We state throughout this memorandum that the definitions of terms used are *extremely* important, and that when the government wants to usurp additional jurisdiction beyond what the Constitution authorizes, it starts by confusing and obfuscating the definition of key terms. The courts then use this confusion and uncertainty to stretch their interpretation of legislation in order to expand government jurisdiction, in what amounts to "judge-made law". This in turn transforms a government of "laws" into a government of "men" in violation of the intent of the Constitution (see *Marbury v. Madison*, 5 U.S. 137 (1803)). You will see in this section how this very process has been accomplished with the citizenship issue. The purpose of this section is therefore to:

1. Provide definitions of the key and more common terms used both by the Federal judiciary courts and the Legislative branch in Title 8 so that you will no longer be deceived.
2. Show you how the government and the legal profession have obfuscated key citizenship terms over the years to expand their jurisdiction and control over Americans beyond what the U.S.A. Constitution authorizes.

The main prejudicial and usually invisible presumption that governments, courts and judges make which is most injurious to your rights is the association between the words "citizen" and "citizenship" with the term "domicile". Whenever either you or the government uses the word "citizen", they are making the following presumptions:

1. That you maintain a domicile within their civil legislative jurisdiction. This means that if you are in a federal court, for instance, that you have a legal domicile on federal territory and not within the exclusive jurisdiction of any state of the Union.
2. That you owe allegiance to them and are required as part of that allegiance to pay them "tribute" for the protection they afford.
3. That you are qualified to participate in the affairs of the government as a voter or jurist, even though you may in fact not participate at that time.

12.1 Where the confusion over citizenship originates: Trying to make CONSTITUTIONAL and STATUTORY contexts equivalent

The U.S. Supreme Court identified where all the current confusion over citizenship comes from. Here is their explanation:

> *"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities --* ***to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations****.* ***It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood.*** *When distributing the judicial power, that article extends it to controversies between 'citizens' of different states.* ***This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."***
>
> ***"Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment, for it is not liable to corporeal penalties -- that it can perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from the decisions of the cases of Bank of the United States v. Deveaux and of Cincinnati & Louisville Railroad Company v. Letson afford some illustration of the effects which must ever follow a departure from the settled***

principles of the law. ***These principles are always traceable to a wise and deeply founded experience; they are therefore ever consentaneous and in harmony with themselves and with reason, and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion."***

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

The CONFUSION of the CONSTITUTIONAL and STATUTORY contexts is the origin of why we say that lawyers "speak with forked tongue" like a snake. Snakes have two forks on their tongue and they are the origin of the fall of Adam and Eve. One "fork" of the tongue is the CONSTITUTIONAL context and the other "fork" is the STATUTORY context. The purpose of confusing the two contexts is to "dissimulate" people and make them FALSELY look like public officers that the government has jurisdiction over.

dis·sim·u·lat·ed | dis·sim·u·lat·ing

transitive verb

: to hide under a false appearance <smiled to dissimulate her urgency — Alice Glenday>

[Merriam Webster Online Dictionary, 2/3/2014;
SOURCE: http://www.merriam-webster.com/dictionary/dissimulated]

For an example of how this "dissimulation" works, watch the following videos. These videos are from a now bankrupt company whose motto was "Don't Judge Too Quickly":

1. Hospital
   http://sedm.org/LibertyU/Don_tjudgetooquickly1.mp4
2. Airplane
   http://sedm.org/LibertyU/Don_tjudgetooquickly2.mp4
3. Home
   http://sedm.org/LibertyU/Don_tjudgetooquickly3.mp4
4. Dad in Car
   http://sedm.org/LibertyU/Don_tjudgetooquickly4.mp4
5. Park
   http://sedm.org/LibertyU/Don_tjudgetooquickly5.mp4

Dissimulating people in a LEGAL context requires the following on the part of the audience who are being deceived:

1. Legal ignorance.
2. Laziness or complacency that makes the observer NOT want to investigate the meaning of the terms used.
3. A willingness to engage in FALSE PRESUMPTIONS, all of which are a violation of due process of law if employed in a court of law. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 http://sedm.org/Forms/FormIndex.htm

The above devious form of exploitation may be why the courts have said on this subject:

"The chief enemies of republican freedom are mental sloth, conformity, bigotry, superstition, credulity, monopoly in the market of ideas, and utter, benighted ignorance."
[Adele v. State of Florida, 385 U.S. 39, 49 (1967)]

*"**...the greatest menace to freedom is an inert [passive, ignorant, and uneducated] people [who refuse, as jurists and voters and active citizens, to expose and punish evil in our government]** "*
[Whitney v. California, 274 U.S. 357 (1927)]

What thieves in what Mark Twain calls "the District of Criminals" have done to perpetuate, expand, and commercialize the DELIBERATE confusion caused by trying to make CONSTITUTIONAL and STATUTORY citizens equal is to essentially:

1. Use the term "United States" in a GENERAL sense and NEVER distinguish WHICH of the FOUR United States they mean in every specific context. According to the following maxim of law, this amounts to constructive FRAUD:

> *"Dolosus versatur generalibus. **A deceiver deals in generals.** 2 Co. 34."*
>
> *"Fraus latet in generalibus. **Fraud lies hid in general expressions.**"*
>
> *Generale nihil certum implicat. **A general expression implies nothing certain.** 2 Co. 34.*
>
> *Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. **Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right.** 10 Co. 78.*
> *[Bouvier's Maxims of Law, 1856]*

2. On government forms:
   2.1. Exploit the ignorance of the average American by telling them the "United States" they mean is states of the Union, even though the OPPOSITE is technically true. For instance, tell them in untrustworthy publications or on the phone support that it means the COUNTRY. The following proves that all government publications and even phone support is UNTRUSTWORTHY according to the courts and even the agencies themselves. This lack of accountability is a strong motivation to LIE with impunity to increase revenues from ILLEGAL revenue collection:

Reasonable Belief About Income Tax Liability, Form #05.007 http://sedm.org/Forms/FormIndex.htm

   2.2. When the government receives your completed form or application, silently PRESUME the STATUTORY meaning of United States, meaning the federal zone or United States**, is used everywhere on the form.
   2.3. Classify any and all documents and records that would allow people to distinguish the two above contexts, INCLUDING especially the CSP code in your Social Security records. See section 12.13 later.
3. Create statutory franchises ("benefits") under which all STATUTORY "persons", "citizens", and "residents" are public officers of the United States federal corporation. Those participating then take on the character of the corporation they represent and are therefore indirectly federal corporations also. See:

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

4. Ensure the franchises limit themselves to federal territory in their geographical definitions (e.g. 26 U.S.C. §7701(a)(9) and (a)(10), and 4 U.S.C. §110(d)) to keep them lawful and constitutional.
5. FRAUDULENTLY abuse the terms "includes" and "including" and lies in completely UNTRUSTWORTHY government publications to illegally extend the reach of the franchises extraterritorially into CONSTITUTIONAL states of the Union. The abuse of "includes" provides a defense of "plausible deniability" if the government is caught in this SCAM. See:

Legal Deception, Propaganda, and Fraud, Form #05.014 http://sedm.org/Forms/FormIndex.htm

6. In creating withholding or application forms for the illegally enforced franchise:
   6.1. Ensure that there are no STATUS blocks for those who don't want to participate or are under criminal duress to participate.
   6.2. Refuse to clarify or distinguish CONSTITUTIONAL citizens for STATUTORY citizens on the status block and only offer ONE option "U.S. citizen", which is then PRESUMED to be a STATUTORY and NOT CONSTITUTIONAL citizen.
   6.3. Offer no forms to QUIT the franchise, but FRAUDULENTLY call it "voluntary". It can't be voluntary unless you have a way to QUIT.
   6.4. Tell people who want to quit that the computer or the form won't allow you to quit, even though the regulations or law REQUIRES them to offer you that option.
   6.5. Illegally penalize or discriminate against people who fill the form out properly by indicating that they aren't eligible, are under criminal duress, and are being tampered with as a federal witness to fill out the form in such a way that it FRAUDULENTLY appears that they consent to the franchise and ARE eligible. For instance, if they won't consent to be a PUBLIC OFFICER called a "Taxpayer" or "citizen", or "resident", tell them as a private company that you can't or won't do business with them.

   For details on the above criminal abuses of government forms to compel violation of the First Amendment right to not contract or associate, see:

Path to Freedom, Form #09.015, Section 5.3: Avoiding traps with government forms and government ID http://sedm.org/Forms/FormIndex.htm

7. Lie with impunity on the IRS website and in IRS publications and on the IRS 800 line about the unlawful confusion of context. See:
   7.1. *Reasonable Belief About Income Tax Liability*, Form #05.007
   http://sedm.org/Forms/FormIndex.htm
   7.2. SEDM Liberty University, Section 8: Resources to Rebut Government, Legal, and Tax Profession Deception and False Propaganda
   http://sedm.org/LibertyU/LibertyU.htm
8. When the above doesn't work and people figure out the trick, illegally penalize "non-resident non-persons" not subject to the Internal Revenue Code (I.R.C.) for NOT CRIMINALLY declaring themselves as STATUTORY "persons", "individuals", "citizens", and "residents" on withholding forms. This is criminal witness tampering because all such forms are signed under penalty of perjury. See:

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

9. Bribe CONSTITUTIONAL states to ACT like STATUTORY STATES and federal corporations in exchange for a share of the PLUNDER derived from the illegal enforcement of the tax code franchises. This causes them to help the national government essentially engage in acts of international commercial terrorism within their borders in violation of Article 4, Section 4, of the United States Constitution. This requires them to:
   9.1. Use all the same tactics documented here in STATE courts and STATE statutes.
   9.2. Use driver licensing as a way to essentially turn "drivers" into federal public officers by mandating use of Social Security Numbers available ONLY to federal territory domiciliaries. For details, see:

   Why You Aren't Eligible for Social Security, Form #06.001
   http://sedm.org/Forms/FormIndex.htm

10. Criminally and illegally bribe judges with financial rewards for sanctioning or convicting people who litigate to stop the above CRIMINAL activity. See 5 U.S.C. §§4502 through 4505, 18 U.S.C. §§201, 208, 210, and 211.
11. In court:
   11.1. Judges under financial duress refuse to clarify which of the two "citizens" they are talking about in court rulings so that everyone will think they are the same.
   11.2. Judges abuse choice of law rules to apply foreign statutory franchise codes to places they do not apply. See:

   Flawed Tax Arguments to Avoid, Form #08.004, Section 3
   http://sedm.org/Forms/FormIndex.htm

   11.3. Treat everyone as though they are franchisees (statutory "taxpayers", "spouses", "drivers"), whether they want to be or not. This is criminal identity theft and violates the Declaratory Judgments Act, 28 U.S.C. §2201(a).
   11.4. When challenged to clarify the fact that you have been improperly confused with STATUTORY citizens and public officers as a state citizen, call your challenge "frivolous", which in itself is malicious abuse of legal process and violation of due process if not proven WITH EVIDENCE to a jury of disinterested peers.
12. Gag attorneys with attorney licensing so that their livelihood will be destroyed if they try to expose or prosecute or remedy any of the above. Do this IN SPITE of the fact that licensed are attorneys are only required for those defending public offices in the government. The ability to regulate or license EXCLUSIVELY PRIVATE conduct is repugnant to the Constitution.[50] See also:

   Unlicensed Practice of Law, Form #05.029
   http://sedm.org/Forms/FormIndex.htm

13. Dumb down the public school and law school curricula so that the average person and average lawyer are not aware of the above and therefore can't raise it as an issue in court.
14. When the above tactics are exposed on the internet, try to shut down the websites propagating them by:
   14.1. Prosecuting the whistleblowers for promoting "abusive tax shelters" under 26 U.S.C. §6700, even though they are non-resident non-persons not subject to the Internal Revenue Code (I.R.C.) and can prove it.
   14.2. Slandering them with fraudulent accusations of being irrational and criminal "sovereign citizens". See:

   Policy Document: Rebutted False Arguments About Sovereignty, Form #08.018
   http://sedm.org/Forms/FormIndex.htm

[50] Here is how the federal judge in the case of Dr. Phil Roberts Tax Trial talked to the licensed attorney representing him: "The **practice of law, sir, is a privilege, especially in Federal Court**. You're close to losing that privilege in this court, Mr. Stilley.". Read the transcript yourself. See *Great IRS Hoax*, Form #11.302, Section 6.8.1.

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

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

> *"…it is not good for a soul to be without knowledge,"*
> *[Prov. 19:2, Bible, NKJV]*

> *"My people are destroyed for lack of knowledge."*
> *[Hosea 4:6, Bible, NKJV]*

> *"…we should no longer be children, tossed to and fro and carried about with every wind of doctrine, by the trickery of men, in the cunning craftiness of deceitful plotting, but speaking the truth in love, may grow up in all things into Him who is the head—Christ."*
> *[Eph. 4:14, Bible, NKJV]*

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

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

12.2 How the confusion is generally perpetuated: Word of Art "United States"

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

It is very important to understand that there are THREE separate and distinct GEOGRAPHICAL CONTEXTS in which the term "United States" can be used, and each has a mutually exclusive and different meaning. These three geographical definitions of "United States" were described by the U.S. Supreme Court in Hooven and Allison v. Evatt, 324 U.S. 652 (1945):

Table 18: Geographical terms used throughout this page

Term	*# in diagrams*	*Meaning*
United States*	1	The country "United States" in the family of nations throughout the world.
United States**	2	The "federal zone".
United States***	3	Collective states of the Union mentioned throughout the Constitution.

In addition to the above GEOGRAPHICAL context, there is also a legal, non-geographical context in which the term "United States" can be used, which is the GOVERNMENT as a legal entity. Throughout this page and this website, we identify THIS context as "United States****" or "United States[4]". The only types of "persons" within THIS context are public offices within the national and not state government. It is THIS context in which "sources within the United States" is used for the purposes of "income" and "gross income" within the Internal Revenue Code, as proven by:

Non-Resident Non-Person Position, Form #05.020, Sections 10 and 11 FORMS PAGE: http://sedm.org/Forms/FormIndex.htm DIRECT LINK: http://sedm.org/Forms/05-MemLaw/NonresidentAlienPosition.pdf

The reason these contexts are not expressly distinguished in the statutes by the Legislative Branch or on government forms crafted by the Executive Branch is that they are the KEY mechanism by which:

1. Federal jurisdiction is unlawfully enlarged by abusing presumption, which is a violation of due process of law. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Presumption.pdf

2. The separation of powers between the states and the national government is destroyed, in violation of the legislative intent of the Constitution. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf

3. A "society of law" is transformed into a "society of men" in violation of Marbury v. Madison, 5 U.S. 137 (1803):

> *"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right."*
> *[Marbury v. Madison, 5 U.S. 137, 163 (1803)]*

4. Exclusively PRIVATE rights are transformed into public rights in a process we call "invisible eminent domain using presumption and words of art".
5. Judges are unconstitutionally delegated undue discretion and "arbitrary power" to unlawfully enlarge federal jurisdiction. See:

Federal Jurisdiction, Form #05.018
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/FederalJurisdiction.pdf

The way a corrupted Executive Branch or judge accomplish the above is to unconstitutionally:

1. PRESUME that ALL of the four contexts for "United States" are equivalent.
2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY "national and citizen of the United States** at birth" per 8 U.S.C. §1401. See:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyANational.pdf

3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf

4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.
5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
6. Confuse the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf

7. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. See:

Legal Deception, Propaganda, and Fraud, Form #05.014
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf

8. PRESUME that STATUTORY diversity of citizenship under 28 U.S.C. §1332 and CONSTITUTIONAL diversity of citizenship under Article III, Section 2 of the United States Constitution are equivalent.
   8.1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive.
   8.2. The STATUTORY definition of "State" in 28 U.S.C. §1332(e) is a federal territory. The definition of "State" in the CONSTITUTION is a State of the Union and NOT federal territory.

8.3. They try to increase this confusion by dismissing diversity cases where only diversity of RESIDENCE (domicile) is implied, instead insisting on "diversity of CITIZENSHIP" and yet REFUSING to define whether they mean DOMICILE or NATIONALITY when the term "CITIZENSHIP" is invoked. See Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)("To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]verments of residence are wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone.").

9. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
10. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The IRS does this with ALL of their publications and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007 FORMS PAGE: http://sedm.org/Forms/FormIndex.htm DIRECT LINK: http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf

This kind of arbitrary discretion is PROHIBITED by the Constitution, as held by the U.S. Supreme Court:

> *'When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, **we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.**'*
> *[Yick Wo v. Hopkins, 118 U.S. 356, 369 , 6 S.Sup.Ct. 1064, 1071]*

Thomas Jefferson, our most revered founding father, precisely predicted the above abuses when he said:

> *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed.**"*
> *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

> *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate.**"*
> *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

> *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. **This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.**'"*
> *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

> *"**When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.**"*
> *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]*

> *"What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business" scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the hands of the General Government!"*
> *[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]*

12.3 Purpose for the confusion in laws and forms

The purpose for the deliberate obfuscation of citizenship terms is to accomplish a complete breakdown of the separation of powers between the constitutional states of the Union and the national government, and thus, to compress us all into one mass under a national government just like the rest of the nations of the world. This form of corruption was predicted by Thomas Jefferson, one of our most revered Founding Fathers, when he said:

*"**When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.**"*
[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

*"**What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting would be produced by an assumption of all the State powers into the** hands **of the General Government!**"*
[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."
[Thomas Jefferson to Spencer Roane, 1821. ME 15:326]

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.'"
[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed."
[Thomas Jefferson to Charles Hammond, 1821. ME 15:331

"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate."
[Thomas Jefferson: Autobiography, 1821. ME 1:121]

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

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

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

1. Avoid having to admit that YOU and not THEM are in charge, and that THEY are the SERVANT and buyer and you are the SOVEREIGN and seller. The seller or lender always wins under the UCC because he dictates the terms.

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

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

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

*"... a very great lawyer, who wrote but a few years before the American revolution, seems to doubt whether the original contract of society had in any one instance been formally expressed at the first institution of a state; The American revolution seems to have given birth to this new political phenomenon: in every state a written constitution was framed, and adopted by the people, both in their individual and sovereign capacity, and character. **By this means, the just distinction between the sovereignty, and the government, was rendered familiar to every intelligent mind; the former was found to reside in the people, and to be unalienable from them; the latter in their servants and agents:** by this means, also, government was reduced to its elements; its object was defined, it's principles ascertained; **its powers limited, and fixed;** its structure organized; and the functions of every part of the machine so clearly designated, as to prevent any interference, so long as the limits of each were observed...."*

[Blackstone's Commentaries, "View of the Constitution of the United States, Section 2 - Nature of U.S. Constitution; manner of its adoption; as annotated by St. George Tucker, William Young Birch and Abraham Small, c1803]

2. Make the consent to become a STATUTORY citizen "invisible", so you aren't informed that you can withdraw it and thereby obligate them to PROTECT your right to NOT consent and not be a "subject" under their void for vagueness franchise "codes". See:

Requirement for Consent, Form #05.003 http://sedm.org/Forms/FormIndex.htm

3. Remove your ability to CIVILLY, POLITICALLY, and LEGALLY disassociate with them peacefully and thereby abolish your sponsorship of them. Thus, indirectly they are advocating lawlessness, violence, and anarchy, because these VIOLENT forces are the only thing left to remove their control over you if you can't lawfully do it peacefully.
4. Avoid having to be competitive and efficient like any other corporate business. Government is just a business, and the only thing it sells is "protection". You aren't required to "buy" their product or be a "customer".
   4.1. In their language, civil STATUTORY "citizens" and "residents" are "customers".
   4.2. You have a right NOT to contract with them for protection under the social compact.
   4.3. You have a First Amendment right to NOT associate with them and not be compelled to associate with them civilly.
   4.4. If you don't like their "product" you have a right FIRE them:

> *"To secure these [inalienable] rights [to life, liberty, and the pursuit of happiness], governments are instituted among men, deriving their just powers from the consent of the governed... Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."*
> *[Thomas Jefferson: Declaration of Independence, 1776. ME 1:29, Papers 1:429]*

   4.5. The ONLY peaceful means to "alter or abolish" them is to STOP subsidizing them and thereby take away ALL the power they have, which is primarily commercial. Any other means requires violence.
5. Make everything they do into essentially an adhesion contract, where the civil statutory law is the contract.

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

6. Replace the citizen/government relationship with the employee/employer relationship. All statutory "citizens" are public offices in the government. As Judge Napolitano likes to say in his Freedom Watch Program, Fox News:

> *"Do we work for the government or does the government work for us"?*

   If you would like more details on how this transition from citizen/government to employee/employer happens, see:
   6.1. *Ministry Introduction*, Form #12.014
   6.2. *De Facto Government Scam*, Form #05.043
7. Destroy the separation between PRIVATE humans and PUBLIC offices, and thus to impose the DUTIES of a public office against the will of those who do not consent in violation of the Thirteenth Amendment. See:

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

8. Destroy the separation of powers between the federal government and the states. See:

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

9. Undermine the very function of government, which is to protect PRIVATE, inalienable, Constitutional rights. The first step in that process is to prevent them from being converted to PUBLIC offices or PUBLIC rights with your EXPRESS, INFORMED consent. Hence, this is not GOVERNMENT activity, but PRIVATE activity of a PRIVATE corporation and mafia protection racket.

10. Protect the plausible deniability of those who engage in it by allowing them to disingenuously say that it was an innocent or ignorant mistake. Ignorance of the law is not an excuse in criminal violations of this kind.

12.4 Obfuscated federal definitions confuse Statutory Context with Constitutional Context

Beyond the above authorities, we then tried to locate credible legal authorities that explain the distinctions between the constitutional context and the statutory context for the term "United States". The basic deception results from the following:

1. **The differences in meaning of the term "United States" between the U.S. Constitution and federal statutes**. The term "United States***" in the Constitution means the collective 50 states of the Union (the United States of America), while in federal statutes, the term "United States**" means the *federal zone*.
2. **Differences between citizenship definitions found in Title 8, the Aliens and Nationality Code, and those found in Title 26, the Internal Revenue Code**. The term "nonresident alien" as used in Title 26, for instance, does *not* appear anywhere in Title 8 but is the equivalent of the term "national" found in 8 U.S.C. §1101(a)(21) but not "national and citizen of the United States**" in 8 U.S.C. §1401.
3. **Differences between statutory citizenship definitions and the language of the courts**. The language of the courts is *independent* from the statutory definition so that it is difficult to correlate the term the courts are using and the related statutory definition. We will include in this section separate definitions for the statutes and the courts to make these distinctions clear in your mind.

We will start off by showing that no authoritative definition of the term "citizen of the United States***" existed before the Fourteenth Amendment was ratified in 1868. This was revealed in the *Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)*:

> *"The 1st clause of the 14th article was primarily intended to confer citizenship of the United States[***] and citizenship of the states, and it recognizes the distinction between citizenship of a state and citizenship of the United States[***] by those definitions.*
>
> *"The 1st section of the 14th article, to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.* ***No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the state comprising the Union.*** *Those, therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens."*
>
> *[…]*
>
> *"**To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States[***] and also citizenship of a state, the 1st clause of the 1st section [of the Fourteenth Amendment] was framed**:*
>
> *'All persons born or naturalized in the United States[***] and subject to the jurisdiction thereof are citizens of the United States[***] and of the state wherein they reside.'*
>
> *"The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States[***] without regard to their citizenship of a particular state, and it overturns the Dred Scott decision by making all persons born within the United States[***] and subject to its jurisdiction citizens of the United States[***]. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase 'subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls and citizens or subjects of foreign states born within the United States[***]."*
>
> *"The next observation is more important in view of the arguments of counsel in the present case.* ***It is that the distinction between citizenship of the United States[***] and citizenship of a state is clearly recognized and established. Not only may a man be a citizen of the United States[***] without being a citizen of a state, but an important element is necessary to convert the former into the latter. He must reside within the state to make him a citizen of it but it is only necessary that he should be born or naturalized in the United States[***] to be a citizen of the Union.***
>
> *It is quite clear, then, that there is a citizenship of the United States[***], and a citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances of the individual." [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

A careful reading of *Boyd v. Nebraska*, 143 U.S. 135 (1892) helps clarify the true meaning of the term "citizen of the United States***" in the context of the U.S. Constitution and the rulings of the U.S. Supreme Court. It shows that a "citizen of the United States***" is indeed a "national" in the context of federal statutes only:

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

Notice above that the term "citizen of the United States***" and "rights of citizenship as a member of the Union" are described synonymously. Therefore, a "citizen of the United States***" under the Fourteenth Amendment, section 1 and a "national" under 8 U.S.C. §1101(a)(21) are synonymous. As you will see in the following cite, people who were born in a state of the Union always were "citizens of the United States***" by the definition of the U.S. Supreme Court, which made them "nationals of the United States*** of America" under federal statutes. What the Fourteenth Amendment did was extend the privileges and immunities of "nationals" (defined under federal statutes) to people of races other than white. The cite below helps confirm this:

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. **No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.** It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. **It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens.** Whether this proposition was sound or not had never been judicially decided."*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

We explained in section 4.1.1.3.6 of the *Great IRS Hoax*, Form #11.302 that the federal courts and especially the Supreme Court have done their best to confuse citizenship terms and the citizenship issue so that most Americans would be unable to distinguish between "national" and "U.S. citizen" status found in federal statutes. This deliberate confusion has then been exploited by collusion of the Executive Branch, who have used their immigration and naturalization forms and publication and their ignorant clerk employees to deceive the average American into thinking they are "U.S. citizens" in the context of federal statutes. Based on our careful reading of various citizenship cases mainly from the U.S. Supreme Court, Title 8 of the U.S. Code, Title 26 of the U.S. Code, as well as Black's Law Dictionary, Sixth Edition, below are some citizenship terms commonly used by the court and their correct and unambiguous meaning in relation to the statutes found in Title 8, which is the Aliens and Nationality Code:

Table 19: Citizenship terms

#	Term	Context	Meaning	Authorities	Notes
1	"nation"	Everywhere	In the context of the United States*** of America, a state of the union. The federal government and all of its possessions and territories are *not* collectively a "nation". The "country" called the "United States*" is a "nation", but our federal government and its territories and possessions are *not* collectively a "nation".	1. *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) 2. Black's Law Dictionary, revised Fourth Edition, 1968, p. 1176 under "National Government". 3. *Hooven and Allison Co. v. Evatt*, 324 U.S. 652 (1945).	The "United States*** of America" is a "federation" and not a "nation". Consequently, the government is called a "federal government" rather than a "national government". See section 4.6 of *Great IRS Hoax*, Form #11.302 for further explanation.
2	"national"	Everywhere	"national" is a person owing allegiance to a state	1. 8 U.S.C. §1101(a)(21).	
3	"non-citizen National"	Everywhere	"non-citizen national" is a person born in a federal possession.	2. 8 U.S.C. §1408. 3. 8 U.S.C. §1101(a)(22)(B). 4. 8 U.S.C. §1452. 5. 8 U.S.C. §1101(a)(22). 6. 3C Am.Jur.2d. §2732-2752: Noncitizen nationality (1999)	We could find no mention of the term "U.S. national" by the Supreme Court. We were told that this term was first introduced into federal statues in the 1930's.
4	"naturalization"	Everywhere	The process of conferring **nationality** and "**national**" status *only*, but not "U.S. citizen" status.	1. 8 U.S.C. §1101(a)(23): "The term "naturalization" means the conferring of **nationality** [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a **state** [of the union] upon a person after birth, by any means whatsoever." 2. Black's Law Dictionary, Sixth Edition, p. 1063 under "naturalization".	The U.S. Citizenship and Immigration Services (U.S.C.I.S.) is responsible for naturalization in the United States*** of America. Their "Application for naturalization", Form N-400, only uses the term "U.S. citizen" and *never* mentions "national". On this form, the term "U.S. citizen" must therefore mean "national" in the context of this form based on the definition of "naturalization", but you can't tell because the form doesn't refer to a definition of what "U.S. citizen" means.
5	"expatriation"	Everywhere	"The voluntary renunciation or abandonment of **nationality** [not "U.S. citizenship" or "citizen of the United States***" status] and allegiance."	1. *Perkins v. Elg*, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939) 2. 8 U.S.C. §1401. 3. 8 U.S.C. §1101(a)(22).	Renouncing one's statutory "citizen of the United States**" status and reverting to a "national of the United States of America" is not "expatriation", because both "citizens of the United States**" and "nationals but not citizens" are "nationals of the United States**" under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22).

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#	Term	Context	Meaning	Authorities	Notes
6	"citizenship"	Everywhere	Persons with a legal domicile within the jurisdiction of a sovereign and who were born SOMEWHERE within the country, although not necessarily within that specific jurisdiction..	1. *Perkins v. Elg*, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939) 2. 8 U.S.C.A. §1401, Notes. See note 1 below. 3. *Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)* 4. 3C American Jurisprudence 2d, Aliens and Citizens, §2732-2752: Noncitizen nationality (1999)	*Perkins v. Elg*, 307 U.S. 325 (1939) says: "***To cause a loss of citizenship*** *in the absence of treaty or statute having that effect, there must be a voluntary action and such action cannot be attributed to an infant whose removal to another country is beyond his control and who during minority is incapable of a binding choice. By the Act of July 27, 1868, Congress declared that 'the right of expatriation is a natural and inherent right of all people'.* ***Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.***" This implies that "loss of citizenship" and "expatriation", which is "loss of nationality" are equivalent. *Slaughter-House Cases*, 83 U.S. 36 (1873) says: "The next observation is more important in view of the arguments of counsel in the present case. **It is that the distinction between citizenship of the United States[***] and citizenship of a state is clearly recognized and established [by the Fourteenth Amendment].** Not only may a man be a citizen of the United States[***] without being a citizen of a state, but an important element is necessary to convert the former into the latter. **He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union.** **"It is quite clear, then, that there is a citizenship [nationality] of the United States[***], and a citizenship [nationality]of a state, which are distinct from each other and which depend upon different characteristics or circumstances of the individual.**"

#	Term	Context	Meaning	Authorities	Notes
7	"citizen" used *alone* and without the term "U.S.**" in front or "of the United States**" after it	1. U.S.*** Constitution 2. U.S.** Supreme Court rulings	A "national of the United States**" in the context of federal statutes or a "citizen of the United States***" in the context of the Constitution or state statutes unless specifically identified otherwise.	1. See *Minor v. Happersett*, 88 U.S. 162 (1874): ***Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States[***]. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.*** *" [Minor v. Happersett, 88 U.S. 162 (1874)]* *2.* See also Boyd v. Nebraska, 143 U.S. 135 (1892), which says: *"The words 'people of the United States[***]' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ..." [Boyd v. State of Nebraska, 143 U.S. 135 (1892)]*	1. To figure this out, you have to look up federal court cases that use the terms "expatriation" and "naturalization" along with the term "citizen" and use the context to prove the meaning to yourself. 2. In 26 C.F.R. § 1.1-1, the term "citizen" as used means "U.S. citizen" rather than "national". The opposite is true of Title 8 of the U.S.C. and most federal court rulings. This is because of the definition of "United States**" within Subtitle A of the Internal Revenue Code, which means the *federal zone only*.
8	"citizen" used *alone* and without the term "U.S.**" in front or "of the United States**" after it	State statues	Person with a legal domicile within the exclusive jurisdiction of a state of the Union who is NOT a "citizen" under federal statutory law.	*Law of Nations*, Vattel, Section 212.	Because states are "nations" under the law of nations and have police powers and exclusive legislative jurisdiction within their borders, then virtually all of their legislation is directed toward their own citizens exclusively. See section 4.9 of the *Great IRS Hoax*, Form #11.302 earlier for further details on "police powers".
8	"citizen" used *alone* and without the term "U.S.**" in front or "of the United States**" after it	Federal statutes including Title 26, the Internal Revenue Code and Title 8, Aliens and Nationality	Not defined anywhere in Title 8. Persons with a legal domicile within the jurisdiction of a sovereign and who were born SOMEWHERE within the country, although not necessarily within that specific jurisdiction..	1. Defined in 26 C.F.R. §31.3121(e)-1. See Note 2.	This term is ***never defined*** anywhere in Title 8 but it is defined in 26 C.F.R. §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms ***also*** don't define the meaning of the term nor do they equate it to either "national" or "citizen of the United States**". The person filling out the form therefore ***must*** define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a "citizen of the United States***" under section 1 of the 14th Amendment.
9	"United States citizenship"	Everywhere	The status of being a "national". Note that the term "U.S. citizen" looks similar but not identical and is *not* the same as this term, and this is especially true on federal forms.	See "citizenship".	Same as "citizenship".

#	Term	Context	Meaning	Authorities	Notes
10	"citizens of the United States"	Everywhere	A collection of people who are "nationals" and who in most cases are not a "citizen of the United States**" or a "U.S.** citizen" under "acts of Congress" or federal statutes unless at some point after becoming "nationals", they incorrectly declared their status to be a "citizen of the United States**" under 8 U.S.C. §1401 or changed their domicile to federal territory.	See "citizenship".	Note that the definition of "citizen of the United States" and "citizens of the United States" are different.
11	"citizen of the United States**"	Federal statutes	Persons with a legal domicile on federal territory that is no part of the exclusive jurisdiction of any state of the Union. Born SOMEWHERE within the country, although not necessarily within that specific jurisdiction.	1. 8 U.S.C.A. §1401. 2. *3C AmJur.2d §2689 ("U.S. citizen").* 3. 26 C.F.R. §31.3121(e)-1. 4. *United States v. Wong Kim Ark*, 169 U.S. 649; 18 S.Ct. 456; 42 L.Ed. 890 (1898) 5. *Cunard S.S. Co. v. Mellon, 262 U.S. 100, 43 S.Ct. 504 (1923)*	Term "United States**" in federal statutes is defined as federal zone so a "citizen of the United States**" is a citizen of the federal zone only. According to the U.S. Supreme Court in the *Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)*, this term was ***not*** defined before the ratification of the Fourteenth Amendment in 1868. Section 1 of the 14th Amendment established the circumstances under which a person was a "citizen of the United States***". Note that the terms "citizens of the United States" and "citizen of the United States" are nowhere made equivalent in Title 8, and we define "citizens of the United States" above differently.
12	"citizen of the United States***"	State statutes U.S. Supreme Court Constitution	Person who maintains a legal domicile within the exclusive jurisdiction of a state of the Union. A "national" and a "non-citizen national" as defined in 8 U.S.C. §1101(a)(21).	*1.* 8 U.S.C. §1101(a)(21). *2.* 8 U.S.C. §1101(a)(22)(B) 3. 8 U.S.C. §1421. *4. Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)* *5.* 3C American Jurisprudence 2d, Aliens and Citizens, §2732-2752 (1999): Noncitizen nationality	8 U.S.C.A. §1401 notes indicates: "*The basis of citizenship in the United States[**] is the English doctrine under which* ***nationality*** *meant birth within allegiance to the king.*"
13	"citizen of the Union"	Everywhere	A "national of the United States***" or a "national"	1. *Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)*	"*Slaughter-House Cases*, 83 U.S. 36 (1873) says: "The next observation is more important in view of the arguments of counsel in the present case. **It is that the distinction between citizenship of the United States[***] and citizenship of a state is clearly recognized and established [by the Fourteenth Amendment].** Not only may a man be a citizen of the United States[***] without being a citizen of a state, but an important element is necessary to convert the former into the latter. **He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union."**

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#	Term	Context	Meaning	Authorities	Notes
14	"U.S. citizen"	Title 26: Internal Revenue Code (which is a federal statute or "act of Congress)	Not defined anywhere in Title 8 that we could find. Defined in 26 C.F.R. §31.3121(e)-1, and there it means a person with a domicile on federal territory that is not part of the exclusive jurisdiction of any state of the Union.	1. Defined in 26 C.F.R. §31.3121(e)-1. See Note 2.	This term is ***never defined*** anywhere in Title 8 but it is defined in 26 C.F.R. §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms ***also*** don't define the meaning of the term nor do they equate it to either "national" or "citizen of the United States**". The person filling out the form therefore ***must*** define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a "citizen of the United States***" under section 1 of the 14th Amendment.

NOTES FROM THE ABOVE TABLE:

1. 8 U.S.C.A. §1401 under "Notes", says the following:

> *"The right of citizenship, as distinguished from alienage, is a national right or condition, and it pertains to the confederated sovereignty, the United States[**], and not to the individual states. Lynch v. Clarke, N.Y.1844, 1 Sandf.Ch. 583"*
>
> *"By 'citizen of the state" is meant a citizen of the United States[**] whose domicile is in such state. Prowd v. Gore, 1922, 207 P. 490, 57 Cal.App. 458"*
>
> *"One who becomes citizen of United States[**] by reason of birth retains it, even though by law of another country he is also citizen of it."*
>
> *"The basis of citizenship in the United States[**] is the English doctrine under which **nationality** meant birth within allegiance to the king."*

2. 26 C.F.R. §31.3121(e)-1 defines "U.S. citizen" as follows:

> *26 C.F.R. 31.3121(e)-1 State, United States[**], and citizen.*
>
> *(b)…The term 'citizen of the United States[**]' includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.*

We put the term "U.S. citizen" last in the above table because we would now like to expand upon it. We surveyed the election laws of all 50 states to determine which states require persons to be either "U.S. citizens" or "citizen of the United States" in order to vote. The results of our study are found on our website below at:

http://famguardian.org/Subjects/LawAndGovt/Citizenship/PoliticalRightsvCitizenshipByState.htm

12.5 State statutory definitions of "U.S. citizen"

If you look through all the state statutes on voting above, you will find that only California, Indiana, Texas, Virginia, and Wisconsin require you to be either a "U.S. citizen" or a "United States citizen" in order to vote, and *none* of these five states even define in their election code what these terms mean! 26 other states require you to be a "citizen of the United States" and don't define that term in their election code either! This means that a total of 31 of the 50 states positively require some type of citizenship related to the term "United States" in order to be eligible to vote and none of them define which of the three "United States" they mean. Because none of the state election laws define the term, then the legal dictionary definition applies.

12.6 Legal definition of "citizen"

We looked in Black's Law Dictionary, Sixth Edition and found no definition for either "U.S. citizen" or "citizen of the United States". Therefore, we must rely *only* on the common definition rather than any legal definition. We then looked for "U.S. citizen" or "citizen of the United States" in Webster's Dictionary and they weren't defined there either. Then we looked for the term "citizen" and found the following interesting definition in Webster's:

> *"**citizen**. **1:** an inhabitant of a city or town; esp.: one entitled to the rights and privileges of a freeman. **2 a:** a member of a state **b: a native or naturalized person who owes allegiance to a government** and is entitled to protection from it **3:** a civilian as distinguished from a specialized servant of the state—citizenry*
>
> ***syn** CITIZEN, SUBJECT, NATIONAL mean a person owing allegiance to and entitled to the protection of a sovereign state. **CITIZEN is preferred for one owing allegiance to a state in which sovereign power is retained by the people and sharing in the political rights of those people**; SUBJECT implies allegiance to a personal sovereign such as a monarch; NATIONAL designates one who may claim the protection of a state and applies esp. to one living or traveling outside that state."*
>
> *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 243]*

Note in the above that the key to being a citizen under definition (b) is the requirement for allegiance. The only federal citizenship status that uses the term "allegiance" is that of a "national" as defined in 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B) respectively. Consequently, we are *forced* to conclude that the generic term "citizen" and the statutory definition of "national" in 8 U.S.C. §1101(a)(22) are equivalent.

We also looked up the term "citizen" in Black's Law Dictionary, Sixth Edition and found the following:

> ***"citizen.** One who, under the Constitution and laws of the United States[***], or of a particular state, is a member of the political community, **owing allegiance and being entitled to the enjoyment of full civil rights**. All persons born or naturalized in the United States[***], and subject to the jurisdiction thereof, are citizens of the United States[***] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.*
>
> *"Citizens" are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights. Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.*
>
> *The term may include or apply to children of alien parents from in United States[***], Von Schwerdtner v. Piper, D.C.Md., 23 F.2d. 862, 863; U.S. v. Minoru Yasui, D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, Haaland v. Attorney General of United States, D.C.Md., 42 F.Supp. 13, 22; Indians, United States v. Hester, C.C.A.Okl., 137 F.2d. 145, 147; National Banks, American Surety Co. v. Bank of California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States[**] nor a state is a*

> *citizen for purposes of diversity jurisdiction. Jizemerjian v. Dept of Air Force, 457 F.Supp. 820. On the other hand, municipalities and other local governments are deemed to be citizens. Rieser v. District of Columbia, 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth Amendment. D.D.B. Realty Corp. v. Merrill, 232 F.Supp. 629, 637.*
>
> *Under diversity statute [28 U.S.C. §1332], which mirrors U.S. Const, Article III's diversity clause, a person is a "citizen of a state" if he or she is a citizen of the United States[***] and a domiciliary of a state of the United States[***]. Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116.*
> *[Black's Law Dictionary, Sixth Edition, p. 244]*

So the key requirement to be a "citizen" is to "owe allegiance" to a political community according to Black's Law Dictionary. Under 26 U.S.C. §1101(a)(21) and 26 U.S.C. §1101(a)(22)(B), one can "owe allegiance" to the "United States***" as a political community ***only*** by being a "national" ***without*** being a "U.S.** citizen" or a "citizen of the United States**" as defined in 8 U.S.C. §1401. Therefore, we must conclude once again, that "citizen of the United States**" status under federal statutes, is a political ***privilege*** that few people are born into and most acquire by mistake or fraud or both. Most of us are "nationals" by birth and we ***volunteer*** to become "citizens of the United States**" under 8 U.S.C. §1401 by lying at worst or committing a mistake at best when we fill out government forms. That process of misrepresenting our citizenship status is how we "volunteer" to become "U.S. citizens" subject to federal statutes, and of course our covetous government is more than willing to overlook the mistake because that is how they manufacture "taxpayers" and make people "subject" to their corrupt laws. Remember, however, what the term "subject" means from Webster's above under the definition of the term "citizen":

> *"SUBJECT implies allegiance to a personal [earthly] sovereign such as a **monarch**;"*
> *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 243]*

Therefore, to be "subject" to the federal government's legislation and statutes and "Acts of Congress" is to be *subservient* to them, which means that you voluntarily gave up your sovereignty and recognized that they have now become your "monarch" and you are their "servant". You have turned the Natural Order and hierarchy of sovereignty described in section 4.1 of the *Great IRS Hoax*, Form #11.302 upside down and made yourself into a *voluntary slave*, which violates of the Thirteenth Amendment if your consent in so doing was not fully informed and the government didn't apprise you of the rights that you were voluntarily giving up by becoming a "citizen of the United States**".

> *"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."*
> *[Brady v. U.S., 397 U.S. 742 (1970)]*

12.7 The architect of our present government system, Montesquieu, predicted this deception, corruption, and confusion of contexts

It will interest the reader to know that the deliberate confusion and deception between nationality and domicile and between CONSTITUTIONAL citizens and STATUTORY citizens respectively was predicted by the architect who designed our present system of republican government with its separation of powers. He said that the main way the system could be corrupted would be to place everyone under the POLITICAL law, which he describes as law for the INTERNAL affairs of the government only.

Within our republican government, the founding fathers recognized three classes of law:

1. Criminal law. Protects both PUBLIC and PRIVATE rights.
2. Civil law. Protects exclusively PRIVATE rights.
3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

The above three types of law were identified in the following document upon which the founding fathers wrote the constitution and based the design of our republican form of government:

The Spirit of Laws, Charles de Montesquieu, 1758 SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol.htm

Montesquieu defines "political law" and "political liberty" as follows:

1. A general Idea.

> ***I make a distinction between the laws that establish political liberty, as it relates to the constitution**, and those by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall examine in the next.*
> [The Spirit of Laws, *Charles de Montesquieu, 1758, Book XI, Section 1;*
> *SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]*

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

> ***"And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.** 'We the People of the United States,' it says, 'do ordain and establish this Constitution.' Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. **The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly-'This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land.' (Const. art. 6, cl. 2.) The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution.** And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight, Adkins v. Children's Hospital, 261 U.S. 525, 544 , 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry. Schechter Poultry Corp. v. United States, 295 U.S. 495, 549 , 550 S., 55 S.Ct. 837, 97 A.L.R. 947. "*
> *[Carter v. Carter Coal Co., 298 U.S. 238 (1936)]*

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

> *United States Constitution*
> *Article 4, Section 3, Clause 2d*

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

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

> *TITLE 18 > PART I > CHAPTER 11 > § 201*
> *§ 201. Bribery of public officials and witnesses*

> *(a) For the purpose of this section—*

> *(1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, **or a juror**;*

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

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

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

> *"**Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes**. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter.** Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."*
>
> *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]*

2. The U.S. Tax Court:
   2.1. Is an Article I Court in the EXECUTIVE and not JUDICIAL branch, and hence, can only officiate over matters INTERNAL to the government. See 26 U.S.C. §7441.
   2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Executive branch.
   2.3. Is limited to the District of Columbia because all public offices are limited to be exercised there per 4 U.S.C. §72. It travels all over the country, but this is done ILLEGALLY and in violation of the separation of powers.
3. The activity subject to excise taxation is limited exclusively to "public offices" in the government, which is what a "trade or business" is statutorily defined as in 26 U.S.C. §7701(a)(26).

> *26 U.S.C. Sec. 7701(a)(26)*
>
> *"The term 'trade or business' includes the performance of the functions of a public office."*

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

> *The Spirit of Laws, Book XXVI, Section 15*
>
> *15. That we should not regulate by the Principles of political Law those Things which depend on the Principles of civil Law.*
>
> *As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.*
>
> ***By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate to private property, because the public good consists in every one's having his property, which was given him by the civil laws, invariably preserved.***
>
> *Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.*
>
> *Let us, therefore, lay down a certain maxim, that **whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.***
>
> ***Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.***
>
> *If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from the civil law, the not being forced to alienate his possessions.*

> *After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.*
>
> *They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road.[43] They determined at that time by the civil law; in our days, we determine by the law of politics.*
> *[*The Spirit of Laws*, Charles de Montesquieu, 1758, Book XXVI, Section 15;*
> *SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]*

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

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

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

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

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

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

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

> *"Is it a franchise? **A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office.** Corporations, or bodies politic are the most usual franchises known to our laws. In England they are very numerous, and are defined to be royal privileges in the hands of a subject. An information will lie in many cases growing out of these grants, especially where corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public have an interest. In 1 Strange R. (The King v. Sir William Louther,) it was held that an information of this kind did not lie in the case of private rights, where no franchise of the crown has been invaded.*
>
> *If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a franchise--in this country, under our institutions, **a privilege or immunity of a public nature, which could not be exercised without a legislative grant, would also be a franchise.**"*
> *[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]*

2. Gave these PRIVILEGED territorial people a name of "U.S. citizen" or "U.S. resident".
3. Confused the CONSTITUTIONAL "United States***" with the STATUTORY "United States**" in their statutes, forms, and court rulings by refusing to distinguish them. This allowed them to:
   - 3.1. Conduct their war on private property and private rights under the COLOR of law, but without the actual AUTHORITY of law.
   - 3.2. Claim ignorance when the confusion was revealed.
   - 3.3. Protect their plausible deniability.
4. Called people in states of the Union the SAME NAME as that of PRIVILEGED people in the territories on government forms, so that they could deceive them into believing that they are public officers in the government.
5. Imposed whatever obligations, including tax obligations, that they want upon these privileged franchisees.

12.8 The methods of deceit and coercion on the citizenship issue in government agencies

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Most people are ILLEGALLY and CRIMINALLY DECEIVED and COMPELLED by covetous public servants to become STATUTORY citizens or residents even though they are TECHNICALLY not allowed to and it is a CRIME to do so. This process is done by the following devious means:

1. Asking you if you are a "citizen" or "resident" on a government form or in person but not defining the context: CONSTITUTIONAL or STATUTORY.
2. When you hear their question about your STATUS, your ignorance of the law causes you to PRESUME they mean "citizen" or "resident" in a POLITICAL or CONSTITUTIONAL context.
3. When you say "yes", they will self-servingly and ILLEGALLY PRESUME that the STATUTORY and CIVIL context applies rather than the POLITICAL or CONSTITUTIONAL context.
   - 3.1. *WARNING*: The CONSTITUTIONAL/POLITICAL context and the STATUTORY/CIVIL contexts are MUTUALLY exclusive and NOT equivalent!
   - 3.2. A CONSTITUTIONAL/POLITICAL "citizen of the United States***" is a "national of the United States of America" but is not a STATUTORY "national of the United States**" per 8 U.S.C. §1101(a)(22) or a STATUTORY/CIVIL "citizen".
   - 3.3. The term "citizen of the United States**" used in 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) is a POLITICAL citizen because it relates to birth or naturalization and NOT domicile.
   - 3.4. The term "citizen of the United States" used in other titles of the U.S. Code including Title 26 (income tax), Title 42 (Social Security and Medicare) relates to DOMICILE rather than NATIONALITY and is a CIVIL/STATUTORY status. Both of these titles are CIVIL franchises that have DOMICILE on federal territory not within a state as a prerequisite.
   - 3.5. The U.S. Supreme Court held in the License Tax Cases that Congress cannot establish a "trade or business" in a constitutional state in order to tax it. Hence, Titles 26 and 42 do not relate to constitutional states and only relate to federal territory not within a constitutional state.

> *"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*
>
> *But very different considerations apply to the **internal commerce** or **domestic trade** of the **States**. Over this commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively** to the States. **No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. **Congress cannot authorize [LICENSE, using a Social Security Number] a trade or business within a State in order to tax it.**"*
> *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]*

4. Hence, with a simple presumption fostered by legal ignorance on both YOUR part and on the part of the government clerk accepting your application or form, you have often UNWITTINGLY AND ILLEGALLY TRANSITIONED from being a CONSTITUTIONAL citizen to a STATUTORY citizen domiciled on federal territory! WATCH OUT!
5. The presumptions which foster this illegal transition are a CRIMINAL offence, because:
   - 5.1. The civil status of "citizen" is an office in the U.S. government, as we will show.
   - 5.2. It is a crime to impersonate a public officer in violation of 18 U.S.C. §911.
   - 5.3. It is a crime to impersonate a "U.S. citizen" in violation of 18 U.S.C. §912.
6. The presumptions which foster this illegal transition are also a violation of due process of law, because conclusive presumptions undermine constitutional rights violate due process of law:

> *(1) [8:4993] **Conclusive presumptions affecting protected interests:***
>
> *A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party's due process and equal protection rights.** [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bed. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]*
> *[Federal Civil Trials and Evidence (2005), Rutter Group, paragraph 8:4993, p. 8K-34]*

7. This ILLEGAL and CRIMINAL tactic is abused in almost all most government offices, including:
   7.1. In federal court.
   7.2. Department of Motor Vehicles on the application for a driver license.
   7.3. Social Security Administration Form SS-5.
   7.4. Voter registration at the country registrar of voters.
   7.5. Application for a United States of America Passport, Department of State Form DS-11.
   7.6. United States Citizenship and Immigration Services form I-9.
8. The reason they are using this devious and deceptive tactic is because they know that:
   8.1. A "citizen" is defined as someone who has "voluntarily submitted himself" to the LAWS and thereby become a CIVIL "subject". YOU HAVE TO VOLUNTEER AND CONSENT!
   8.2. They know they need your CONSENT and PERMISSION to transition from a CONSTITUTIONAL citizen to a STATUTORY citizen and therefore "subject".
   8.3. They don't want to ask for your consent DIRECTLY because that would imply that you have the right to NOT consent. If you said NO, their whole SCAM of ruling OVER you would be busted and people would quit in droves. They therefore have to be very INDIRECT about it.
   8.4. CONSENT and PERMISSION is implied if they ask you your status AND you say you HAVE that STATUS. You cannot acquire or maintain ANY civil status without your at least IMPLIED consent. See:

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

9. We call this process what it is:
   9.1. Criminal kidnapping of your legal identity.
   9.2. Criminal identity theft.
   9.3. Criminally impersonating a public officer.
   9.4. Constructive fraud.

> *"Fraud in its elementary common law sense of deceit -- and this is one of the meanings that fraud bears [483 U.S. 372] in the statute, see United States v. Dial, 757 F.2d. 163, 168 (7th Cir.1985) -- includes the deliberate concealment of material information in a setting of fiduciary obligation.* ***A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud. When a judge is busily soliciting loans from counsel to one party, and not telling the opposing counsel (let alone the public), he is concealing material information in violation of his fiduciary obligations."***
> *[McNally v. United States, 483 U.S. 350 (1987)]*

10. Government agencies: They abuse these ILLEGAL and CRIMINAL tactics as well. They do so by the following means:
    10.1. Ensure that their employees are not schooled in the law so that they will not realize that they are PAWNS in a game to enslave all Americans, and that "compartmentalization" is being used to ensure they don't know more than they need to know to do their job.
    10.2. Dismiss or FIRE employees who read the law and discover these tactics. Case in point is IRS criminal investigator Joe Banister, who discovered these tactics, exposed them and asked the agency to STOP them. He was asked to resign rather than the IRS fixing this criminal activity.
    10.3. PRESUME that ALL of the four contexts for "United States" are equivalent.
    10.4. Tell the public that their publications are "general" in nature and should not be relied upon. Keep in mind that a FRAUDSTER always deals in GENERALS, and the "general" context is the CONSTITUTIONAL context. Yet, even though you ASSUME the government is ALSO using the CONSTITUTIONAL context, they do the SWITCHEROO and ASSUME the OPPOSITE, which is the STATUTORY context when processing the form they handed you.
    10.5. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The IRS does this with ALL of their publications and it is FRAUD. See:

    > *Reasonable Belief About Income Tax Liability*, Form #05.007
    > FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
    > DIRECT LINK: http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf

    10.6. Using the word "United States" as meaning the government, as in the Internal Revenue Code, Subtitle A, but deceiving the reader into thinking that it REALLY means the CONSTITITUIONAL United States. See:

    > *Non-Resident Non-Person Position*, Form #05.020, Sections 4 to 4.6.5
    > http://sedm.org/Forms/FormIndex.htm

10.7. Not explaining WHICH of the two contexts apply on government forms but presuming the Statutory context ONLY.

10.8. Refusing to accept attachments to government forms that clarify the meaning of all terms on forms so as to:

10.8.1. Delegate undue discretion to judges and bureaucrats to PRESUME the statutory context.

10.8.2. Add things to the meaning of words that do not expressly appear in the law.

10.9. Refusing to define the LEGAL meaning of the terms used on government forms.

10.10. Confusing a "federal government" with a "national government", removing the definitions of these two words entirely from the dictionary, or refusing in a court setting to discuss the differences.

> *"**NATIONAL GOVERNMENT**. The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.*
>
> *"A national government is a government of the people of a single state or nation, united as a community by what is termed the "social compact,' and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. **A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.**" Piqua Branch Bank v. Knoup, 6 Ohio.St. 393."*
> *[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176]*
>
> ---
>
> ***"FEDERAL GOVERNMENT**. The system of government administered in a state formed by the union or confederation of **several independent or quasi independent states**; also the composite state so formed.*
>
> *In strict usage, there is a distinction between a confederation and a federal government. **The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation, and the central government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal,-while the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all. in their collective capacity, as citizens of the nation.** The distinction is expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaut;" the former denoting a league or confederation of states, and the latter a federal government, or state formed by means of a league or confederation."*
> *[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]*

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

> *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017
> http://sedm.org/Forms/FormIndex.htm

11. Courts and lawyers: Courts and lawyers ESPECIALLY have refined this process to a fine art by abusing "legalese" an words of art. They do this through the following very specific tactics in the courtroom.

11.1. Prevent jurists from reading the law to discover these tactics. Most federal courthouses forbid jurors serving on duty to enter their law libraries if they have one. Thus, the judge is enabled to insist that HE is the "source of law" and that what he says is law. He thereby substitutes his will for what the law says, and prevents anyone from knowing that what he SAYS the law requires is DIFFERENT from what it ACTUALLY says.

11.2. PRESUME that ALL of the four contexts for "United States" are equivalent.

11.3. Confusing the Statutory context with the Constitutional context for geographical words of art when these two contexts are NOT equivalent and in fact are mutually exclusive contexts. Terms this trick is applied to include:

11.3.1. "United States" in 26 U.S.C. §7701(a)(9).

11.3.2. "State" in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d).

11.3.3. "U.S. person" in 26 U.S.C. §7701(a)(30).

11.3.4. "U.S. citizen" or "citizen of the United States" in 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1.

11.3.5. "U.S. resident" in 26 U.S.C. §7701(b)(4).

11.4. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal law and NOT a STATUTORY "national and citizen of the United States** at birth" per 8 U.S.C. §1401.

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyANational.pdf

11.5. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf

11.6. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.

11.7. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

11.8. Confuse the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf

12. Abusing the words "includes" and "including" as a means of unlawfully adding things to the meanings of words that do not expressly appear and are therefore purposefully excluded per the rules of statutory construction. Such words include:
    12.1. "taxpayer" in 26 U.S.C. §7701(a)(14).
    12.2. "trade or business" in 26 U.S.C. §7701(a)(26). Means "the functions of a public office" and excludes activities of PRIVATE human beings or private entities.
    12.3. "State"
    12.4. "Employer" in 26 U.S.C. §3401(d). Means a government agency which a public officer works for, and not a private company.
    12.5. "Employee" in 26 U.S.C. §3401(c). Means a public officer in the U.S. and not state government and not private human beings per 5 U.S.C. §2105(a).
    For details on the unconstitutional and criminal abuse of language by the government, judges, and prosecutors, see:

    Legal Deception, Propaganda, and Fraud, Form #05.014
    http://sedm.org/Forms/FormIndex.htm

    12.6. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
    12.7. Deliberately omitting or refusing to discuss or address any of the above types of abuses in litigation raised against the government in any court, or even penalizing those who raise these issues, and thereby:
        12.7.1. Criminally obstructing justice.
        12.7.2. Engaging in organized crime and racketeering, which is committed daily by most federal judges.
        12.7.3. Engaging in criminal witness tampering against those who want to stop criminal activities by public servants. See 18 U.S.C. §1512.
13. When the above criminal tactics of public dis-servants are exposed as the FRAUD and CRIME that they are, the only thing the de facto thieves in government can do is:
    13.1. Try to ignore the issue raised like you never said it.
    13.2. Hope you don't approach the grand jury and get them indicted for their crime.
    13.3. If you do, go after you with what we call "selective enforcement" as a way to defend themselves illegally.

12.9 How the deceit and compulsion is implemented in the courtroom

> *"**Shall the throne of iniquity [the judge's bench], which devises evil by [obfuscating the] law, have fellowship with You [Christians]?** They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; **the Lord our God shall cut them off.**"*
> *[Psalm 94:20-23, Bible, NKJV]*

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The U.S. Supreme Court indirectly identified the distinctions between the CONSTITUTIONAL and the STATUTORY contexts and how one transitions from being a Constitutional to a Statutory citizen in the following holdings. These holdings are important so you will recognize what happens to your standing in court when you switch from a CONSTITUTIONAL to a STATUTORY "citizen". That way you will recognize WHERE the court's jurisdiction is coming from: the CONSTITUTION or the STATUTES. The CONSTITUTION only deals with HUMANS and LAND while the STATUTES deal almost entirely with FRANCHISES and ARTIFICIAL creations of CONGRESS.

1. First the U.S. Supreme Court held that a corporation is NOT a "citizen" as used in the CONSTITUTION:

> *"**That by no sound or reasonable interpretation, can a corporation-a mere faculty in law, be transformed into a citizen, or treated as a citizen [within the Constitution].** 2d. That the second section of the third article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different States, cannot be made to embrace controversies to which corporations and not citizens are parties; and that the assumption, by those courts, of jurisdiction in such cases, must involve a palpable infraction of the article and section just referred to. 3d. That in the cause before us, the party defendant in the Circuit Court having been a corporation aggregate, created by the State of New Jersey, the Circuit Court could not properly take cognizance thereof; and, therefore, this cause should be remanded to the Circuit Court, with directions that it be dismissed for the want of jurisdiction."*
> *[Rundle v. Delaware & Raritan Canal Co., 55 U.S. 80 (1852)]*

2. But on the OTHER hand, they held that a corporation IS a "citizen" or "resident" under federal STATUTORY law.

> *"...it is well settled that **a corporation created by a state is a citizen of the state, within the meaning of those provisions of the constitution and statutes of the United States which define the jurisdiction of the federal courts**. Railroad Co. v. Railroad Co., 112 U.S. 414 , 5 Sup.Ct.Rep. 208; Paul v. Virginia, 8 Wall. 168, 178; Pennsylvania v. Bridge Co., 13 How. 518."*
> *[State of Wisconsin v. Pelican Insurance Co., 127 U.S. 265 (1888)]*

3. The U.S. Supreme Court held that ONLY private HUMAN men and women can sue in a CONSTITUTIONAL court, not corporations:

> *"**Aliens, or citizens of different states,** are not less susceptible of these apprehensions, nor can they be supposed to be less the objects of constitutional provision, because they are allowed to sue by a corporate name. **That name, indeed, cannot be an alien or a citizen; but the persons whom it represents may be the one or the other; and the controversy is, in fact and in law, between those persons suing in their corporate character, by their corporate name, for a corporate right, and the individual against whom the suit may be instituted.** Substantially *88 and essentially, the parties in such a case, where the members of the corporation are aliens, or citizens of a different state from the opposite party, come within the spirit and terms of the jurisdiction conferred by the constitution on the national tribunals."*
>
> [. . .]
>
> ***If the constitution would authorize congress to give the courts of the union jurisdiction in this case, in consequence of the character of the members of the corporation, then the judicial act ought to be construed to give it. For the term citizen ought to be understood as it is used in the constitution, and as it is used in other laws. That is, to describe the real persons who come into court, in this case, under their corporate name.***
>
> *That corporations composed of citizens are considered by the legislature as citizens, under certain [STATUTORY but not CONSTITUTIONAL] circumstances, is to be strongly inferred from the registering act. It never could be intended that an American registered vessel, abandoned to an insurance company composed of citizens, should lose her character as an American vessel; and yet this would be the consequence of declaring that the members of the corporation were, to every intent and purpose, out of view, and merged in the corporation.*
>
> ***The court feels itself authorized by the case in 12 Mod. on a question of jurisdiction, to look to 92*92 the character of the individuals who compose the corporation, and they think that the precedents of this court, though they were not decisions on argument, ought not to be absolutely disregarded."***
> *[Bank of United States v. Deveaux, 9 U.S. 61(1809)]*

4. They also held that when a HUMAN or CONSTITUTIONAL "citizen" or "person" sues a corporation, then they have to sue SPECIFIC PEOPLE in the corporation instead of the whole corporation if the court is a CONSTITUTIONAL court rather than a STATUTORY FRANCHISE court:

> *It is important that the style and character of this party litigant, as well as the source and manner of its existence, be borne in mind, as both are deemed material in considering the question of the jurisdiction of this court, and of the Circuit Court. **It is important, too, to be remembered, that the question here raised stands wholly unaffected***

by any legislation, competent or incompetent, which may have been attempted in the organization of the courts of the United States; but depends exclusively upon the construction of the 2d section of the 3d article of the Constitution, which defines the judicial power of the United States; *first, with respect to the subjects embraced within that power; and, secondly, with respect to those whose character may give them access, as parties, to the courts of the United States. In the second branch of this definition, we find the following enumeration, as descriptive of those whose position, as parties, will authorize their pleading or being impleaded in those courts; and this position is limited to "controversies to which the United States are a party; controversies 97*97 between two or more States, — between citizens of different States, — between citizens of the same State, claiming lands under grants of different States, — and between the citizens of a State and foreign citizens or subjects."*

Now, it has not been, and will not be, pretended, that this corporation can, in any sense, be identified with the United States, or is endowed with the privileges of the latter; or if it could be, it would clearly be exempted from all liability to be sued in the Federal courts. Nor is it pretended, that this corporation is a State of this Union; nor, being created by, and situated within, the State of New Jersey, can it be held to be the citizen or subject of a foreign State. ***It must be, then, under that part of the enumeration in the article quoted, which gives to the courts of the United States jurisdiction in controversies between citizens of different States, that either the Circuit Court or this court can take cognizance of the corporation as a party; and this is, in truth, the sole foundation on which that cognizance has been assumed, or is attempted to be maintained. The proposition, then, on which the authority of the Circuit Court and of this tribunal is based, is this: The Delaware and Raritan Canal Company is either a citizen of the United States, or it is a citizen of the State of New Jersey. This proposition, startling as its terms may appear, either to the legal or political apprehension, is undeniably the basis of the jurisdiction asserted in this case, and in all others of a similar character, and must be established, or that jurisdiction wholly fails. Let this proposition be examined a little more closely.***

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

This same distinguished writer, in the first book of his Commentaries, p. 123, says, "The rights of persons are such as concern and are annexed to the persons of men, and when the person to whom they are due is regarded, are called simply rights; but when we consider the person from whom they are due, they are then denominated, duties," And again, cap. 10th of the same book, treating of the PEOPLE, he says, "The people are either aliens, that is, born out of the dominions or allegiance of the crown; or natives, that is, such as are born within it." Under our own systems of polity, the term, citizen, implying the same or similar relations to the government and to society which appertain to the term, subject, in England, is familiar to all. ***Under either system, the term used is designed to apply to man in his individual character, and to his natural capacities; to a being, or agent, possessing social and political rights, and sustaining, social, political, and moral obligations. It is in this acceptation only, therefore, that the term, citizen, in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between citizens of different States. This must mean the natural physical beings composing those separate communities, and can, by no violence of interpretation, be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a State, or of the United States, and cannot fall within the terms or the power of the above-mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States.*** *Against this position it may be urged, that the 99*99 converse thereof has been ruled by this court, and that this matter is no longer open for question. In answer to such an argument, I would reply, that this is a matter involving a construction of the Constitution, and that wherever the construction or the integrity of that sacred instrument is involved, I can hold myself trammelled by no precedent or number of precedents. That instrument is above all precedents; and its integrity every one is bound to vindicate against any number of precedents, if believed to trench upon its supremacy. Let us examine into what this court has propounded in reference to its jurisdiction in cases in which corporations have been parties; and endeavor to ascertain the influence that may be claimed for what they have heretofore ruled in support of such jurisdiction. The first instance in which this question was brought directly before this court, was that of the Bank of the United States v. Deveaux, 5 Cranch, 61. An examination of this case will present a striking instance of the error into which the strongest minds may be led,*

whenever they shall depart from the plain, common acceptation of terms, or from well ascertained truths, for the attainment of conclusions, which the subtlest ingenuity is incompetent to sustain. ***This criticism upon the decision in the case of the Bank v. Deveaux, may perhaps be shielded from the charge of presumptuousness, by a subsequent decision of this court, hereafter to be mentioned. In the former case, the Bank of the United States, a corporation created by Congress, was the party plaintiff, and upon the question of the capacity of such a party to sue in the courts of the United States, this court said, in reference to that question, "The jurisdiction of this court being limited, so far as respects the character of the parties in this particular case, to controversies between citizens of different States, both parties must be citizens, to come within the description. That invisible, intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and consequently cannot sue or be sued in the courts of the United States, unless the rights of the members in this respect can be exercised in their corporate name. If the corporation be considered as a mere faculty, and not as a company of individuals, who, in transacting their business, may use a legal name, they must be excluded from the courts of the Union."*** *The court having shown the necessity for citizenship in both parties, in order to give jurisdiction; having shown farther, from the nature of corporations, their absolute incompatibility with citizenship, attempts some qualification of these indisputable and clearly stated positions, which, if intelligible at all, must be taken as wholly subversive of the positions so laid down. After stating the requisite of citizenship, and showing that a corporation 100*100 cannot be a citizen, "and consequently that it cannot sue or be sued in the courts of the United States," the court goes on to add, "unless the rights of the members can be exercised in their corporate name." Now, it is submitted that it is in this mode only, viz. in their corporate name, that the rights of the members can be exercised; that it is this which constitutes the character, and being, and functions of a corporation. If it is meant beyond this, that each member, or the separate members, or a portion of them, can take to themselves the character and functions of the aggregate and merely legal being, then the corporation would be dissolved; its unity and perpetuity, the essential features of its nature, and the great objects of its existence, would be at an end. It would present the anomaly of a being existing and not existing at the same time. This strange and obscure qualification, attempted by the court, of the clear, legal principles previously announced by them, forms the introduction to, and apology for, the proceeding, adopted by them, by which they undertook to adjudicate upon the rights of the corporation, through the supposed citizenship of the individuals interested in that corporation. They assert the power to look beyond the corporation, to presume or to ascertain the residence of the individuals composing it, and to model their decision upon that foundation. In other words, they affirm that in an action at law, the purely legal rights, asserted by one of the parties upon the record, may be maintained by showing or presuming that these rights are vested in some other person who is no party to the controversy before them.*

*Thus stood the decision of the Bank of the United States v. Deveaux, wholly irreconcilable with correct definition, and a puzzle to professional apprehension, until it was encountered by this court, in the decision of the Louisville and Cincinnati Railroad Company v. Letson, reported in 2 Howard, 497. In the latter decision, the court, unable to untie the judicial entanglement of the Bank and Deveaux, seem to have applied to it the sword of the conqueror; but, unfortunately, in the blow they have dealt at the ligature which perplexed them, they have severed a portion of the temple itself. They have not only contravened all the known definitions and adjudications with respect to the nature of corporations, but they have repudiated the doctrines of the civilians as to what is imported by the term subject or citizen, and repealed, at the same time, that restriction in the Constitution which limited the jurisdiction of the courts of the United States to controversies between "citizens of different States." They have asserted that, "a corporation created by, and transacting business in a State, is to be deemed an inhabitant of the State, capable of being treated 101*101 as a citizen, for all the purposes of suing and being sued, and that an averment of the facts of its creation, and the place of transacting its business, is sufficient to give the circuit court's jurisdiction.*

The first thing which strikes attention, in the position thus affirmed, is the want of precision and perspicuity in its terms. ***The court affirm that a corporation created by, and transacting business within a State, is to be deemed an inhabitant of that State. But the article of the Constitution does not make inhabitancy a requisite of the condition of suing or being sued; that requisite is citizenship. Moreover, although citizenship implies the right of residence, the latter by no means implies citizenship.*** *Again, it is said that these corporations may be treated as citizens, for the purpose of suing or being sued. Even if the distinction here attempted were comprehensible, it would be a sufficient reply to it, that the Constitution does not provide that those who may be treated as citizens, may sue or be sued, but that the jurisdiction shall be limited to citizens only; citizens in right and in fact.* ***The distinction attempted seems to be without meaning, for the Constitution or the laws nowhere define such a being as a quasi citizen, to be called into existence for particular purposes; a being without any of the attributes of citizenship, but the one for which he may be temporarily and arbitrarily created, and to be dismissed from existence the moment the particular purposes of his creation shall have been answered.*** *In a political, or legal sense, none can be treated or dealt with by the government as citizens, but those who are citizens in reality. It would follow, then, by necessary induction, from the argument of the court, that as a corporation must be treated as a citizen, it must be so treated to all intents and purposes, because it is a citizen. Each citizen (if not under old governments) certainly does, under our system of polity, possess the same rights and faculties, and sustain the same obligations, political, social, and moral, which appertain to each of his fellow-citizens. As a citizen, then, of a State, or of the United States, a corporation would be eligible to the State or Federal legislatures; and if created by either the State or Federal governments, might, as a native-born citizen, aspire to the office of President of the United States — or to the command of armies, or fleets, in which last example, so far as the character of the commander would form a part of it, we should have the poetical romance of the spectre ship realized in our Republic. And should this incorporeal and invisible commander not acquit himself in color or in conduct, we might see him, provided his arrest were practicable, sent to answer his delinquencies before a court-martial, and subjected to the penalties 102*102 of the articles of war. Sir Edward Coke has declared, that a*

corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment; for it is not liable to corporeal penalties — that it can perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from the decisions of the cases of the Bank of the United States v. Deveaux, and of the Cincinnati and Louisville Railroad Company v. Letson, afford some illustration of the effects which must ever follow a departure from the settled principles of the law. These principles are always traceable to a wise and deeply founded experience; they are, therefore, ever consentaneous, and in harmony with themselves and with reason; and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion. ***Conducted by these principles, consecrated both by time and the obedience of sages, I am brought to the following conclusions: 1st. That by no sound or reasonable interpretation, can a corporation — a mere faculty in law, be transformed into a citizen, or treated as a citizen. 2d. That the second section of the third article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different States, cannot be made to embrace controversies to which corporations and not citizens are parties; and that the assumption, by those courts, of jurisdiction in such cases, must involve a palpable infraction of the article and section just referred to. 3d. That in the cause before us, the party defendant in the Circuit Court having been a corporation aggregate, created by the State of New Jersey, the Circuit Court could not properly take cognizance thereof; and, therefore, this cause should be remanded to the Circuit Court, with directions that it be dismissed for the want of jurisdiction.***
[Rundle Et Al v. Delaware and Raritan Canal Company, 55 U.S. 80 (1852)]

So, in the CONSTITUTION, corporations or other artificial entities are NOT "citizens", but under federal STATUTORY law granting jurisdiction to federal courts, they ARE. And what statutory law is THAT? See 28 U.S.C. §1332:

TITLE 28 > PART IV > CHAPTER 85 > § 1332
§ 1332. Diversity of citizenship; amount in controversy; costs

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is between—

(1) ***citizens of different States****;*

(2) ***citizens of a State*** *and citizens or subjects of a foreign state;*

(3) ***citizens of different States*** *and in which citizens or subjects of a foreign state are additional parties; and*

(4) a foreign state, defined in section 1603 (a) of this title, as plaintiff and citizens of a State or of different States.

[. . .[

(e) ***The word "States", as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.***

We can see from the above that the "State" they are talking about is NOT a constitutional state of the Union, but rather is identified in 28 U.S.C. §1332(e) as a federal territory NOT within any state of the Union. All such territories are in fact "corporations":

*At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845) . The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, Commentaries *467.* ***Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or nation"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("`The United States is a . . . great corporation . . . ordained and established by the American people'") (quoting United [495 U.S. 182, 202] States v. Maurice, 26***

> ***F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); Cotton v. United States, 11 How. 229, 231 (1851) (United States is "a corporation").*** *See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").*
> *[Ngiraingas v. Sanchez, 495 U.S. 182 (1990)]*

Hence, this STATUTORY "State" mentioned in 28 U.S.C. §1332 is obviously a STATUTORY rather than CONSTITUTIONAL "State", and hence a STATUTORY and not CONSTITUTIONAL "citizen". Therefore, a person who claims to be a constitutional citizen or a human being could not partake of the statutory "privilege" granted by the above franchise in 28 U.S.C. §1332. And YES, that is what it is: A franchise, "Congressionally created right", or "public right". All franchises presume that the actors, who are all public officers of "U.S. Inc.", are domiciled upon and therefore citizens of federal territory and NOT a state of the Union. Those who are HUMANS don't need franchises or privileges, and can instead invoke CONSTITUTIONAL diversity instead of STATUTORY diversity of citizenship under Article III, Section 2 to litigate in a CONSTITUTIONAL un-enfranchised court.

The above analysis also clearly explains the following, because you can't be a "citizen" under federal statutory law unless you are domiciled on federal territory not within a CONSTITUTIONAL state of the Union:

> *"**Domicile and citizen are synonymous in federal courts**, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683."*
> *[Black's Law Dictionary, 4th Ed., p. 311]*

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

What Happened to Justice?, Form #06.012 http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm

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

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

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

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

> *"A foreign corporation is one that derives its existence solely from the laws of another state, government, or country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created by or under the laws of another state or a corporation created by or under the laws of a foreign country."*

> *"A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. **The United States government is a foreign corporation with respect to a state.**"*
> *[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

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

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

..and then you should say you are:

1. Domiciled outside the statutory "United States" and therefore a transient foreigner and non-resident non-person in relation to federal jurisdiction.
2. A CONSTITUTIONAL citizen
3. NOT a STATUTORY citizen under any federal statute or regulation, including but not limited to 8 U.S.C. §1401, 26 U.S.C. §3121(e) , and 26 C.F.R. §1.1-1(c), all of which are STATUTORY and not CONSTITUTIONAL citizens:

> *TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121*
> *§ 3121. Definitions*
>
> *(e) State, United States, and citizen*
>
> *For purposes of this chapter—*
>
> *(1) State*
>
> *The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.*
>
> ***(2) United States [FEDERAL TERRITORY NOT PART OF ANY STATE]***
>
> ***The term "United States" when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.***

We should also point out that 18 U.S.C. §911 makes it a CRIME for a constitutional citizen to claim to be the statutory citizen described in 8 U.S.C. §1401. Any attempt on the judges part to establish or protect the FALSE and FRAUDULENT presumption that you as a state citizen are also a STATUTORY citizen makes the judge a felon and automatically recuses him.

12.10 How you help the government terrorists kidnap your legal identity and transport it to "The District of Criminals"

People who begin as a "constitutional" citizen commonly commit this crime and unwittingly in most cases transform themselves into a privileged "statutory" citizen by performing any one of the following unlawful acts. These unlawful acts at least make them appear to be a legal "person" under federal law with an effective domicile in the District of Columbia/federal zone and a "SUBJECT citizen":

1. Opening up bank or financial accounts WITHOUT using the proper form, which is an AMENDED IRS Form W-8BEN. If you don't use this form or a derivative and invoke the protection of the law for your status as a statutory "non-resident non-person" not engaged in a "trade or business", the financial institution will falsely and prejudicially "presume" that you are both a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 and a "U.S. person" pursuant to 26 U.S.C. §7701(a)(30). To prevent this problem, see the following article:
About IRS Form W-8BEN, Form #04.202 http://sedm.org/Forms/FormIndex.htm
2. Filing the WRONG tax form, the IRS Form 1040, rather than the correct 1040NR form. This constitutes an election to become a "resident alien" engaged in a "trade or business", pursuant to 26 U.S.C. §7701(b)(4)(B) and 26 U.S.C. §6013(g) and (h). This can be prevented using the following form, for instance:
Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government-Long, Form #15.001 http://sedm.org/Forms/FormIndex.htm
3. Applying for or accepting a government benefit, privilege, or license, such as Social Security, Medicare, or TANF. This would require them to fill out an SSA Form SS-5. 20 C.F.R. §422.104 requires that only those with a domicile on federal territory and who are therefore statutory "U.S. citizens" or "U.S. permanent residents", may apply for Social Security.

This causes a waiver of sovereign immunity under 28 U.S.C. §1605(a)(2) and makes you into a "resident alien" who is a "public officer" within the government granting the privilege or benefit. See:

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

4. Filling out a federal or state government form incorrectly by describing yourself as a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 rather than a "national but not a citizen" pursuant to 8 U.S.C. §1101(a)(21) and/or 8 U.S.C. §1452. This can be prevented by attaching the following form:

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

5. Improperly declaring your citizenship status to a federal court or not declaring it at all. If you describe yourself as a "citizen" or a "U.S. citizen" without further clarification, or if you don't describe your citizenship at all in court pleadings, then federal courts will self-servingly "presume" that you are a statutory rather than constitutional citizen pursuant to 8 U.S.C. §1401 who has a domicile on federal territory. This is also confirmed by the following authorities:

> *"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially synonymous with the term 'domicile'. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557."*
> *[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]*

> *"Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683."*
> *[Black's Law Dictionary, Fourth Edition, p. 311]*

To prevent this problem, use the following attachment to all the filings in the court:

Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002 http://sedm.org/Litigation/LitIndex.htm

6. Accepting public office within the federal government. This causes you to be treated AS IF you are acting in a representative capacity representing the federal corporation called the "United States" as defined in 28 U.S.C. §3002(15)(A). Pursuant to Federal Rule of Civil Procedure 17(b), you assume the same domicile and citizenship of the party you represent. All corporations are "citizens" with a domicile where they were created, which is the District of Columbia in the case of the federal United States.

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

7. Failing to rebut false information returns filed against you reflecting nonzero earnings, such as any of the following forms:
   7.1. *Correcting Erroneous IRS Form 1042's*, Form #04.003. See: http://sedm.org/Forms/FormIndex.htm
   7.2. *Correcting Erroneous IRS Form 1098's*, Form #04.004. See: http://sedm.org/Forms/FormIndex.htm
   7.3. *Correcting Erroneous IRS Form 1099's*, Form #04.005. See: http://sedm.org/Forms/FormIndex.htm
   7.4. *Correcting Erroneous IRS Form W-2's*, Form #04.006. See: http://sedm.org/Forms/FormIndex.htm

   All of the above information return forms connect you with the "trade or business" franchise pursuant to 26 U.S.C. §6041(a). A "trade or business" is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". Engaging in a "trade or business" makes you into a "resident alien" as defined in 26 U.S.C. §7701(b)(1)(A). See older versions of 26 C.F.R. §301.7701-5 for proof at the link below:
   http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf

Later in section 14 we will describe in detail how to avoid and prevent being DECEIVED or COMPELLED into illegally assuming the STATUTORY CIVIL STATUS of "citizen" or "resident".

12.11 Questions you can ask that will expose their deceit and compulsion

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> *"Be diligent to [investigate and expose the truth for yourself and thereby] present yourself [and the public servants who are your fiduciaries and stewards under the Constitution] approved to God, a worker who does not need to be ashamed, rightly dividing the word [and the deeds] of truth. But shun profane babblings [government propaganda, tyranny, and usurpation] for they will increase to more ungodliness. And their message [and their harmful effects] will spread like cancer [to destroy our society and great Republic]."*
> *[2 Tim. 2:15-17, Bible, NKJV]*

Our favorite tactic to silence legally ignorant and therefore presumptuous people in PRESUMING that we are incorrect is to simply ask them questions just like Jesus did that will expose their deceit and folly. Below are a few questions you can ask judges and attorneys that they can't answer in their entirety without contradicting either themselves or the law itself. By forcing them to engage in these contradictions and "cognitive dissonance" you prove indirectly that they are lying, because anyone who contradicts their own testimony is a LIAR. There are many more questions like these at the end of the pamphlet, but these are high level enough to use on the average American to really get them thinking about the subject:

1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against us, since they don't require our consent to enforce?
2. Certainly, if we DO NOT want "protection" then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
3. If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31) , can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

> *8 U.S.C. §1101 Definitions [for the purposes of citizenship]*
>
> *(a) As used in this chapter—*
>
> *(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that **may be dissolved eventually at the instance either of the United States[**] or of the individual**, in accordance with law.*

4. If the "citizen of the United States** at birth" under 8 U.S.C. §1401 involves TWO components, being "national" and "citizen", can't we just abandon the "citizen" part if we want to and wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

> ***citizen.*** *One who, under the Constitution and laws of the United States[***], or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY] rights.** All persons born or naturalized in the United States[***], and subject to the jurisdiction thereof, are citizens of the United States[***] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.*
>
> ***"Citizens" are members of a political community who, in their associated capacity, have** established or **submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights.** Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.*
> *[Black's Law Dictionary, Sixth Edition, p. 244]*

5. If you can't abandon the civil protection of Caesar and the obligation to pay for it, isn't there an unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?
6. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of "citizen" carry any federal obligations whatsoever while in a constitutional state?
7. If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress?
8. How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the common law that we may REFUSE to accept a "benefit"?

> *"Invito beneficium non datur.*
> *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent."*
>
> *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*

A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

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

9. What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".
10. Is the "citizen" in Title 8 of the U.S. Code the same "citizen" that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of "citizen of the United States" under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same "citizen" as the one in Title 8?
11. If the Bible says that Christians can't consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar's laws such as STATUTORY "citizen"? The Bible says I can't have a king above me.

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

12. If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract "rent" called "income tax" upon what belongs to God? Isn't Caesar therefore simply renting out STOLEN property and laundering money if he charges "taxes" on the use of that which belongs to God?

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

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

12.12 The Hague Convention HIDES the ONE portion that differentiates NATIONALITY from DOMICILE

After World War II, countries got together in the Hague Convention and reached international agreements on the proper treatment of people everywhere. The United States was a party to that international agreement. Within that agreement is the following document:

Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile [Anno Domini 1955], SEDM Exhibit #01.008

Not surprisingly, the above article within the convention was written originally in FRENCH but is NOT available in or translated into ENGLISH. Why? Because English speaking governments obviously don't want their inhabitants knowing the distinctions between NATIONALITY and DOMICILE and how they interact with each other. The SEDM sister site has found a French speaking person to translate the article, got it translated, and posted it at the following location:

Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile [Anno Domini 1955], SEDM Exhibit #01.008
http://sedm.org/Exhibits/ExhibitIndex.htm

12.13 Social Security Administration HIDES your citizenship status in their NUMIDENT records

Your citizenship status is represented in the Social Security NUMIDENT record maintained by the Social Security Administration. The field called "CSP" within NUMIDENT contains a one character code that represents your citizenship status. Valid CSP values are as follows:

Table 20: SSA NUMIDENT CSP Code Values

#	*CSP Code Value*	*Statutory meaning*	*Constitutional meaning*
1	A	U.S. citizen (per 8 U.S.C. §1401)	None
2	B	Legal Alien Allowed to Work	Alien (foreign national)
3	C	Legal Alien Not Allowed to Work	Alien (foreign national)
4	D	Other	"citizen of the United States***" or "Citizen"

This information is DELIBERATELY concealed and obfuscated from public view by the following Social Security policies:

1. The meaning of the CSP codes is NOT listed in the Social Security Program Operations Manual System (POMS) online so you can't find out.
   https://s044a90.ssa.gov/apps10/poms.nsf/partlist!OpenView
2. Employees at the SSA offices are NOT allowed to know and typically DO NOT know what the code means.
3. If you submit a Freedom Of Information Act (F.O.I.A.) request to SSA asking them what the CSP code means, they will respond that the values of the codes are CLASSIFIED and therefore UNKNOWABLE by the public. You ARE NOT allowed to know WHAT citizenship status they associate with you. See the following negative response:
   Social Security Admin. FOIA for CSP Code Values, Exhibit #01.011
   http://sedm.org/Exhibits/ExhibitIndex.htm
4. The ONLY option they give you in block 5 entitled "CITIZENSHIP" are the following. They REFUSE to distinguish WHICH "United States" is implied in the term "U.S. citizen", and if they told the truth, the ONLY citizen they could lawfully mean is a STATUTORY "U.S. citizen" per 8 U.S.C. §1401 and NOT a CONSTITUTIONAL citizen, who is a STATUTORY non-resident and non-citizen national in relation to the national government with a foreign domicile:
   4.1. "U.S. citizen"
   4.2. "Legal Alien Allowed to Work"
   4.3. "Legal Alien NOT allowed to Work" (See Instructions on Page 1)
   4.4. "Other" (See instructions on page 1)
   See:
   SSA Form SS-5
   http://www.famguardian.org/TaxFreedom/Forms/Emancipation/ss-5.pdf

Those who are domiciled outside the statutory "United States**" or in a constitutional state of the Union and who want to correct the citizenship records of the SSA must submit a new SSA Form SS-5 to the Social Security Administration (SSA) and check "Other" in Block 5 pursuant to 20 C.F.R. §422.110(a). This changes the CSP code in their record from "A" to "B". If you go into the Social Security Office and try to do this, the local offices often will try to give you a run-around with the following abusive and CRIMINAL tactics:

1. When you ask them about the meaning of Block 5, they will refuse to indicate whether the citizenship indicated is a CIVIL/STATUTORY status or a POLITICAL/CONSTITUTIONAL status. It can't be both. It must indicate NATIONALITY or DOMICILE, but not BOTH.
2. They will first try to call the national office to ask about your status in Block 5.
3. They will ABSOLUTELY REFUSE to involve you in the call or to hear what is said, because they want to protect the perpetrators of crime on the other end. Remember, terrorists always operate anonymously and they are terrorists. You should bring your MP3 voice record, insist on being present, and put the phone on speaker phone, and do EXACTLY the same thing they do when you call them directly by saying the following:

   "This call is being monitored for quality assurance purposes, just like you do to me without my consent ALL THE TIME."

4. After they get off the phone, they will refuse to tell you the full legal name of the person on the other end of the call to protect those who are perpetuating the fraud.
5. They will tell you that they want to send your SSA Form SS-5 to the national office in Baltimore, Maryland, but refuse

to identify EXACTLY WHO they are sending it to, because they don't want this person sued personally as they should be.

6. The national office will sit on the form forever and refuse to make the change requested, and yet never justify with the law by what authority they:
   6.1. Perpetuate the criminal computer fraud that results from NOT changing it.
   6.2. Perpetuate the criminal violation of 18 U.S.C. §911 by NOT changing it.
7. They will allow you to change ANYTHING ELSE on the form without their permission, but if you want to change your CITIZENSHIP, they essentially interfere with it illegally and criminally.

The reason they play all the above obfuscation GAMES and hide or classify information to conceal the GAMES is because they want to protect what they certainly know are the following CRIMES on their part and that of their employees:

1. They can't offer federal benefits to CONSTITUTIONAL but not STATUTORY citizens with a domicile outside of federal territory. If they do, they would be criminally violating 18 U.S.C. §911.
2. They can't pay public monies to PRIVATE parties, and therefore you CANNOT apply with the SS-5 for a "benefit" unless you are a public officer ALREADY employed with the government. If they let PRIVATE people apply they are conspiring to commit the crime of impersonating a public officer in violation of 18 U.S.C. §912.
3. They aren't allowed to offer or enforce any government franchise within the borders of a Constitutional but not STATUTORY state of the Union, as held by the U.S. Supreme Court, so they have to make you LOOK like a STATUTORY citizen, even though you aren't, in order to expand their Ponzi Scheme outside their GENERAL jurisdiction and into legislatively foreign states.

> *"Congress cannot authorize [LICENSE, using a de facto license number called a "Social Security Number"] a trade or business within a State in order to tax it."*
> *[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]*

The only status a state domiciled CONSTITUTIONAL but not STATUTORY citizen can put on the form is "Other" or "Legal [STATUTORY] Alien Allowed to Work". The instructions say following about "Other" option:

> *"If you check "Other", you need to provide proof that you are entitled to a federally-funded benefit for which Social Security number is required as a condition for you to receive payment."*

In answer to the above query in connection with the "Other" option, we suggest:

> *"DO NOT seek any federally funded benefit. I want a NONtaxpayer number that entitles me to ABSOLUTELY NOTHING as a NONRESIDENT not subject to federal law and NOT qualified to receive benefits of any kind. I am only applying because:*
>
> *1. I am being illegally compelled to use a number I know I am not qualified to ask for.*
>
> *2. The number was required as a precondition condition of PRIVATE employment or opening an PRIVATE financial account by a NONRESIDENT ALIEN who is NOT a "U.S. citizen" or "U.S. person" and who is NOT required to have or use such a number by 31 C.F.R. §306.10, 31 C.F.R. §103.34(a)(3)(x), and IRS Pub. 515.*
>
> *I ask that you criminally prosecute them for doing so AND provide a statement on SSA letterhead indicating that I am NOT eligible that I can show them. Furthermore, if you do have any numbers on file connected with my name, I ask that they be rescinded permanently from your records."*

Then you may want to attach the following forms to the application to ENSURE that they reject your application and TELL you that you are NOT eligible so you can show it to the person who is COMPELLING you to use a number:

1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
   http://sedm.org/Forms/FormIndex.htm
2. *Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"*, Form #04.205
   http://sedm.org/Forms/FormIndex.htm

12.14 "Citizenship" in federal court implies Domicile on federal territory not within any state

The following legal authorities conclusively establish that the terms "citizen", "citizenship", and "domicile" are synonymous in federal courts. They validate all of the above conclusive presumptions that government employees, officers, and judges

habitually make when you appear before them or submit a government form to them, unless you specify or explain otherwise. Government employees, officers, and judges just HATE to discuss or document these presumptions, which is why authorities to prove their existence are so difficult to locate.

> *"**Domicile and citizen are synonymous in federal courts**, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683."*
> *[Black's Law Dictionary, Fourth Edition, p. 311]*

> *The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." Jeffcott v. Donovan, C.C.A.Ariz., 135 F.2d. 213, 214; and from "domicile," Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d. 351, 354; First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d. 350, 351. **The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, L. & W.R. Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557**; citizen inhabitant and resident often synonymous, Jonesboro Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co., D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. Messick v. Southern Pa. Bus Co., D.C.Pa., 59 F.Supp. 799, 800.*
> *[Black's Law Dictionary, Fourth Edition, p. 310]*

> *"Citizenship and domicile are substantially synonymous. Residency and inhabitance are too often confused with the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."*
> *[Baker v. Keck, 13 F.Supp. 486 (1936)]*

> *"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially synonymous with the term 'domicile'. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557."*
> *[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]*

No person, may be compelled to choose a domicile or residence ANYWHERE. By implication, no one but you can commit yourself to being a "citizen" or to accepting the responsibilities or liabilities that go with it.

> *"**The rights of the individual are not derived from governmental agencies**, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and **restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government.** The people's rights are not derived from the government, but the government's authority comes from the people.*946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy."*
> *[City of Dallas v Mitchell, 245 S.W. 944 (1922)]*

> *"Citizenship" and "residence", as has often been declared by the courts, are not convertible terms. ... "The better opinion seems to be that a citizen of the United States is, under the amendment [14th], prima facie a citizen of the state wherein he resides , cannot arbitrarily be excluded therefrom by such state, but that **he does not become a citizen of the state against his will, and contrary to his purpose and intention to retain an already acquired citizenship elsewhere. The amendment [14th] is a restraint on the power of the state, but not on the right of the person to choose and maintain his citizenship or domicile**"".*
> *[Sharon v. Hill, 26 F. 337 (1885)]*

Since "citizen", "citizenship", and "domicile" are all synonymous, then you can only be a "citizen" in ONE place at a time. This is because you can only have a "domicile" in one place at a time.

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

The implications of this revelation are significant. It means that in relation to the state and federal governments and their mutually exclusive territorial jurisdictions, you can only be a statutory "citizen" of one of the two jurisdictions at a time. Whichever one you choose to be a "citizen" of, you become a "national but not a citizen" in relation to the other. You can therefore be subject to the civil laws of only one of the two jurisdictions at a time. Whichever one of the two jurisdictions you choose your domicile within becomes your main source of protection.

Choice of domicile is an act of political affiliation protected by the First Amendment prohibition against compelled association:

> *Just as there is freedom to speak, to associate, and to believe, so also there is freedom not to speak, associate, or believe "**The right to speak and the right to refrain from speaking [on a government tax return, and in violation of the** Fifth Amendment **when coerced, for instance] are complementary components of the broader concept of 'individual freedom of mind.**" Wooley v. Maynard, [430 U.S. 703] (1977). Freedom of conscience dictates that no individual may be forced to espouse ideological causes with which he disagrees:*
>
> *"[A]t the heart of the First Amendment is the notion that the individual should be free to believe as he will, and that in a free society one's beliefs should be shaped by his mind and by his conscience rather than coerced by the State [through illegal enforcement of the revenue laws]." Abood v. Detroit Board of Education [431 U.S. 209] (1977)*
>
> ***Freedom from compelled association is a vital component of freedom of expression.** Indeed, freedom from compelled association illustrates the significance of the liberty or personal autonomy model of the First Amendment. **As a general constitutional principle, it is for the individual and not for the state to choose one's associations and to define the persona which he holds out to the world.***
> *[First Amendment Law, Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]*

12.15 How you unknowingly volunteered to become a "citizen of the United States" under federal statutes

Armed with the knowledge that "U.S. citizen" status under federal statutes and "acts of Congress" is *entirely voluntary* for state nationals, let's now examine the federal government's definition of the term "naturalization" to determine at what point we "volunteered":

> *8 U.S.C. §1101(a)(23) naturalization defined*
>
> *(a)(23) The term "naturalization" means the conferring of **nationality** [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a state upon a person after birth, by any means whatsoever.*

And here is the definition in Black's Law Dictionary, Sixth Edition, p. 1026 of *naturalization:*

> ***Naturalization.** The process by which a person acquires nationality [not citizenship, but nationality] after birth and becomes entitled to the privileges of U.S. citizenship. 8 U.S.C.A. §1401 et seq..*
>
> *In the United States collective naturalization occurs when designated groups are made citizens by treaty (as Louisiana Purchase), or by a law of Congress (as in annexation of Texas and Hawaii). Individual naturalization must follow certain steps: (a) petition for naturalization by a person of lawful age who has been a lawful resident of the United States for 5 years; (b) investigation by the Immigration and Naturalization Service to determine whether the applicant can speak and write the English language, has a knowledge of the fundamentals of American government and history, is attached to the principles of the Constitution and is of good moral character; (c) hearing before a U.S. District Court or certain State courts of record; and (d) after a lapse of at least 30 days a second appearance in court when the oath of allegiance is administered.*
> *[Black's Law Dictionary, Sixth Edition, p. 1026]*

Hmmm. Well then, if you were a foreigner who was "naturalized" to become a "national" (and keep in mind that all of America is mostly a country of immigrants), then some questions arise:

1. At what point did you become a STATUTORY "U.S. citizen" under federal law, because "naturalization" didn't do it?
2. By what means did you inform the government of your "informed choice" in this *voluntary* process?

The answer is that when you applied for a passport or registered to vote or participated in jury duty, the government asked you whether you were a "U.S. citizen" and you lied by saying "YES". In effect, although you never made an informed choice to surrender your sovereign status as a "national" to become a "U.S. citizen", you created a "presumption" on their part that you were a "U.S. citizen" just because of the erroneous paperwork you sent them which they can later use as evidence in

court to prove you are a "U.S. citizen". Even worst, they ENCOURAGED you to make it erroneous because of the way they designed the forms by not even giving you a choice on the form to indicate that you were a "national" instead of a "U.S. citizen"! By you checking the "U.S. citizen" block on their rigged forms, that is all the evidence they needed to conclude, incorrectly and to their massive financial benefit I might add, that you were a "U.S. citizen" who was "completely subject to the jurisdiction" of the United States. BAD IDEA!

Technically and lawfully, the federal government ***does not*** have the lawful authority to confer statutory "citizen of the United States**" status upon a person born inside a Union state on land that is not part of the federal zone and domiciled there. If they did, they would be "sheep poachers" who were stealing citizens from the Union states and depriving those states of control over persons born within their jurisdiction. This is so because "citizen of the United States***" status is superior and dominant over state citizenship according to the Supreme Court in the *Slaughter-House Cases, 83 U.S. 36 (1873)*:

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

Therefore, persons born in the Union states but outside the federal zone (federal areas or enclaves within the states) must be *naturalized* technically in order to become "citizens of the United States". However, the rules for naturalization in the case of federal citizenship are so lax and transparent that people are fooled into thinking they *always were* "citizens of the United States"! Whenever you fill out a passport or voter registration form and claim you are a "citizen of the United States" or a "U.S. citizen", for instance, even if you technically weren't because you weren't born inside the federal zone, then you have effectively and formally "naturalized" yourself into federal citizenship and given the government evidence admissible under penalty of perjury proving that you are a federal serf and slave!

I therefore like to think of the term "U.S. citizen" used by the Internal Revenue Service and the Internal Revenue Code as being like the sign that your enemies taped on your back in grammar school without you knowing which said "HIT ME!", and the only people who can see the sign or understand what it means are those who work for the government and the IRS and the legal profession! Your own legal ignorance is the only reason that you don't know that you have this sign on your back.

12.16 How to prevent being deceived or compelled to assume the civil status of "citizen"

If you would like tools to prevent all of the above types of gamesmanship by corrupt judges and government prosecutors and bureaucrats, please see:

1. *Citizenship, Domicile, and Tax Status Options*, Form #10.003. Provide during depositions and discovery. http://sedm.org/Forms/FormIndex.htm
2. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002. Attach to pleadings filed in federal court. http://sedm.org/Litigation/LitIndex.htm
3. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001. Attach to all government forms you are compelled to fill out. http://sedm.org/Forms/FormIndex.htm
4. *Tax Form Attachment*, Form #04.201. Attach to all tax forms you are required to fill out. http://sedm.org/Forms/FormIndex.htm

12.17 Misapplication of Statutory diversity of citizenship or federal jurisdiction to state citizens

Diversity of citizenship describes methods for invoking jurisdiction of federal court for controversies involving people not in the same state or country. Just like citizenship, there are TWO types of diversity of citizenship: CONSTITUTIONAL and STATUTORY. Choice of forum to hear diversity cases is either WITHIN the courts of the plaintiff's home state or in federal court. State courts can hear cases involving diverse parties under the authority of their respective Longarm Statutes and the Minimum Contacts Doctrine described in International Shoe Co. v. Washington, 365 U.S. 310 (1945).

Procedures for removal from state to federal court are codified in 28 U.S.C. §§1441 through 1452. Generally speaking, STATUTORY diversity of citizenship is a statutory privilege rather than a CONSTITUTIONAL right.[51] One should avoid PRIVILEGES because they DESTROY or undermine constitutional rights. We refer to such PRIVILEGES as franchises. See:

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

A common method of confusing CONSTITUTIONAL citizens with STATUTORY citizens is to falsely and unconstitutionally PRESUME that STATUTORY diversity of citizenship provisions of 28 U.S.C. §1332 and CONSTITUTIONAL diversity of citizenship found in Article III, Section 2 are equivalent. In fact, they are NOT equivalent and are mutually exclusive. We alluded to this earlier in section 11.1 under item 8. In fact:

1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive because they rely on DIFFERENT geographical definitions for "State" and "United States".
2. The following authorities on choice of law limit the application of federal statutes to those domiciled in the geographical "United States**", meaning federal territory not within the exclusive jurisdiction of any state.
   2.1. Federal Rule of Civil Procedure 17.
   2.2. The Rules of Decision Act, 28 U.S.C. §1652.
   2.3. 40 U.S.C. §3111-3112.
   2.4. The geographical definitions of "United States" found in the Internal Revenue Code at 26 U.S.C. §§7701(a)(9) and (a)(10) and 4 U.S.C. §110(d).
   2.5. The geographical definitions of "United States" found in the Social Security Act at 42 U.S.C. §1301(a)(1) and (a)(2).
   2.6. The U.S. Supreme Court.

> *"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the **internal** affairs of the states; and emphatically not with regard to legislation.*
> *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

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

3. The STATUTORY definition of "State" in 28 U.S.C. §1332(e) is a federal territory.

> *28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs*
>
> *(e) The word "States", as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.*

4. The definition of "State" in the CONSTITUTION is a State of the Union and NOT federal territory.

> *It is sufficient to observe in relation to these three fundamental instruments [Articles of Confederation, the United States Constitution, and the Treaty of Peace with Spain], that it can nowhere be inferred that the *251 territories were considered a part of the United States. The Constitution was created by the people of the United States, as*

[51] See Adams v. Charter Communications VII, LLC, 356 F.Supp.2d. 1268, 1271 (M.D. 2005); see also Landman v. Borough of Bristol, 896 F.Supp. 406, 409 (E.D. Pa. 1995)("Because courts strictly construe the removal statutes, the parties must meticulously comply with the requirements of the statute to avoid remand.")

a union of states, to be governed solely by representatives of the states; and even the provision relied upon here, that all duties, imposts, and excises shall be uniform 'throughout the United States,' is explained by subsequent provisions of the Constitution, that 'no tax or duty shall be laid on articles exported from any state,' and 'no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.' In short, the Constitution deals with states, their people, and their representatives.

[. . .]

"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L. ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word 'state.' in that connection, was used simply to denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. ***The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution , . . . and excludes from the term the signification attached to it by writers on the law of nations.' This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L.Ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395 , 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.'*** *In Scott v. Jones, 5 How. 343, 12 L.Ed. 181, and in Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress." [Downes v. Bidwell, 182 U.S. 244 (1901)]*

5. Corrupt government actors try to increase this confusion to illegally expand their jurisdiction by dismissing diversity cases where only diversity of RESIDENCE (domicile) is implied, instead insisting on "diversity of CITIZENSHIP" and yet REFUSING to define whether they mean DOMICILE or NATIONALITY when the term "CITIZENSHIP" is invoked. See Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)("To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]verments of residence are wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone.").

One publication about removal from state court to federal court says the following on the subject of removals. Notice they refer to "citizen" and "resident" as "terms of art", meaning terms that do not have the "ordinary meaning" but only that SPECIFICALLY identified in the statutes themselves:

4. Take care with terms of art in diversity removal allegations

A. Terms of art: "Citizen" versus "resident"

The burden falls on the removing party to prove complete diversity.[23] "The allegations must show that the citizenship of each plaintiff is different from that of each defendant."[24] Some courts have found that the requisite specificity is lacking where a party alleges residency instead of citizenship.[25] In fact, such courts have held that "[a]verments of residence are wholly insufficient for purposes of removal."[26] The reason enunciated by the courts for such a holding is that "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone."[27] Simply put, in a diversity removal, it may not be enough to allege only the residence of party; instead, the wiser practice for the party attempting to establish federal jurisdiction is to allege the citizenship of the diverse parties.[28]

B. Conclusory allegations of citizenship

Similarly, some courts take the position that merely alleging that an action is between citizens of different states is insufficient to establish that the parties are diverse for the purposes of supporting a diversity removal; instead, "specific facts must have been alleged so that [a] Court itself will be able to decide whether such jurisdiction exists.[29] Consequently, conclusory assertions that diversity of citizenship exists without accompanying factual support about a parties' citizenship as opposed to residency may result in remand.[30] For example, where the removing party states only the residence of an allegedly diverse party, and fails to include allegations regarding an allegedly diverse parties' citizenship, that failure has been used to justify remand.[31] The safer practice is for a removing party to allege diversity of citizenship and to specify in its removal documents the factual basis supporting the allegation that the parties are in fact diverse.

[A Primer on Removal: Don't Leave State Court Without It, Gregory C. Cook, A. Kelly Brennan; SOURCE: http://www.balch.com/files/Publication/992723a2-ea1b-4cb8-9cb8-01287d8ca796/Presentation/PublicationAttachment/416c40d8-6d9d-4ce0-a4d8-0a4830a78300/Removal%20Article.pdf]

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[23] *Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)("To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.")(citing McGovern v. American Airlines, Inc., 511 F.2d. 653, 654 (5th Cir. 1975)(per curiam)).*

[24] *Id.*

[25] *Id.*

[26] *Wenger v. Western Reserve Life Assur. Co., 570 F.Supp. 8, 10 (M.D. Tenn. 1983)(citing Realty Holding Co. v. Donaldson, 268 U.S. 398, 399 (1925), Neel v. Pennsylvania Co., 157 U.S. 153 (1895)).*

[27] *See, e.g., Johnson, supra, note 19 (remanding case due to removing parties failure to allege citizenship in case removed on diversity jurisdiction grounds and holding allegation of residence was insufficient to evidence citizenship).*

[28] *J.C. Whitney & Co. v. Renaissance Software Corp., 98 F.Supp.2d. 981 (N.D. Ill. 2000)("allegations of residence are insufficient to establish diversity jurisdiction").*

[29] *Id.*

[30] *Nasco, Inc. v. Norsworthy, 785 F.Supp. 707 (M.D. Tenn. 1992). In Nasco, the United States District Court for the Middle District of Tennessee remanded an action to state court where the defendants failed to adequately allege citizenship as opposed to residency. Id. In Nasco, the defendants made the conclusory allegation that complete diversity of citizenship among the parties existed. Id. at 709. However, the defendants' factual assertions related only to the residency, not citizenship. Id. The Court remanded the action and stated that "[a]verments of residence are wholly insufficient for purposes of removal." Id. (quoting Wenger v. Western Reserve Life Assurance Co. of Ohio, 570 F.Supp. 8, 10 (M.D. Tenn. 1983)).*

Similarly, the United States Court of Appeals for the Eleventh Circuit agrees that the failure to properly list citizenship in a removal petition is fatal to removal and warrants remand. Rolling Greens MHP, L.P. v. Comcast SCH Holdings LLC, 374 F.3d. 1020 (11th Cir. 2004)(affirming district court's order remanding action due to defendant's failure to properly allege the citizenship of the parties in removal petition); cf. Ervast v. Flexible Products, Co., 346 F.3d. 1007 (refusing to exercise jurisdiction on basis of diversity where defendant failed to plead basis in removal petition).

[31] *Johnson, supra, note 19.*

To eliminate the confusion of the STATUTORY and CONSTITUTIONAL context for citizenship terms in diversity of citizenship cases, we have prepared the following table. It eliminates the confusion by taking both DOMICILE and NATIONALITY into account, and it shows the corresponding authorities from which jurisdiction derives in each case. It is a work in progress subject to continual improvement because of the complexity of researching the subject:

Table 21: Permutations of diversity of citizenship

#	Party 1 to lawsuit		Party 2 to lawsuit		State/Territory jurisdiction?	Federal Jurisdiction?	Choice of law/ laws to be enforced	Notes
	Name	Condition	Name	Condition				
1	State citizen	Domiciled in SAME constitutional "State" as Party 2.	State citizen	Domiciled in SAME constitutional "State" as Party 1.	State has jurisdiction under common law	No jurisdiction	State law only	
2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 1	No jurisdiction	Federal government has subject matter diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.	State law only in most cases. Federal law if a constitutional tort and remedy is provided by statutes.	Includes constitutional torts pers Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)
3	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	American national	Domiciled abroad	No jurisdiction	No jurisdiction. Party 2 is stateless.		Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)
4	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 1	No jurisdiction	No jurisdiction		
5	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national domiciled abroad	Domiciled abroad	No jurisdiction	Jurisdiction under 28 U.S.C. §1332(a)(2) .	State law only. No federal law.	Alienage jurisdiction. Cook v. Tait, 265 U.S. 47 (1924) tries to unconstitutionally circumvent this limitation for tax matters.
6	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a constitutional state	No jurisdiction	Federal government has subject matter diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.	State law only. No federal law.	Alienage jurisdiction.
7	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a territory or possession	No jurisdiction	Federal government has diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.		Alienage jurisdiction.
8	Territorial citizen	Domiciled in SAME statutory "State" as Party 2.	Territorial citizen	Domiciled in SAME statutory "State" as Party 1	Territory has jurisdiction	None	Territory's laws only. No federal law	
9	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 2	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 1	No jurisdiction	Federal government has diversity jurisdiction under 28 U.S.C. §1332.	Territory's laws only. No federal law	
10	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	American national	Domiciled abroad	No jurisdiction	No jurisdiction. Party 2 is stateless.		Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)

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#	Party 1 to lawsuit		Party 2 to lawsuit		State/Territory jurisdiction?	Federal Jurisdiction?	Choice of law/ laws to be enforced	Notes
	Name	Condition	Name	Condition				
11	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 1	No jurisdiction	No jurisdiction		
12	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national domiciled abroad	Domiciled abroad	No jurisdiction	No jurisdiction if Party 2 is stateless. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) (Party 2 is a stateless person)		Alienage jurisdiction. Cook v. Tait, 265 U.S. 47 (1924) tries to unconstitutionally circumvent this limitation for tax matters.
13	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a constitutional state	No jurisdiction	No jurisdiction		Alienage jurisdiction.
14	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a territory or possession	No jurisdiction	Federal government has diversity jurisdiction under 28 U.S.C. §1332.	Territory's laws only. No federal law	Alienage jurisdiction.

NOTES:

1. "State citizen", as used in the above table, is a human being born in a constitutional but not statutory "State" and "residing" there under the Fourteenth Amendment, Section 1. To "reside" as used in the Fourteenth Amendment has been held to mean to be civilly DOMICILED there rather than merely physically present. This was proven earlier in section 1.5.1.
2. "Territorial citizen", as used in the above table, is a human being born in a federal territory or possession or an federal corporation created under the laws of Congress.
   2.1. It includes 8 U.S.C. §1401 STATUTORY "U.S. citizens" described in 26 C.F.R. §1.1-1(c).
   2.2. It includes "non-citizen nationals" from U.S. possessions defined in 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B).
   2.3. It includes artificial entities as well, because all federally chartered corporations are deemed to be STATUTORY but not CONSTITUTIONAL citizens of the national government domiciled on federal territory.
3. "Foreign national", as used in the above table, is a human being
   3.1. Born in a foreign country. That human was born in neither a CONSTITUTIONAL state of the Union nor a territory or possession of the United States.
   3.2. Born in a CONSTITUTIONAL state but domiciled abroad and not engaged in a public office in the national government. Also called a "stateless person" by the U.S. Supreme Court. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989).
4. "American national" as used above means someone born or naturalized in either a constitutional state or a federal territory or possession. American nationals domiciled abroad cannot sue in federal court under diversity of citizenship.

> *"Partnerships which have American partners living abroad pose a special problem. "In order to be a citizen of a State within the meaning of the diversity statute, a natural person must be both a citizen of the United States and be domiciled within the State."* Newman-Green, Inc. v. Alfonzo-Larrain, *490 U.S. 826, 828*, *109 S.Ct. 2218*, *104 L.Ed.2d. 893 (1989)*. *An American citizen domiciled abroad, while being a citizen of the United States is, of course, not domiciled in a particular state, and therefore such a person is "stateless" for purposes of diversity jurisdiction. See id. Thus, American citizens living abroad cannot be sued (or sue) in federal court based on diversity jurisdiction as they are neither "citizens of a State," see 28 U.S.C. §1332(a)(1), nor "citizens or subjects of a foreign state," see id. § 1332(a)(2). See Newman-Green, 490 U.S. at 826, 109 S.Ct. 2218."*
> *[Swiger v. Allegheny Energy, Inc., 540 F.3d. 179 (3rd Cir., 2008)]*

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5. When determining diversity jurisdiction, the civil or political status of a litigant, including nationality and domicile, is determined by his/her status at the time the suit is filed, not at the time the injury claimed occurred. Smith v. Sperling, 354 U.S. 91, 93 n.1, 77 S.Ct. 1112, 1113 n.1, 1 L.Ed.2d. 1205 (1957).
6. A human being is deemed to be a citizen of the state where she is domiciled. See Gilbert v. David, 235 U.S. 561, 569, 35 S.Ct. 164, 59 L.Ed. 360 (1915).
7. A corporation is a citizen both of the state where it is incorporated and of the state where it has its principal place of business. 28 U.S.C. § 1332(c). Swiger v. Allegheny Energy, Inc., 540 F.3d. 179 (3rd Cir., 2008).
8. Those not domiciled in a constitutional state, even if physically present there, are not "citizens of the United States" under the auspices of the Fourteenth Amendment, Section 1. Rather, they are non-citizen nationals of the United States*** OF AMERICA. This is because the term "reside" in the Fourteenth Amendment, Section 1, has been held to mean DOMICILE and not mere physical presence. See section 1.5.1 earlier.
9. Partnerships and other unincorporated associations, unlike corporations, are not considered "citizens" as that term is used in the diversity statute. See Carden v. Arkoma Assocs., 494 U.S. 185, 187-92, 110 S.Ct. 1015, 108 L.Ed.2d. 157 (1990) (holding that a limited partnership is not a citizen under the jurisdictional statute); see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 84 n. 1, 126 S.Ct. 606, 163 L.Ed.2d. 415 (2005) ("[F]or diversity purposes, a partnership entity, unlike a corporation, does not rank as a citizen[.]"); United Steelworkers of Am. v. Bouligny, 382 U.S. 145, 149-50, 86 S.Ct. 272, 15 L.Ed.2d. 217 (1965) (holding that a labor union is not a citizen for purposes of the jurisdictional statute); Great S. Fire Proof Hotel Co. v. Jones, 177 U.S. 449, 454-55, 20 S.Ct. 690, 44 L.Ed. 842 (1900) (holding that a limited partnership association, even though it was called a quasi-corporation and declared to be a citizen of the state under the applicable state law, is not a citizen of that state within the meaning of the jurisdictional statute); Chapman v. Barney, 129 U.S. 677, 682, 9 S.Ct. 426, 32 L.Ed. 800 (1889) (holding that although the plaintiff-stock company was endowed by New York law with the capacity to sue, it could not be considered a "citizen" for diversity purposes); 15 James Wm. Moore, Moore's Federal Practice § 102.57[1] (3d ed.2006) [hereinafter Moore's Federal Practice] ("[A] partnership is not a `citizen' of any state within the meaning of the statutes regulating jurisdiction[.]"). Given that partnerships are not citizens for diversity purposes, the Supreme Court has long applied the rule of Chapman v. Barney: that courts are to look to the citizenship of all the partners (or members of other unincorporated associations) to determine whether the federal district court has diversity jurisdiction. See Lincoln Prop. Co., 546 U.S. at 84 n. 1, 126 S.Ct. 606; Carden, 494 U.S. at 196-97, 110 S.Ct. 1015; Bouligny, 382 U.S. at 151, 86 S.Ct. 272; Great S. Fire Proof Hotel, 177 U.S. at 456, 20 S.Ct. 690; Chapman, 129 U.S. at 682, 9 S.Ct. 426; see also 13B Charles Alan Wright et al., Federal Practice & Procedure § 3630 (2d ed. 1984) ("[W]henever a partnership, a limited partnership ..., a joint venture, a joint stock company, a labor union, a religious or charitable organization, a governing board of an unincorporated institution, or a similar association brings suit or is sued in a federal court, the actual citizenship of each of its members must be considered in determining whether diversity jurisdiction exists."). In Chapman, the Supreme Court, on its own motion, reversed a judgment on the grounds that the federal court did not have jurisdiction over a stock company because the record did not demonstrate that all the partners of the stock company were citizens of a state different than that of the defendant:
10. STATUTORY "citizen of a State" status under 28 U.S.C. §1332(a)(1) is satisfied when a party has a civil DOMICILE in the state in question. Although this statute is limited to federally domiciled parties, it is applied as a matter of common law to constitutional diversity situations without adversely impacting the constitutional rights of the parties, but only if the other party to the suit is NOT a corporation. If the other party IS a corporation, then applying the statute is an injury because it brings a CONSTITUTIONAL citizen down to the same level as a STATUTORY citizen and thereby makes them subject to the laws of Congress.

> *"28 U.S.C. §1332(a)(1) creates the federal courts' jurisdiction over actions between "citizens of different States." For a natural person to fall within the provision he must be both (1) a citizen of the United States and (2) a citizen of a particular state. See Scott v. Sandford, 60 U.S. (19 How.) 393, 405-06, 15 L.Ed. 691 (1857); Delaware, L. & W. R. Co. v. Petrowsky, 250 F. 554, 557 (2d Cir.), cert. denied, 247 U.S. 508, 38 S.Ct. 427, 62 L.Ed. 1241 (1918). It is not disputed here that the plaintiff having been naturalized in 1973 is a citizen of the United States.* ***What is contested is whether in 1976 when his complaint was filed he was a citizen of one of the United States.*** *The issue is crucial to the plaintiff's claim of jurisdiction under 28 U.S.C. §1332(a)(1) because settled precedent establishes that a citizen of the United States who is not also a citizen of one of the United States may not maintain suit under that section. Meyers v. Smith, 460 F.Supp. 621 (D.D.C.1978); Kaufman & Broad, Inc. v. Gootrad, 397 F.Supp. 1054 (S.D.N.Y.1975); Garner v. Pearson, 374 F.Supp. 580, 588-90 (M.D.Fla.1973); Hernandez v. Lucas, 254 F.Supp. 901 (S.D.Tex.1966); Clapp v. Stearns & Co., 229 F.Supp. 305 (S.D.N.Y.1964); McClanahan v. Galloway, 127 F.Supp. 929 (N.D.Cal.1955); Alla v. Kornfeld, 84 F.Supp. 823 (N.D.Ill.1949); Hammerstein v.*

Lyne, 200 F. 165 (W.D.Mo.1912). Although this doctrine excluding Americans domiciled abroad from the federal courts has been questioned,[52] the plaintiff does not directly attack it here and we see no reason for upsetting settled law now.

State citizenship for the purpose of the state diversity provision is equated with domicile. The standards for determining domicile in this context are found by resort to federal common law. Stifel v. Hopkins, 477 F.2d. 1116, 1120 (6th Cir. 1973); Ziady v. Curley, 396 F.2d. 873, 874 (4th Cir. 1968). To establish a domicile of choice a person generally must be physically present at the location and intend to make that place his home for the time at least. See Restatement (Second) of Conflict of Laws §§15, 16, 18 (1971)."
[Sadat v. Mertes, 615 F.2d. 1176 (C.A.7 (Wis.), 1980)]

11. 28 U.S.C. §1332(a)(2) is called "alienage jurisdiction". Here is what one court said on this subject:

28 U.S.C. §1332(a)(2) vests the district courts with jurisdiction over civil actions between state citizens and citizens of foreign states. This power is sometimes referred to as alienage jurisdiction. Although the basis for alienage jurisdiction is similar to that over controversies between state citizens, it is founded on more concrete concerns than the arguably unfounded fears of bias or prejudice by forums in one of the United States against litigants from another of the United States.

The dominant considerations which prompted the provision for such jurisdiction appear to have been:

(1) Failure on the part of the individual states to give protection to foreigners under treaties; Farrand, "The Framing of the Constitution" 46 (1913); Nevins, "The American State During and After the Revolution" 644-656 (1924); Friendly, 41 Harvard Law Review 483, 484.

(2) Apprehension of entanglements with other sovereigns that might ensue from failure to treat the legal controversies of aliens on a national level. Hamilton, "The Federalist" No. 80.

Blair Holdings Corp. v. Rubinstein, 133 F.Supp. 496, 500 (S.D.N.Y.1955). Thus, alienage jurisdiction was intended to provide the federal courts with a form of protective jurisdiction over matters implicating international relations where the national interest was paramount. See The Federalist No. 80 (A. Hamilton) ("(T)he peace of the WHOLE ought not to be left at the disposal of a PART. The Union will undoubtedly be answerable to foreign powers for the conduct of its members. And the responsibility for an injury ought ever to be accompanied with the faculty for preventing it.") [7] Recognizing this obvious national interest in such controversies, not even the proponents of the abolition of diversity jurisdiction over suits between citizens of the several United States have advocated elimination of alienage jurisdiction. See, e. g., H. Friendly, Federal Jurisdiction: A General View 149-50 (1973); Rowe, Abolishing Diversity Jurisdiction: Positive Side Effects and Potential for Further Reforms, 92 Harv.L.Rev. 963, 966-68 (1979).

Because alienage jurisdiction is founded on the fear of giving offense to foreign countries, the domicile of the foreigner is irrelevant. Indeed, an alien domiciled in one of the United States is afforded access to the federal courts under 28 U.S.C. §1332(a)(2) even when he sues an American citizen residing in the same state. *See C. H. Nichols Lumber Co. v. Franson, 203 U.S. 278, 27 S.Ct. 102, 51 L.Ed. 181 (1906); Breedlove v. Nicolet, 32 U.S. (7 Pet.) 413, 431-32, 8 L.Ed. 731 (1833); Psinakis v. Psinakis, 221 F.2d. 418, 422 (3d Cir. 1955); City of Minneapolis v. Reum, 56 F. 576 (8th Cir. 1893); Hagl v. Jacob Stern & Sons, 396 F.Supp. 779, 782 (E.D.Pa.1975). See also DeVries v. Starr, 393 F.2d. 9, 11 (10th Cir. 1968) (alien domiciled in Spain but a citizen of the Netherlands). The jurisdictional grant in 28 U.S.C. §1332(a)(2), however, does not establish the federal courts as forums for all lawsuits with an international flavor.* ***Suits solely between aliens are outside the constitutional grant of judicial power. Jackson v. Twentyman, 27 U.S. (2 Pet.) 136, 7 L.Ed. 374 (1829); Hodgson v. Bowerbank, 9 U.S. (5 Cranch) 303, 3 L.Ed. 108 (1809). Jurisdiction will not lie if the basis for jurisdiction is the alienage of a person with no nationality****. Shoemaker v. Malaxa, 241 F.2d. 129 (2d Cir. 1957); Factor v. Pennington Press, Inc., 238 F.Supp. 630 (N.D.Ill.1964).* ***And an American citizen domiciled abroad is not by virtue of that fact alone a citizen of a foreign state****. Smith v. Carter, 545 F.2d. 909 (5th Cir.), cert. denied, 431 U.S. 955, 97 S.Ct. 2677, 53 L.Ed.2d. 272 (1977); Pemberton v. Colonna, 290 F.2d. 220 (3d Cir. 1961) (per curiam) (affirming 189 F.Supp. 430 (E.D.Pa.1960)); Haggerty v. Pratt Institute, 372 F.Supp. 760 (E.D.N.Y.1974); Van der Schelling v. U. S. News & World Report, Inc., 213 F.Supp. 756 (E.D.Pa.), aff'd, 324 F.2d. 956 (3d Cir. 1963) (per curiam), cert. denied, 377 U.S. 906, 84 S.Ct. 1166, 12 L.Ed.2d. 177 (1964); Hammerstein v. Lyne, 200 F. 165, 171-72 (W.D.Mo.1912).*

[52] See Currie, The Federal Courts and the American Law Institute, 36 U.Chi.L.Rev. 1, 9-10 (1968) (suggesting that Americans abroad might reasonably be deemed foreign subjects); Comment, 19 Wash. & Lee L.Rev. 78, 84-86 (1962) (proposing that a person's domicile and therefore his state citizenship should be deemed to continue until citizenship is established in another of the United States or until American citizenship is abandoned).

The generally accepted test for determining whether a person is a foreign citizen for purposes of 28 U.S.C. §1332(a)(2) is whether the country in which citizenship is claimed would so recognize him. *This is in accord with the principle of international law that "it is the inherent right of every independent nation to determine for itself, and according to its own constitution and laws, what classes of persons shall be entitled to its citizenship." United States v. Wong Kim Ark, 169 U.S. 649, 668, 18 S.Ct. 456, 464, 42 L.Ed. 890 (1898). See, e. g., Murarka v. Bachrack Bros., 215 F.2d. 547, 553 (2d Cir. 1954) (Harlan, J.) ("It is the undoubted right of each country to determine who are its nationals, and it seems to be general international usage that such a determination will usually be accepted by other nations"); Blair Holdings Corp. v. Rubinstein, 133 F.Supp. at 499. See also Restatement (Second) of the Foreign Relations Law of the United States § 26 (1965).*

Relying on this principle, the plaintiff maintains that notwithstanding his U.S. naturalization, Egypt still regards him as an Egyptian citizen. The evidence in the record tends to sustain his contention. It is apparently the plaintiff's position that Egypt requires its nationals to obtain its consent to their naturalization in other countries and even then it may condition its consent so that the emigrant retains his Egyptian nationality despite his naturalization elsewhere. A letter from the Egyptian Consulate General in New York confirms that the consent of that government is required. [8] Although the plaintiff did obtain the Egyptian government's consent prior to his naturalization in the United States, that consent was apparently conditioned upon his retaining his Egyptian citizenship. A letter from the Egyptian Minister of Exterior to the plaintiff states:

> *Greetings, we have the honor to inform you that it has been agreed to permit you to be naturalized with United States Citizenship but retaining your Egyptian citizenship and this is according to a letter from the Minister of Interior Department of Travel Documents, Immigration and Naturalization # 608 KH File # 100/41/70, Dated January 24, 1971.*

Thus, Egypt still regards the plaintiff as one of its citizens notwithstanding its consent to his naturalization in the United States. In 1978, for example, the Egyptian government issued the plaintiff an Egyptian driver's license and an international driver's license. Both documents show the plaintiff's nationality as Egyptian.

This evidence is sufficient to establish that, despite his naturalization in the United States, the plaintiff is an Egyptian under that country's laws. Consequently, under the ordinary choice of law rule for determining nationality under 28 U.S.C. §1332(a)(2) he would be so regarded for the purpose of determining the district court's jurisdiction over the subject matter. *Thus, the issue squarely presented to this court is whether a person possessing dual nationality, one of which is United States citizenship, [9] is "a citizen or subject of a foreign state" under 28 U.S.C. §1332(a)(2).*

Dual nationality is the consequence of the conflicting laws of different nations, Kawakita v. United States, 343 U.S. 717, 734, 72 S.Ct. 950, 961, 96 L.Ed. 1249 (1952), and may arise in a variety of different ways. [10] The ambivalent policy of this country toward dual nationality is stated in a letter made a part of the record in this case from the Office of Citizenship, Nationality and Legal Assistance of the Department of State:

The United States does not recognize officially, or approve of dual nationality. However, it does accept the fact that some United States citizens may possess another nationality as the result of separate conflicting laws of other countries. Each sovereign state has the right inherent in its sovereignty to determine who shall be its citizens and what laws will govern them.

The official policy of this government has been to discourage the incidence of dual nationality. See Savorgnan v. United States, 338 U.S. 491, 500, 70 S.Ct. 292, 297, 94 L.Ed. 287 (1950); Warsoff, Citizenship in the State of Israel, 33 N.Y.U.L.Rev. 857 (1958) (detailing efforts of the U.S. government to prevent dual American-Israeli citizenship). See also Hirabayashi v. United States, 320 U.S. 81, 97-99, 63 S.Ct. 1375, 1384-1385, 87 L.Ed. 1774 (1943). Pursuant to that policy, since 1795 all persons naturalized are required to swear allegiance to the United States and "to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen." 8 U.S.C. § 1448(a)(2). See Savorgnan, 338 U.S. at 500, 70 S.Ct. at 297. "The effectiveness of this provision is limited, however, for many nations will not accept such a disclaimer as ending their claims over naturalized Americans." Note, Expatriating the Dual National, 68 Yale L.J. 1167, 1169 n.11 (1959). See, e. g., Coumas v. Superior Court, 31 Cal.2d. 682, 192 P.2d 449 (1948). Thus, dual nationality has been recognized in fact, albeit reluctantly, by the courts. See Kawakita, 343 U.S. at 723-24, 72 S.Ct. at 955-56:

> *(D)ual nationality (is) a status long recognized in the law. Perkins v. Elg, 307 U.S. 325, 344-349, 59 S.Ct. 884, 894-896, 83 L.Ed. 1320. The concept of dual citizenship recognizes that a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of both. The mere fact that he asserts the rights of one citizenship does not without more mean that he renounces the other.*

Whether a person possessing dual nationality should be considered a citizen or subject of a foreign state within the meaning of 28 U.S.C. §1332(a)(2) is a question of first impression in the courts of appeals. The two district courts other than the district court below which have addressed the question have reached seemingly different

conclusions. In Aguirre v. Nagel, 270 F.Supp. 535 (E.D.Mich.1967), the plaintiff, a citizen of the United States and the State of Michigan, sued a Michigan citizen for injuries sustained when she was hit by the defendant's car. The court correctly ruled that the action was not one between citizens of different states under 28 U.S.C. §1332(a)(1). Nevertheless, the court did find jurisdiction under 28 U.S.C. §1332(a)(2) because the plaintiff's parents were citizens of Mexico and Mexico regarded her as a Mexican citizen by virtue of her parentage. The Aguirre court's opinion did no more than determine that the cause fell within the literal language of the statute without regard to the policies underlying alienage jurisdiction. As a result it has been questioned by the commentators, see 1 Moore's Federal Practice P 0.75(1.-1) at 709.4-.5 (2d ed. 1979); 13 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure § 3621 at 759-60 (1975), and rejected by one other district court in addition to the court below. See Raphael v. Hertzberg, 470 F.Supp. 984 (C.D.Cal.1979). [11]

Raphael was decided after the district court's judgment being reviewed here, and, although it does not cite the Eastern District of Wisconsin's opinion, it reaches the same conclusion. In Raphael, the plaintiff was a British subject who recently had been naturalized in the United States. The plaintiff and the defendant were domiciled in California. The court rejected the plaintiff's position that his purported dual nationality permitted him access to the federal courts under alienage jurisdiction. In rejecting the authority of Aguirre, the court noted several possible objections to permitting naturalized Americans to assert their foreign citizenship:

> *To begin with, the holding in Aguirre violates the requirement of complete diversity (Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435 (1806)) since Aguirre, like the present case, involved opposing parties who were both American citizens and who resided in the same state. Moreover, where both parties are residents of the state in which the action is brought, there is no reason to expect bias from the state courts. Finally, so long as the party asserting diversity jurisdiction is an American citizen, there is little reason to fear that a foreign government may be affronted by a decision adverse to that citizen, even if the American citizen also purports to be a citizen of that foreign nation. See Blair Holdings Corporation v. Rubenstein, 133 F.Supp. 496, 500 (S.D.N.Y.1955).*

The rule proposed by the plaintiff would give naturalized citizens nearly unlimited access to the federal courts, access which has been denied to native-born citizens. Such favored treatment is unsupported by the policies underlying 28 U.S.C. §1332(a)(2). Finally, a new rule that would extend the scope of § 1332 is particularly undesirable in light of the ever-rising level of criticism of the very concept of diversity jurisdiction.

Although the issue facing the courts in Aguirre and Raphael is the same as the one presented here, the facts in this case are somewhat different. All commentators addressing the issue have noted the anomaly of permitting an American citizen claiming dual citizenship to obtain access to the federal court under 28 U.S.C. §1332(a)(2) when suing a citizen domiciled in the same state. See 1 Moore's Federal Practice P 0.75(1-1) at 709.5 (2d ed. 1979):

This result is inconsistent with the complete diversity rule of Strawbridge v. Curtiss, . . . including the analogous situation of a suit between a citizen of State A and a corporation chartered in State B with its principal place of business in State A. Both state citizenships of the corporation must be considered and diversity is thus found lacking.

See also 13 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure § 3621 at 759-60 (1975). [12] *In the present case, however, the plaintiff was domiciled abroad when he initiated this action and therefore was not a citizen of any state. Thus, permitting suit under alienage jurisdiction would not run counter to the complete diversity considerations which arguably should have controlled the decisions in Aguirre and Raphael.* [13]

The plaintiff seizing upon this factual difference would apparently have this court recognize his dual nationality for purposes of 28 U.S.C. §1332 in much the same way corporations are regarded as having dual citizenship pursuant to 28 U.S.C. §1332(c). Because in this case, even applying the corporate citizenship analogy, the complete diversity requirement is satisfied, the plaintiff argues that jurisdiction under 28 U.S.C. §1332(a)(2) attaches. Such an approach, however, may be both too broad and too narrow and it ignores the paramount purpose of the alienage jurisdiction provision to avoid offense to foreign nations because of the possible appearance of injustice to their citizens. Imagine, for example, a native-born American, born of Japanese parents, domiciled in the State of California, and now engaged in international trade. A dispute could arise in which an Australian customer seeks to sue the American for, say, breach of contract in a federal court in California. The native-born American possibly could claim Japanese citizenship by virtue of his parentage, see, e. g., Kawakita, supra, Hirabayashi, supra, as well as his status as a citizen of California and defeat the jurisdiction of the federal courts because of the absence of complete diversity. Arguably, cases such as this are precisely those in which a federal forum should be afforded the foreign litigant in the interest of preventing international friction.

This hypothetical suggests that the analogy to the dual citizenship of corporations should not be controlling. Instead, the paramount consideration should be whether the purpose of alienage jurisdiction to avoid international discord would be served by recognizing the foreign citizenship of the dual national. Because of the wide variety of situations in which dual nationality can arise, see note 10 supra, perhaps no single rule can be controlling. ***Principles establishing the responsibility of nations under***

international law with respect to actions affecting dual nationals, however, suggest by analogy that ordinarily, as the district court held, only the American nationality of the dual citizen should be recognized under 28 U.S.C. §1332(a).

Under international law, a country is responsible for official conduct harming aliens, for example, the expropriation of property without compensation. See Restatement (Second) of the Foreign Relations Law of the United States §§ 164-214 (1965). ***It is often said, however, that a state is not responsible for conduct which would otherwise be regarded as wrongful if the injured person, although a citizen of a foreign state, is also a national of the state taking the questioned action. See id. at § 171, comments b & c. This rule recognizes that in the usual case a foreign country cannot complain about the treatment received by one of its citizens by a country which also regards that person as a national. This principle suggests that the risk of "entanglements with other sovereigns that might ensue from failure to treat the legal controversies of aliens on a national level," Blair Holdings Corp. v. Rubinstein, 133 F.Supp. at 500, is slight when an American citizen is also a citizen of another country and therefore he ordinarily should only be regarded as an American citizen for purposes of 28 U.S.C. §1332(a)****. See 13 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure § 3621 at 760 (1975) (risk of foreign country complaining about treatment of dual national is probably minimal); Currie, The Federal Courts and the American Law Institute, 36 U.Chi.L.Rev. 1, 10 n.50 (1968) ("(D)ual American and foreign citizenship could most simply be dealt with by treating the litigant as an American: . . . fear of foreign embarrassment seems excessive.").*

Despite the general rule of nonresponsibility under international law for conduct affecting dual nationals, there are recognized exceptions. One is the concept of effective or dominant nationality. As qualified by the Restatement, this exception provides that a country (respondent state) will be responsible for wrongful conduct against one of its citizens whose dominant nationality is that of a foreign state, that is,

> *(i) his dominant nationality, by reason of residence or other association subject to his control (or the control of a member of his family whose nationality determines his nationality) is that of the other state and (ii) he (or such member of his family) has manifested an intention to be a national of the other state and has taken all reasonably practicable steps to avoid or terminate his status as a national of the respondent state.*

Restatement (Second) of the Foreign Relations Law of the United States § 171(c) (1965). Although, in the ordinary case a foreign country cannot complain about the treatment received by a citizen who is also a national of the respondent state, in certain cases the respondent state's relationship to the person is so remote that the individual is entitled to protection from its actions under international law. Assuming arguendo that a dual national whose dominant nationality is that of a foreign country should be regarded as a "citizen or subject of a foreign state" within the meaning of 28 U.S.C. §1332(a)(2), the record establishes that the plaintiff's Egyptian nationality is not dominant.

Although at the time of the filing of his complaint in 1976 the plaintiff resided in Egypt, his voluntary naturalization in the United States in 1973 indicates that his dominant nationality is not Egyptian. [14] *As part of the naturalization process he swore allegiance to the United States and renounced any to foreign states. His actions subsequent to his naturalization evince his resolve to remain a U.S. citizen despite his extended stay abroad. Thus, it cannot be said that he "has taken all reasonably practicable steps to avoid or terminate his status as a national." Restatement (Second) of the Foreign Relations Law of the United States § 171(c)(ii) (1965). The plaintiff registered with the U.S. Embassy during his stays in Lebanon and Egypt. He states that he voted by absentee ballot in the 1976 presidential election. He has insisted that throughout his foreign travels he retained his U.S. citizenship* [15] *and in fact did not seek employment opportunities that may have been available in Egypt because they might have jeopardized his status as a U.S. citizen. See 8 U.S.C. §1481(a)(4).* [16] *His actions, therefore, manifest his continued, voluntary association with the United States and his intent to remain an American. Certainly neither he nor the government of Egypt can complain if he is not afforded a federal forum when the same would be denied a similarly situated native-born American.*

[. . .]

VI. Conclusion

Our decision that this suit is not within the jurisdiction of the federal courts *does not necessarily mean that it is outside the constitutional definition of the federal judicial power. Compare Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435 (1806) with State Farm Fire & Casualty Co. v. Tashire, 386 U.S. 523, 530-31, 87 S.Ct. 1199, 1203, 18 L.Ed.2d. 270 (1967) (complete diversity is a statutory, not a constitutional requirement). It merely means that the suit is unauthorized by 28 U.S.C. § 1332(a) as we have construed it. The statutory terms "citizens of different States" and "citizens or subjects of a foreign state" are presumably amenable to some congressional expansion consistent with the constitutional limitations on the judicial power if Congress sees the need for such expansion. See National Mutual Insurance Co. v. Tidewater Transfer Co., 337 U.S. 582, 69 S.Ct. 1173, 93 L.Ed. 1556 (1949). The judgment of the district court is Affirmed.*
[Sadat v. Mertes, 615 F.2d. 1176 (C.A.7 (Wis.), 1980)]

For those who doubt the analysis in the preceding table relating to the jurisdiction of federal courts either abroad or in a state of the Union, consider two similar cases and how they were treated differently and inconsistently by the U.S. Supreme Court:

1. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) was a case about an American born in a constitutional state, domiciled in Venezuela, and therefore what they called a "stateless person" who could not be sued in federal court.
2. Cook v. Tait, 265 U.S. 47 (1924) was about an American domiciled abroad in Mexico but born in a constitutional state of the Union. Instead of calling him a "stateless person" like they did in Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989), they instead:
   2.1. Called him a "citizen of the United States".
   2.2. Said they had jurisdiction over the matter, even though he was stateless and immune from federal jurisdiction.
   2.3. Said their jurisdiction derived from NEITHER his domicile NOR his nationality.
   2.4. Refused to identify WHERE there jurisdiction came from. There was neither a CONSTITUTIONAL source nor even a STATUTORY source to derive it from.
   2.5. Allowed and condoned and even protected Cook to commit the crime of impersonating a STATUTORY "citizen of the United States" in violation of 18 U.S.C. §911 before he could even invoke their jurisdiction to speak on the matter. We think Cook was a plant hired by Former President and then Supreme Chief Justice William Howard Taft specifically to extend his newly ratified 16th Amendment to the ENTIRE WORLD rather than just within federal territory, as it was previous to Cook v. Tait.
3. Why did they treat two "similarly situated parties" in Cook and Newman-Green completely differently in the context of their jurisdiction? The answer is:
   3.1. Money (taxes) was involved, and they wanted an excuse to STEAL it.
   3.2. In order to STEAL it, they had to allow Cook to CONSENT or VOLUNTEER for the civil status of a Territorial (8 U.S.C. §1401) citizen, even though he was not one, just in order to get any remedy at all for illegal assessment and collection by a rogue bureau (I.R.S.) that in fact had no lawful authority to even EXIST and is not even part of the U.S. Government nor listed under Title 31 of the U.S. Code. See:

Origins and Authority of the Internal Revenue Service, Form #05.005 http://sedm.org/Forms/FormIndex.htm

   3.3. They knew that Congress could not legislate extraterritorially because of the limitations of the Law of Nations upon their authority.
   3.4. They knew that the ONLY way such a bold THEFT could be canonized was for the U.S. Supreme Court, under the auspices of Chief Justice Taft, to essentially violate the separation of powers by essentially WRITING a new law, meaning "case law", that allowed the tax code to reach any place in the entire world to nonresident foreign domiciled parties.

If you want a detailed analysis of the above SCAM, see:

Federal Jurisdiction, Form #05.018, Sections 5 through 5.5 http://sedm.org/Forms/FormIndex.htm

Our most revered founding father predicted the courts would be the source of corruption, as they were above, when he said:

> *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power.* ***They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate****."*
> *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

> *"We all know that permanent judges acquire an* esprit de corps; *that, being known,* ***they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative****; that it is better to leave a cause to the decision of cross and pile than to that of a judge biased to one side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."*
> *[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]*

> *"****It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the absence of responsibility, and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear****?"*
> *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

*"At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. **Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office**; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little and little the foundations of the Constitution and working its change by construction before any one has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account."*
[Thomas Jefferson to A. Coray, 1823. ME 15:486]

*"I do not charge the judges with willful and ill-intentioned error; but honest error must be arrested where its toleration leads to public ruin. **As for the safety of society, we commit honest maniacs to Bedlam; so judges should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the republic, which is the first and supreme law.**"*
[Thomas Jefferson: Autobiography, 1821. ME 1:122]

*"**The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its own will.**"*
[Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68]

*"**It is a misnomer to call a government republican in which a branch of the supreme power [the Federal Judiciary] is independent of the nation**."*
[Thomas Jefferson to James Pleasants, 1821. FE 10:198]

*"**It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty.**"*
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

*"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government to a general and supreme one alone. **This will lay all things at their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare jurisdictionem.**'"*
[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

*"**When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.**"*
[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

"What an augmentation of the field for jobbing, speculating, plundering, office-building ["trade or business" scam] and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the hands of the General Government!"
[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

*"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the States and the government be consolidated into one. To this I am opposed.**"*
[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

You can read many other wise quotes by Jefferson at:

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

Finally, the following memorandum of law identifies how to successfully challenge federal jurisdiction as a CONSTITUTIONAL citizen or "state citizen" not domiciled in the STATUTORY "United States"/federal territory:

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

13. CITIZENSHIP IN GOVERNMENT RECORDS

The citizenship status of a person is maintained in the Social Security "NUMIDENT" record:

1. The NUMIDENT record derives from what was filled out on the SSA Form SS-5, Block 5. See: http://www.ssa.gov/online/ss-5.pdf
2. One's citizenship status is encoded within the NUMIDENT record using the "CSP code" within the Numident record. This code is called the "citizenship code" by the Social Security administration.
3. Like all government forms, the terms used on the SSA Form SS-5 use the STATUTORY context, not the CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SSA Form SS-5 should be filled out with "Legal Alien Authorized to Work", which means you are a STATUTORY but not CONSTITUTIONAL alien. This is consistent with the definition of "individual" found in 26 C.F.R. §1.1441-1(c)(3), which defines the term to include ONLY STATUTORY "aliens".
4. Those who are not STATUTORY "nationals and citizens of the United States**" at birth per 8 U.S.C. §1401 or 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c) have a "CSP code" of B in their NUMIDENT record, which corresponds with a CSP code of "B". The comment field of the NUMIDENT record should also be annotated with the following to ensure that it is not changed during an audit because of confusion on the part of the SSA employee:

   > *"CSP Code B not designated in error-- applicant is an American national with a domicile and residence in a foreign state for the purposes of the Social Security Act."*

5. The local SSA office cannot provide a copy of the NUMIDENT record. Only the central SSA headquarters can provide it by submitting a Privacy Act request rather than a FOIA using the following resource:

   Guide to Freedom of Information Act, Social Security Administration
   http://www.ssa.gov/foia/html/foia_guide.htm

6. Information in the NUMIDENT record is shared with:
   6.1. The Department of Homeland Security (D.H.S.).
   6.2. State Department of Motor Vehicles in verifying SSNs.
   6.3. E-Verify.

   About E-Verify, Form #04.107
   http://sedm.org/Forms/FormIndex.htm

7. The procedures for requesting NUMIDENT information using the Freedom Of Information Act (F.O.I.A.) or Privacy Act are described in:

   Social Security Program Operations Manual System (POMS), Section RM 00299.005 Form SSA-L669 Request for Evidence in Support of an SSN Application — U.S.-Born Applicant
   https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0100299005

Those who are CONSTITUTIONAL but not STATUTORY citizens and who wish to change the citizenship status reflected in the NUMIDENT record may do so by executing both of the following methods:

1. Visiting the local Social Security Administration office and getting the clerk to change the record. Bring witnesses in case they resist.
2. Sending in the following document:

   Resignation of Compelled Social Security Trustee, Form #06.002
   http://sedm.org/Forms/FormIndex.htm

14. PRACTICAL APPLICATION: AVOIDING AND PROSECUTING GOVERNMENT IDENTITY THEFT AND LEGAL KIDNAPPING CAUSED BY CONFUSION OF CONTEXTS

Confusion over citizenship terms is only one of many different types of government identity theft. In the following subsections, we will describe how to prevent government criminal identity theft related to citizenship terms. If you would like a details described of ALL of the ways that government identity theft occurs and how to prevent and prosecute it, we highly recommend the following:

Government Identity Theft, Form #05.046
http://sedm.org/Forms/FormIndex.htm

14.1 How to Describe Your Citizenship on Government Forms and Correspondence

In the following sections, we will share the results of our collective latest research and how they fit together perfectly in the overall puzzle. We have concluded the following:

1. A Citizen of one of the 50 states is a United States*** citizen per the Fourteenth Amendment and a "national of the United States*** of America".
2. A Citizen of one of the 50 states is a United States*** citizen per the Fourteenth Amendment and an "An alien authorized to work" for the purposes of U.S.C.I.S. Form I-9 so long as he/she maintains a domicile (actual or declared) in one of the 50 states or outside of the United States**.

You will have trouble when you try to explain your citizenship on government forms based on the content of this paper because:

1. IRS, SSA, and the Department of State do not put all of the options available for citizenship on their forms.
2. Most people falsely PRESUME that "United States" as used in the phrase "citizen of the United States" means the whole country for EVERY enactment of Congress but they won't expose this presumption.
3. The use of the term "citizenship" on government forms intentionally confuses "nationality" with "domicile" in an attempt to make them appear equal, when in fact they are NOT.
4. Government forms often mix requests for information from multiple titles of the Code and do not distinguish which title they mean on the form. For instance, "United States" in Title 26 means federal territory (U.S.**) while "United States" in other Titles or in the Constitution itself often means states of the Union (U.S. ***).

We will clarify in the following sections techniques for avoiding the above road blocks.

14.1.1 Overview

This section provides some pointers on how to describe your citizenship status on government forms in order to avoid being confused with a someone who has a domicile on federal territory and therefore no Constitutional rights. Below is a summary of how we recommend protecting yourself from the prejudicial presumptions of others about your citizenship status:

1. Keep in mind the following facts about all government forms:
   1.1. Government forms ALWAYS imply the LEGAL/STATUTORY rather than POLITICAL/CONSTITUTIONAL status of the party in the context of all franchises, including income taxes and social security.
   1.2. "Alien" on government forms always means a person born or naturalized in a foreign country.
   1.3. The Internal Revenue Code does NOT define the term "nonresident alien". The closest thing to a definition is that found in 26 U.S.C. §7701(b)(1)(B), which defines what it ISN'T, but NOT what it IS. If you look on IRS Form W-8BEN, Block 3, you can see that there are many different types of entities that can be nonresident aliens, none of which are EXPRESSLY included in the definition at 26 U.S.C. §7701(b)(1)(B). It is therefore IMPOSSIBLE to conclude based on any vague definition in the Internal Revenue Code that a specific person IS or IS NOT a "nonresident alien."
   1.4. On tax forms, the term "nonresident alien" is NOT a subset of the term "alien", but rather a SUPERSET. It includes both FOREIGN nationals domiciled in a foreign country and also those in Constitutional states of the Union. A "national of the United States*", for instance, although NOT an "alien" under Title 8 of the U.S. Code, is a "nonresident alien" under Title 26 of the U.S. Code if engaged in a public office or a "non-resident non-person" if exclusively PRIVATE and not engaged in a public office. Therefore, a "nonresident alien" is a "word of art" designed to confuse people, and the fact that uses the word "alien" doesn't mean it IS an "alien". This is covered in:

   Flawed Tax Arguments to Avoid, Form #08.004, Section 6.7
   http://sedm.org/Forms/FormIndex.htm

2. Anyone who PRESUMES any of the following should promptly be DEMANDED to prove the presumption with legally admissible evidence from the law. ALL of these presumptions are FALSE and cannot be proven:
   2.1. That you can trust ANYTHING that either a government form OR a government employee says. The courts say not only that you CANNOT, but that you can be PENALIZED for doing so. See:

Reasonable Belief About Income Tax Liability, Form #05.007
http://sedm.org/Forms/FormIndex.htm

2.2. That nationality and domicile are synonymous.
2.3. That "nonresident aliens" are a SUBSET of "aliens" within the Internal Revenue Code.
2.4. That the term "United States" has the SAME meaning in Title 8 of the U.S. Code as it has is Title 26.
2.5. That a Fourteenth Amendment "citizen of the United States" is equivalent to any of the following:
2.5.1. 8 U.S.C. §1401 "national and citizen of the United States".
2.5.2. 26 C.F.R. §1.1-1 "citizen".
2.5.3. 26 U.S.C. §3121(e) "citizen of the United States".
All of the above statuses have similar sounding names, but they rely on a DIFFERENT definition of "United States" from that found in the U.S.A. Constitution.
2.6. That you can be a statutory "taxpayer" or statutory "citizen" of any kind WITHOUT your consent. See:
Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
http://sedm.org/Forms/FormIndex.htm

3. The safest way to describe oneself is to check "Other" for citizenship or add an "Other" box if the form doesn't have one and then do one of the following:
3.1. Write in the "Other" box

"See attached mandatory Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001"

and then attach the following completed form:
Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001
http://sedm.org/Forms/FormIndex.htm

3.2. If you don't want to include an attachment, add the following mandatory language to the form that you are a:
3.2.1. A "Citizen and national of _____(statename)"
3.2.2. NOT a statutory "national and citizen of the United States" or "U.S. citizen" per 8 U.S.C. §1401
3.2.3. A constitutional or Fourteenth Amendment Citizen.
3.2.4. A statutory "non-resident non-person" for the purposes of the federal income tax.

4. If the recipient of the form says they won't accept attachments or won't allow you to write explanatory information on the form needed to prevent perjuring the form, then send them an update via certified mail AFTER they accept your submission so that you have legal evidence that they tried to tamper with a federal witness and conspired to commit perjury on the form.
5. For detailed instructions on how to fill out the U.S.C.I.S. Form I-9, See:
I-9 Form Amended, Form #06.028
http://sedm.org/Forms/FormIndex.htm
6. For detailed instructions on how to participate in E-Verify for the purposes of PRIVATE employment, see:
About E-Verify, Form #04.107
http://sedm.org/Forms/FormIndex.htm
7. To undo the damage you have done over the years to your status by incorrectly describing your status, send in the following form and submit according to the instructions provided. This form says that all future government forms submitted shall have this form included or attached by reference.
Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001
http://sedm.org/Forms/FormIndex.htm
8. Quit using Taxpayer Identifying Numbers (TINs). 20 C.F.R. §422.104 says that only statutory "U.S. citizens" and "permanent residents" can lawfully apply for Social Security Numbers, both of which share in common a domicile on federal territory such as statutory "U.S. citizens" and "residents" (aliens), can lawfully use such a number. 26 C.F.R. §301.6109-1(b) also indicates that "U.S. persons", meaning persons with a domicile on federal territory, are required to furnish such a number if they file tax forms. "Foreign persons" are also mentioned in 26 C.F.R. §301.6109-1(b), but these parties also elect to have an effective domicile on federal territory and thereby become "persons" by engaging in federal franchises. See:
8.1. *Who are "Taxpayers" and Who Needs a "Taxpayer Identification Number"?*, Form #05.013
http://sedm.org/Forms/FormIndex.htm
8.2. *Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"*, Form #04.205-attach this form to every government form that asks for a Social Security Number or Taxpayer Identification Number. Write in the SSN/TIN Box (NONE: See attached form #04.205).
http://sedm.org/Forms/FormIndex.htm
8.3. *Resignation of Compelled Social Security Trustee*, Form #06.002-use this form to quit Social Security lawfully.

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

9. If you are completing any kind of government form or application to any kind of financial institution other than a tax form and you are asked for your citizenship status, TIN, or Social Security Number, attach the following form and prepare according to the instructions provided:

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

10. If you are completing and submitting a government tax form, attach the following form and prepare according to the instructions provided:

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

11. If you are submitting a voter registration, attach the following form and prepare according to the instructions provided:

Voter Registration Attachment, Form #06.003 http://sedm.org/Forms/FormIndex.htm

12. If you are applying for a USA passport, attach the following form and prepare according to the instructions provided:

USA Passport Application Attachment, Form #06.007 http://sedm.org/Forms/FormIndex.htm

13. If you are submitting a complaint, response, pleading, or motion to a federal court, you should attach the following form:

Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002 http://sedm.org/Litigation/LitIndex.htm

14. Use as many of the free forms as you can from the page below. They are very well thought out to avoid traps set by the predators who run the American government:

SEDM Forms Page http://sedm.org/Forms/FormIndex.htm

15. When engaging in correspondence with anyone in the government, legal, or financial profession about your status that occurs on other than a standard government form, use the following guidelines:
    15.1. In the return address for the correspondence, place the phrase "(NOT A DOMICILE OR RESIDENCE)".
    15.2. Entirely avoid the use of the words "citizen", "citizenship", "resident", "inhabitant". Instead, prefer the term "non-resident", and "transient foreigner".
    15.3. Never describe yourself as an "individual" or "person". 5 U.S.C. §552a(a)(2) says that this entity is a government employee who is a statutory "U.S. citizen" or "resident" (alien). Instead, refer to yourself as a "transient foreigner" and a "nonresident". Some forms such as IRS Form W-8BEN Block 3 have no block for "transient foreigner" or "non-resident NON-person", in which case modify the form to add that option. See the following for details:

About IRS Form W-8BEN, Form #04.202 http://sedm.org/Forms/FormIndex.htm

    15.4. Entirely avoid the use of the phrase "United States", because it has so many different and mutually exclusive meanings in the U.S. code and state law. Instead, replace this phrase with the name of the state you either are physically present within or with "USA" and then define that "USA" includes the states of the Union and excludes federal territory. For instance, you could say "Citizen of California Republic" and then put an asterisk next to it and at the bottom of the page explain the asterisk as follows:

> ** NOT a citizen of the **STATE of** California, which is a corporate extension of the federal government, but instead a sovereign human physically present within but not associated with the California Republic*
>
> *California Revenue and Taxation Code, Section 6017 defines "State of" as follows:*
>
> > *"6017. 'In this State' or 'in the State' means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America."*

    15.5. Never use the word "residence", "permanent address", or "domicile" in connection with either the term "United States", or the name of the state you are in.
    15.6. If someone else refers to you improperly, vociferously correct them so that they are prevented from making presumptions that would injure your rights.
    15.7. Avoid words that are undefined in statutes that relate to citizenship. Always use words that are statutorily defined and if you can't find the definition, define it yourself on the form or correspondence you are sending. Use of undefined words encourages false presumptions that will eventually injure your rights and give judges and administrators discretion that they undoubtedly will abuse to their benefit. There isn't even a common definition of "citizen of the United States" or "U.S. citizen" in the standard dictionary, then the definition of "U.S. citizen" in all the state statutes and on all government forms is up to us! Therefore, once again, whenever you fill out any kind

of form that specifies either "U.S. citizen" or "citizen of the United States", you should be ***very*** careful to clarify that it means "national" under 8 U.S.C. §1101(a)(21) or you will be "presumed" to be a federal citizen and a "citizen of the United States**" under 8 U.S.C. §1401, and this is one of the biggest injuries to your rights that you could ever inflict. Watch out folks! Here is the definition we recommend that you use on any government form that uses these terms that makes the meaning perfectly clear and unambiguous:

> ***"U.S.*** citizen" or "citizen of the United States***"**: *A "National" defined in either 8 U.S.C. §1101(a)(21) who owes their permanent allegiance to the confederation of states called the "United States of America". Someone who was not born in the federal "United States" as defined in 8 U.S.C. §1101(a)(38) and who is NOT a "citizen of the United States" under 8 U.S.C. §1401.*

15.8. Refer them to this pamphlet if they have questions and tell them to do their homework.

16. Citizenship status in Social Security NUMIDENT record:
    16.1. The NUMIDENT record derives from what was filled out on the SSA Form SS-5, Block 5. See: http://www.ssa.gov/online/ss-5.pdf
    16.2. One's citizenship status is encoded within the NUMIDENT record using the "CSP code" within the Numident record. This code is called the "citizenship code" by the Social Security administration.
    16.3. Like all government forms, the terms used on the SSA Form SS-5 use the STATUTORY context, not the CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SSA Form SS-5 should be filled out with "Other", which means you are a non-resident. This is consistent with the definition of "individual" found in 26 C.F.R. §1.1441-1(c)(3), which defines the term to include ONLY STATUTORY "aliens".
    16.4. Those who are not STATUTORY "nationals and citizens of the United States**" at birth per 8 U.S.C. §1401 or 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c) have a "CSP code" of B in their NUMIDENT record, which corresponds with a CSP code of "B". The comment field of the NUMIDENT record should also be annotated with the following to ensure that it is not changed during an audit because of confusion on the part of the SSA employee:

> *"CSP Code B not designated in error-- applicant is an American national with a domicile and residence in a foreign state for the purposes of the Social Security Act."*

    16.5. The local SSA office cannot provide a copy of the NUMIDENT record. Only the central SSA headquarters can provide it by submitting a Privacy Act request rather than a FOIA using the following resource:

Guide to Freedom of Information Act, Social Security Administration http://www.ssa.gov/foia/html/foia_guide.htm

    16.6. Information in the NUMIDENT record is shared with:
        16.6.1. The Department of Homeland Security (D.H.S.).
        16.6.2. State Department of Motor Vehicles in verifying SSNs.
        16.6.3. E-Verify.

About E-Verify, Form #04.107 http://sedm.org/Forms/FormIndex.htm

    16.7. The procedures for requesting NUMIDENT information using the Freedom Of Information Act (F.O.I.A.) or Privacy Act are described in:

Social Security Program Operations Manual System (POMS), Section RM 00299.005 Form SSA-L669 Request for Evidence in Support of an SSN Application — U.S.-Born Applicant https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0100299005

14.1.2 Tabular summary of citizenship status on all federal forms

The table on the next page resurrects and expands upon the table found earlier in section 11.4. It presents a tabular summary of each permutation of nationality and domicile as related to the major federal forms and the Social Security NUMIDENT record.

Table 22: Tabular Summary of Citizenship Status on Government Forms

#	Citizenship status	Place of birth	Domicile	Defined in	Social Security NUMIDENT Status	Status on Specific Government Forms			
						Social Security SS-5 Block 5	IRS Form W-8 Block 3	Department of State I-9 Section 1	E-Verify System
1	"national and citizen of the United States** at birth" or "U.S.** citizen" or "Statutory U.S.** citizen"	Statutory "United States" pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29)	District of Columbia, Puerto Rico, Guam, Virgin Islands	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	CSP=A	"U.S. Citizen"	Can't use Form W-8	"A citizen of the United States"	See Note 2.
2	"non-citizen national of the United States** at birth" or "U.S.** national"	Statutory "United States" pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29)	American Samoa; Swains Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1408; 8 U.S.C. §1452	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer" if PRIVATE "Individual" if PUBLIC officer	"A non-citizen national of the United States*"	See Note 2.
3.1	"U.S.A.*** national" or "state national" or "Constitutional but not statutory citizen"	Constitutional Union state	State of the Union	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	CSP=D	"Other (8 U.S.C. §1101(a)(21))"	"Non-resident NON-person Nontaxpayer"	"A citizen of the United States***. Not a "citizen of the United States**" under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401"	See Note 2.
3.2	"U.S.A.*** national" or "state national" or "Constitutional but not statutory citizen"	Constitutional Union state	Foreign country	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	CSP=D	"Other (8 U.S.C. §1101(a)(21))"	"Non-resident NON-person Nontaxpayer"	"A citizen of the United States***. Not a "citizen of the United States**" under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401"	See Note 2.

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#	Citizenship status	Place of birth	Domicile	Defined in	Social Security NUMIDENT Status	Status on Specific Government Forms			
						Social Security SS-5 Block 5	IRS Form W-8 Block 3	Department of State I-9 Section 1	E-Verify System
3.3	"U.S.A.*** national" or "state national" or "Constitutional but not statutory citizen"	Constitutional Union state	Foreign country	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	CSP=D	"Other (8 U.S.C. §1101(a)(21))"	"Non-resident NON-person Nontaxpayer"	"A citizen of the United States***. Not a "citizen of the United States**" under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401"	See Note 2.
3.4	Statutory "citizen of the United States**" or Statutory "U.S.** citizen"	Constitutional Union state	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	8 U.S.C. §1101(a)(21); 14th Amend., Sect. 1	CSP=A	"U.S. Citizen"	Can't use Form W-8	"A citizen of the United States**"	See Note 2.
4.1	"alien" or "Foreign national"	Foreign country	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer" if PRIVATE "Individual" if PUBLIC officer	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.2	"alien" or "Foreign national"	Foreign country	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.3	"alien" or "Foreign national"	Foreign country	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.4	"alien" or "Foreign national"	Foreign country	Foreign country	8 U.S.C. §1101(a)(21)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.
4.5	"alien" or "Foreign national"	Foreign country	Foreign country	8 U.S.C. §1101(a)(21)	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer"	"A lawful permanent resident" OR "An alien authorized to work"	See Note 2.

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NOTES:

1. "United States" is described in 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) and includes only federal territory and possessions and excludes all Constitutional Union states. This is a product of the separation of powers doctrine that is the heart of the United States Constitution.
2. E-Verify CANNOT be used by those who are a NOT lawfully engaged in a public office in the U.S. government at the time of making application. Its use is VOLUNTARY and cannot be compelled. Those who use it MUST have a Social Security Number or Taxpayer Identification Number and it is ILLEGAL to apply for, use, or disclose said number for those not lawfully engaged in a public office in the U.S. government at the time of application. See:

   Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205
   http://sedm.org/Forms/FormIndex.htm
3. For instructions useful in filling out the forms mentioned in the above table, see:
   3.1. Social Security Form SS-5:

   Why You Aren't Eligible for Social Security, Form #06.001
   http://sedm.org/Forms/FormIndex.htm

   3.2. IRS Form W-8:

   About IRS Form W-8BEN, Form #04.202
   http://sedm.org/Forms/FormIndex.htm

   3.3. U.S.C.I.S. Form I-9:

   I-9 Form Amended, Form #06.028
   http://sedm.org/Forms/FormIndex.htm

   3.4. E-Verify:

   About E-Verify, Form #04.107
   http://sedm.org/Forms/FormIndex.htm

14.1.3 Diagrams of Federal Government processes that relate to citizenship

The diagrams at the link below show how your citizenship status is used and verified throughout all the various federal government programs.

Citizenship Diagrams, Form #10.010
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf

Knowledge of these processes is important to ensure that all the government's records are properly updated to reflect your status as:

1. A Constitutional "Citizen" as mentioned in Article I, Section 2, Clause 2 of the United States Constitution.
2. A Constitutional "citizen of the United States" per the Fourteenth Amendment.
3. A state national under 8 U.S.C. §1101(a)(21).
4. "Subject to THE jurisdiction" of the CONSTITUTIONAL United States, meaning subject to the POLITICAL and not LEGISLATIVE jurisdiction of the Constitutional but not STATUTORY "United States".

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

5. With a Social Security NUMIDENT citizenship status of:

5.1. OTHER than "CSP=A". Social Security Program Operations Manual System (POMS), Section GN 03313.095 indicates that those who are NOT STATUTORY "U.S. citizens" have a CSP code value of OTHER than "A". See:

> *Social Security Program Operations Manual System (POMS), Section GN 03313.095, dated 4/27/2009*, Exhibit #01.012
> http://sedm.org/Exhibits/ExhibitIndex.htm

5.2. "CSP=D", which correlates with not a "citizen of the United States***".

6. NOT any of the following:

6.1. A "U.S. citizen" or "citizen of the United States" on any federal form. All government forms presume the STATUTORY and not CONSTITUTIONAL context for terms. For an enumeration of all the statuses one can have and their corresponding status on federal forms, see:

> *Citizenship Status v. Tax Status*, Form #10.011, Section 8
> FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
> DIRECT LINK: http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm

6.2. Statutory "U.S. citizen" per 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c).

6.3. Statutory "national and citizen" per 8 U.S.C. §1401.

6.4. Statutory "national but not citizen of the United States AT BIRTH" per 8 U.S.C. §1408.

6.5. Statutory "national of the United States" per 8 U.S.C. §1101(a)(22)(B).

6.6. Statutory "U.S. person" per 26 U.S.C. §7701(a)(30). All STATUTORY "U.S. persons", "persons", and "individuals" within the Internal Revenue Code are government instrumentalities and/or offices within the U.S. government, and not biological people. This is proven in:

> *Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008
> FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
> DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf

14.1.4 How the corrupt government CONCEALS and OBFUSCATES citizenship information on government forms to ENCOURAGE misapplication of federal franchises to states of the Union

The following key omissions from government forms are deliberately implemented universally by federal agencies as a way to encourage and even mandate the MISAPPLICATION of federal law to legislatively foreign jurisdictions and to KIDNAP your legal identity and transport it stealthily and without your knowledge to the District of Criminals:

1. Not describing WHICH context they are using geographical terms within: CONSTITUTIONAL or STATUTORY. These two contexts are mutually exclusive.
2. Refusing to define WHICH of the three "United States" they mean in EACH option presented, as described by the U.S. Supreme Court in Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945) and described earlier in section 1.4.

In addition, the Social Security Administration (SSA) deliberately conceals key information about citizenship in their Program Operations Manual System (POMS) in order to encourage the misapplication of federal franchises to places they may not be offered or enforced, which is states of the Union. The POMS is available at:

> Social Security Program Operations Manual System (POMS) Online
> https://s044a90.ssa.gov/apps10/poms.nsf/partlist!OpenView

Here are the obfuscation tactics you will encounter from the SSA:

1. If you ask the Social Security Administration WHAT all of the valid values are for the CSP code in your NUMIDENT record, they will pretend like they don't know AND they will refuse to find out.
2. If you visit a local Social Security Administration office and do demand to see and print out their complete NUMIDENT records on you, they will resist.
3. Key sections of the Program Operations Manual System (POMS) within the Records Manual (RM) are omitted from public view dealing with the meaning of "CSP code" and "IDN" code in their NUMIDENT records.
   - 3.1. The "CSP code", according to the SSA POMS, is a "citizenship code". It is defined in POMS RM 00208.001D.4, which is not available online.
   - 3.2. The "IDN code" appears to be an evidence code that synthesizes the CSP and other factors to determine your exact status. "RM 00202.235, Form SS-5 Evidence (IDN) Codes" describes this code and is not available online.
   - 3.3. BOTH POMS RM 00208.001D.4 AND RM 00202.235 sections are "conveniently omitted" from the online POMS because they are hiding something:

     > Social Security Program Operations Manual System (POMS), Section RM 002: The Social Security Number, Policy and General Procedures
     > https://s044a90.ssa.gov/apps10/poms.nsf/subchapterlist!openview&restricttocategory=01002

If you want something to FOIA for, ask for the POMS sections and any other SSA internal documents that define these codes. SCUM BAGS!

Finally, HERE is how the POMS system describes how to request one's records from the SSA:

> Social Security Program Operations Manual System (POMS), Section RM 00299.005 Form SSA-L669 Request for Evidence in Support of an SSN Application — U.S.-Born Applicant
> https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0100299005

14.1.5 The Social Security Administration and Form SS-5

Let us start with SSA Form SS-5, or what would be the nowadays equivalent of an SS-5 -- an agreement entered into as part of the birth registration process. There are multiple issues here. Each issue must be taken into consideration as this is where the whole tax snare is initiated. We know from *U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)* , that a person receives two conditions at birth which describe his complete legal condition -- nationality/political status, and domicile/civil status. SSA Form SS-5 is brilliantly constructed to take both of these issues into consideration by virtue of **Block 3 -- BIRTHPLACE**, and **Block 5 -- CITIZENSHIP**. **Block 3** and **Block 5** work together to paint a complete picture, which can be very unique depending on many factors. For example, there are American Nationals born in one of the 50 states, or born in Germany, or Canada. There are foreign nationals born in China or Italy who have since gone through the process of naturalization -- maybe

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they are domiciled in the United States** or one of the 50 states (United States***). There are former American Nationals who have since expatriated (i.e. surrendered United States*** nationality). The point, is that **Block 3 -- BIRTHPLACE** paints only part of the picture. The total status is only fully established when an applicable domicile is considered. But most importantly, the applicable jurisdiction changes depending on whether or not the person in consideration is an American National or a foreign national. This is key -- and this concept applies to U.S.C.I.S. Form I-9 also!

We know that Congress exercises plenary legislative jurisdiction over a foreign "national" occupying ANY portion of the territory of the United States* (the nation). The nation has two territorial divisions, United States**, and United States***. A foreign national occupying either territorial subdivision is a LEGAL "alien," NOT TO BE CONFUSED with his status as a POLITICAL "alien" who may or may not be in the country LEGALLY. What I mean, is that a "legal alien" or an "illegal alien" are both considered to be a LEGAL "alien" within the context of law that is -- a LEGAL appellation. This is what the status is communicating. It is simply presenting a LEGAL status that can apply to anyone who happens to be "alien" to the jurisdiction at issue, whether here legally or not, or possessing a right-to-work status or not. The issue of whether or not the "alien" is here legally or not then commutes a right-to-work status. Conversely, an American National automatically has a right-to-work status by virtue of his/her American nationality. But the jurisdiction and the status of the American National is considered differently because Congress does not have legislative jurisdiction within the 50 states -- only subject matter jurisdiction. Thus, if an American National establishes a domicile in one of the 50 states, then he too is a LEGAL "alien" . . . not a POLITICAL "alien," but a LEGAL "alien" domiciled in a territorially foreign legislative jurisdiction with a right-to-work status commuted through American nationality, which is either commuted through the Fourteenth Amendment (50 states), or an Act of Congress (D.C., Federal possessions, or naturalization). The following examples will show how both **Block 3 -- BIRTHPLACE**, and **Block 5 -- CITIZENSHIP** on SSA Form SS-5 work in tandem to paint the total picture as the Supreme Court said in *Wong Kim Ark*.

In the following examples A - E, I will provide 3 data points, 1.POLITICAL STATUS/NATIONALITY, 2. SS-5 **Block 3--BIRTHPLACE**, 3. CIRCUMSTANCE, and finally, a conclusory civil status 4. SS-5 **Block 5--CITIZENSHIP** STATUS, which is determined by taking the first three items into consideration collectively.

A. **1.** Mexican National, **2.** BIRTHPLACE -- Mexico City, **3.** visiting = **4.** "Legal Alien Not Allowed to Work"
B. **1.** American National, **2.** BIRTHPLACE -- Phoenix, AZ, **3.** work in the U.S.A. with an Arizona domicile = **4.** "Other "
C. **1.** American National, **2.** BIRTHPLACE -- Phoenix, AZ, **3.** work in the U.S.A. with a United States** domicile = **4.** "U.S. Citizen"
D. **1.** American National, **2.** BIRTHPLACE -- American Samoa, **3.** work in the U.S.A. with a United States** domicile = **4.** "Other"
E. **1.** German National, **2.** BIRTHPLACE -- Frankfurt, Germany, **3.** work in the U.S.A. with a work visa = **4.** "Legal Alien Allowed to Work"

Notice how B. and E. have the same civil status, but a different political status. This is not an issue as these differences are reconciled within the tax system, as a "U.S. person" is a "citizen" or "resident" of the "United States**" with the context of the "United States" changing depending on the nationality of the "taxpayer."

How do I know the above is true? Because the SSA will not issue an SSA Form SS-1042-S to anyone with a CSP Code of "A" (U.S. Citizen). An SSA Form SS-1042-S is an information return issued to a "nonresident alien" under Title 26 who receives "United States" sourced payments from the SSA. A "U.S. person" will receive an SSA Form SS-1099R. Furthermore, if an "employer" sends "wage" information to the SSA, the SSA will then transmit that "wage" information together with the CSP Code of the "individual" to the IRS. If the IRS receives "wage" information with a CSP Code of "A", and the "taxpayer" subsequently tries to file a 1040NR, it will be flagged as being an incorrect or fraudulent return-- after all, how can an SS-5 "U.S. Citizen" file a "nonresident alien" tax return? I think they would call this "frivolous." However, if an "individual" has a CSP Code of "B" ("Legal Alien Allowed To Work") on file with the SSA, a CSP Code "B" will be transmitted with the "wage" information and the “taxpayer” could file EITHER a 1040 ("resident alien") or a 1040NR ("nonresident alien"), as both a "resident alien" and a "nonresident alien" would qualify as a "Legal Alien Allowed To Work" for the purposes of the *Social Security Act*. The **Block 5 -- CITIZENSHIP** status on the SSA Form SS-5 is designed to get people to declare a federal domicile in the United States**, and thus keep them caged in the "U.S. person" tax status. We know this to be the case because we know tax status is based on domicile. And since the SSA issues two types of information returns (SSA Form SS-1099R & SSA Form SS-1042-S), and since SSA will not issue an SSA Form SS-1042-S to an "individual" with a CSP Code of "A" ("U.S. Citizen"), then we know that the **Block 5 -- CITIZENSHIP** status of "U.S.** Citizen" is not referring to political citizenship/nationality, but a civil status based partly on the **Block 3 -- BIRTHPLACE**, nationality, AND domicile . . . precisely as pointed out by the Supreme Court in Wong Kim Ark.

One of our members who is a state national, armed with the information from this pamphlet, went into the Social Security Administration office to file an SSA Form SS-5 to change their status from "U.S. citizen" is SSA Form SS-5, Block 5 and here is the response they got. Their identity shall remain anonymous, but here is their personal experience. They are among our most informed members and used every vehicle available on our website to prove their position at the SSA office:

> *On _____ I submitted my "Legal Alien Allowed to Work" SSA Form SS-5 modification pursuant to 20 C.F.R. §422.110(a) . I was met with the recalcitrance that one would imagine, and then I "turned it on" in the style that one can only get from an SEDM education!! I was elevated to the local office manager. I insisted she input my information into the SSNAP as I have indicated, as no SSA "employee" can practice law on my behalf by providing me legal advice, mandating my political affiliations, or even sign my SS-5 under penalty of perjury, and that it was against the law for them to do so. She acknowledged that I was correct and proceeded to try.*
>
> *The manager took my information, my passport, disappeared, and then came back about 10 mins later asking for different ID. "Why . . . is my passport not good enough?" I asked. She said, "Well, the system will not let me input you as a 'Legal Alien Allowed to Work' with a U.S. Passport as your ID." I told her that my passport was evidence of nationality and not Block 5 citizenship. She told me I was correct and that "there must be something wrong with the system." She flat-out told me that Block 5 of the SSA Form SS-5 was NOT an inquiry into nationality -- which we know to be the case. It is also not an inquiry into HOW one obtains nationality. Which means it can only be a civil status based on domicile within or without the geographical legislative jurisdiction defined as the "United States**" in 42 U.S.C. §1301(a)(2).*
>
> *She came back a time later, telling me they scanned my Form SS-5 as well as all of the documentation that I brought (case law, diagrams, statutory and regulatory language), and that she had been instructed to send it to Baltimore (ostensibly by Baltimore) as well as my regional office. She was told that the information I wanted reflected in my Numident could only be "hard-coded" at the national level, as only they could bypass certain provisions in the SSNAP that local offices were relegated to adhere to! Well . . . surprise, surprise!!!*
>
> *[SOURCE: http://sedm.org/forums/index.php?showtopic=1749]*

14.1.6 The Department of Homeland Security and Form I-9

U.S.C.I.S. Form I-9 also plays a very important role in protecting the status quo of the tax system. We know that U.S.C.I.S. Form I-9 has a very narrow application under the *Immigration Reform and Control Act of 1986*, as there are a very few number of people who would be in a "position" of "employment" in the agricultural section under an executive "department."

The Department of Homeland Security (D.H.S.) administers the *E-Verify* program which receives two sources of data input -- the Social Security Numident Record, which is what the SSA has on file based on an applicant's SS-5, and the United States Customs and Immigration Service, which deals with the immigration status of FOREIGN NATIONALS. If U.S.C.I.S. deals with the immigration status of foreign nationals who are political aliens and *ipso facto* legal aliens only, then there is absolutely no information with regard to the legal "alien" status of an American National since they are not politically foreign. Furthermore, the government's regulation of private conduct is repugnant to the Constitution. And since the First Amendment guarantees the right to freedom of association, neither the SSA nor U.S.C.I.S. can even address or regulate the legal "alien" status of an American National when he/she chooses a foreign domicile. Since they cannot regulate it, they simply don't address it -- out of sight, out of mind!!! This has the practical effect of creating a psychological barrier that very few are able to overcome. After all, the thought process is as follows: *"The E-Verify system does not recognize your declared status, therefore you must be wrong."* It's absolutely brilliant if I do say so myself. We tell you . . . we admire the craftiness of these banksters more and more every day!!!

U.S.C.I.S. Form I-9 offers the following civil status designations which are determined precisely in the same manner in which they are determined for the purposes of SSA Form SS-5.

1. "A citizen of the United States" (this would be someone described by 8 U.S.C. §1401)
2. "A noncitizen national of the United States***", or of the United States** (8 U.S.C. §1408", 8 U.S.C. §1101(a)(22)(B), 8 U.S.C. §1101(a)(21))
3. "A lawful permanent resident"
4. "An alien authorized to work" -- the meaning of which is dependent completely on the applicable definition of "United States"

Now, just like on SSA Form SS-5, status number 4. changes applicability just like 8 U.S.C. §1101(a)(3) can change based on the meaning of the term "United States" which is used. A political "alien" is going to be "alien" to the political nation called the United States* and legally "alien" to ALL territory within the political jurisdiction of the nation -- United States** and

United States***. However, an American National domiciled in any of the 50 states is legally "alien" to the territorial subdivision of the United States* where an Act of Congress is locally applicable, this is otherwise known as United States** and is comprised of the "States" of 8 U.S.C. §1101(a)(36) and the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29). So the civil statuses of Section 1. on U.S.C.I.S. Form I-9 are predicated on BOTH nationality and domicile -- and again, we see that what the Supreme Court said in *Wong Kim Ark* is true -- both nationality and domicile must be considered to ascertain the complete legal status of the person in question. Thus, the statuses on U.S.C.I.S. Form I-9 are determined differently for American Nationals and foreign nationals.

Now, here is the rub. Solicitors of U.S.C.I.S. Form I-9 will then take that form and query the DHS *E-Verify* system. If an American National domiciled in the 50 states correctly declares an I-9 status of "A noncitizen national of the United States*" commensurate with the "Legal Alien Allowed to Work" status on the SSA's Form SS-5 and with the "nonresident alien" status under Title 26, a non-conclusory response will come back from the DHS *E-Verify* system. Why? **Because DHS and U.S.C.I.S. deal only with LEGAL aliens who are foreign nationals**. The "alien" status of American Nationals falls 100% outside of the purview of the Federal government. This is why the reference to an A# or Admission# on U.S.C.I.S. Form I-9 says "if applicable." Notice how a U.S. passport is used as evidence of "identity" and "employment" eligibility -- NOT CITIZENSHIP. Furthermore, the boxed Anti-Discrimination Notice on page 1 of the U.S.C.I.S. Form I-9 instructions states in bold, all-caps, that an "employer" CANNOT specify which documents an "employee" may submit in the course of establishing "employment" eligibility.

So, why not just state that you are "A citizen of the United States" and then define the United States to mean the United States* or the United States***? Two reasons: 1. This would be avoiding the dual-element aspect of a person's legal status as addressed by the Supreme Court under *Wong Kim Ark*, and 2. An "employer" will not accept a IRS Form W-8 a worker with an I-9 election of "U.S. citizen" -- I know this first-hand.

I believe it is safe to say that the vast majority of Americans have snared themselves in the STATUTORY "U.S. person" (26 U.S.C. §7701(a)(30)) tax trap. The Federal government provides the remedy by stating that a person may change personal information such as citizenship status in the Social Security Numident record by submitting a corrected SSA Form SS-5. This is detailed in 20 C.F.R. §422.110(a). We also know that the IRS has stated that an "individual" may change the status of his/her SSN by following the regulatory guidance of 26 C.F.R. §301.6109-1(g)(1)(i). Since we know the IRS deals with "taxpayers" and NOT non-"taxpayers," there is ONLY one way to change the status of one's SSN with the IRS, and that is to file the appropriate Forms that a "nonresident alien" "taxpayer" would file -- namely a IRS Forms W-4, W-8ECI or a W-8BEN with a SSN included. Had a Citizen of the 50 states NEVER declared the "U.S. citizen" federal domicile in the first place which most have done in the course of obtaining an SSN, filling out a Bank Signature Card (Substitute IRS W-9), and filing an IRS Form 1040, this "unwrapping oneself" from the damage done would never have to be done, as one would have always maintained a legislatively foreign status. But a deceived man does not know that he has been deceived. But once he figures it out, I believe he must follow the method provided by the government to remedy it. The government does provide the remedy.

A Citizen of Florida who wishes to serve his nation in the Armed Forces would obtain a SSN as "Legal Alien Allowed to Work" file an IRS Form W-4 as a "wage" earner who is in a "position" of "service" within the "department" of Defense, and file a 1040NR on or before tax day. Then, upon returning to the private-sector, simply provide the private-sector payer with a modified W-8BEN without the SSN. The Florida Citizen's status on file with the SSA reflects his foreign civil status to the United States**, and this is further evidenced in his IRS IMF which would identify him as a "nonresident alien" "taxpayer." All of the evidence the "United States" (non-geographical sense) would otherwise use against a "U.S. person" claiming a "nonresident alien" status does not exist. In fact, it all supports his sovereign foreign status as an American National and State Citizen under the Constitution as well as the various Acts of Congress. Additionally, the private-sector payer is indemnified by the U.S.C.I.S. Form I-9 submission (which isn't really required anyway in the private-sector) and the W-8BEN. There is not a voluntary W-4 agreement in place pursuant to 26 U.S.C. §3402(p)(3), thus the worker is not part of "payroll," but is nothing more than a contractor who receives non-taxable personal payments from the company's 'accounts payable' pot of money. Of course, this "nonresident alien" may of course still be a "taxpayer" due to "United States" sourced payments received from a military retirement (IRS Form 1099R), and Social Security Payments (if applied for and received, SSA Form SS-1042-S). Because he is a "nonresident alien," his "United States" sourced payments are of course taxed, but in his private life, any payment he receives constitutes a foreign estate, the taxation of which must be accomplished through the process of apportionment pursuant to Art I, Sec 9, Cl 4.

Be certain, the SSA Form SS-5, U.S.C.I.S. Form I-9, and the "U.S. Citizen" ruse is designed to box people into a federal "United States**" domicile. 99.99% of the people don't understand the Fourteenth Amendment or the complexities of civil

status and how it is established based on both nationality and domicile. For this reason, the matrix tax system is protected by those who feed off of it. The government has provided everyone with the remedy. But it involves many government agencies and a complete understanding of how information is shared between agencies, what applies when and how, and also knowing when it doesn't. Furthermore, one has to be able to articulate this to others so that they also feel indemnified in the process.

For further information about the subjects in this section, see:

Developing Evidence of Citizenship and Sovereignty Course, Form #12.002 http://sedm.org/Forms/FormIndex.htm

14.1.7 USA Passport

This section deals with describing your status on the USA passport application. We won't go into detail on this subject because we have a separate document that addresses this subject in detail below:

Getting a USA Passport as a "state national", Form #10.012 http://sedm.org/Forms/FormIndex.htm

14.2 Answering Questions from the Government About Your Citizenship So As to Protect Your Sovereign Status and disallow federal jurisdiction

When a federal officer asks you if you are a "citizen", consider the context! The only basis for him asking this is *federal law*, because he isn't bound by state law. If you tell him you are a "citizen" or a "U.S. citizen", then indirectly, you are admitting that you are subject to federal law, because that's what it means to be a "citizen" under federal law! Watch out! Therefore, as people born in and domiciled within a state of the Union on land that is not federal territory, we need to be very careful how we describe ourselves on government forms. Below is what we should say in each of the various contexts to avoid misleading those asking the questions on the forms. In this context, let's assume you were born in California and are domiciled there. This guidance also applies to questions that officers of the government might ask you in each of the two contexts as well:

Table 23: Describing your citizenship and status on government forms

		Context	
#	*Question on form*	*State officer or form*	*Federal officer or form*
1	Are you a "citizen"?	Yes. Of California, but not the "State of California".	No. Not under federal law.
2	Are you a "national"?	Yes. Of California, but not the "State of California".	Yes. I'm a "national of the United States[***] *of America*" under 8 U.S.C. §1101(a)(21)
3	Are you a "U.S. citizen"	No. I'm a California "citizen" or simply a "national"	No. I'm a California citizen or simply a "national". I am *not* a federal "citizen" because I don't maintain a domicile on federal territory.
4	Are you subject to the political jurisdiction of the United States[**]?	Yes. I'm a state elector who influences federal elections indirectly by the representatives I elect.	Yes. I'm a state elector who influences federal elections indirectly by the representatives I elect.
5	Are you subject to the legislative jurisdiction of the United States[**]?	No. I am only subject to the legislative jurisdiction of California but not the "State of California". The "State of" California is a corporate subdivision of the federal government that only has jurisdiction in federal areas within the state.	No. I am only subject to the laws and police powers of California but not the State of California, and not the federal government, because I don't maintain a domicile on federal territory subject to "its" jurisdiction.
6	Are you a "citizen of the United States[***]" under	Yes, but under federal law, I'm a "national". Being a "citizen" under	Yes, but under federal law, I'm a "national". Being a "citizen" under state law doesn't make

		Context	
#	Question on form	State officer or form	Federal officer or form
	the Fourteenth Amendment?	state law doesn't make me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn't make me subject to federal law.	me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn't make me subject to federal law.

Below is a sample interchange from a deposition held by a U.S. Attorney from the U.S. Department of Justice against a sui juris litigant who knows his rights and his citizenship status. The subject is the domicile and citizenship of the litigant. This dialog helps to demonstrate how to keep the discussion focused on the correct issues and to avoid getting too complicated. If you are expecting to be called into a deposition by a U.S. Attorney or any government attorney, we strongly suggest rehearsing the dialog below so that you know it inside and out:

Questions 1: Please raise your right hand so you can take the required oath.
Answer 1: I'm not allowed to swear an oath as a Christian. Jesus forbid the taking of oaths in Matt. 5:33-37. The courts have said held at I can substitute an affirmation for an oath, and that I can freely prescribe whatever I want to go into the affirmation.

> *[8:222] Affirmation: A witness may testify by affirmation rather than under oath. An affirmation 'is simply a solemn undertaking to tell the truth.' [See F.R.E. 603, Acv. Comm. Notes (1972); F.R.C.P. 43(d); and Ferguson v. Commissioner of Internal Revenue (5th Cir. 1991) 921 F.2d. 488, 489—affirmation is any form or statement acknowledging 'the necessity for telling the truth'*
>
> *[. . .]*
>
> *[8:224] 'Magic words' not required: A person who objects to taking an 'oath' may pledge to tell the truth by any 'form or statement which impresses upon the mind and conscience of a witness the necessity for telling the truth.' [See F.R.E. 603, Adv. Comm. Notes (1972)—'no special verbal formula is required"; United States v. Looper (4th Cir. 1969), 419 F.2d. 1405, 1407; United States v. Ward (9th Cir. 1992), 989 F.2d. 1015, 1019]*
> *[Federal Civil Trials and Evidence (2005), Rutter Group, pp. 8C-1 to 8C-2]*

Questions 2: Please provide or say your chosen affirmation
Answer 2: Here is my affirmation:

> *"I promise to tell the truth, the whole truth, and nothing but the truth. Do not interrupt me at any point in this deposition or conveniently destroy or omit the exhibits I submit for inclusion in the record because you will cause me to commit subornation of perjury in violation of 18 U.S.C. §1622 and be guilty of witness tampering in violation of 18 U.S.C. §1512. This deposition constitutes religious and political beliefs and speech that are NOT factual and not admissible as evidence pursuant to Federal Rule of Evidence 610 if any portion of it is redacted or removed from evidence or not allowed to be examined or heard in its entirety by the jury or judge. It is ONLY true if the entire thing can be admitted and talked about and shown to the jury or fact finder at any trial that uses it.*
>
> *Non-acceptance of this affirmation or refusal to admit all evidence submitted during this deposition into the record by the court shall constitute:*
>
> 1. *Breach of contract (this contract).*
> 2. *Compelled association with a foreign tribunal in violation of the First Amendment and in disrespect of the choice of citizenship and domicile of the deponent.*
> 3. *Evidence of unlawful duress upon the deponent.*
> 4. *Violation of this Copyright/User/Shrink wrap license agreement applying to all materials submitted or obtained herein.*
>
> *The statements, testimony, and evidence herein provided impose a license agreement against all who use it. The deposer and the government, by using any portion of this deposition as evidence in a civil proceeding, also agree to grant witness immunity to the deponent in the case of any future criminal proceeding which might use it pursuant to 18 U.S.C. §6002.*
>
> *Any threats of retaliation or court sanctions or punishment because of this Affirmation shall also constitute corruptly threatening and tampering with a witness in violation of 18 U.S.C. §1512.*

This affirmation is an extension of my right to contract guaranteed under Article 1, Section 10 of the United States Constitution and may not be interfered with by any court of the United States.

I am appearing here today as a fiduciary, foreign ambassador, minister of a foreign state, and a foreign government, God's government on earth. The ONLY civil laws which apply to this entire proceeding are the laws of my domicile, being God's Kingdom and the Holy Bible New King James Version, pursuant to Federal Rule of Civil Procedure 17(b) and Federal Rule of Civil Procedure 44.1. The Declaration of Independence says that all just powers of government derive from the consent of the governed, and the ONLY laws that I consent to are those found in the Holy Bible. Domicile is the method of describing the laws that a person voluntarily consents to, and the Bible forbids me to consent to the jurisdiction of any laws other than those found in the Holy Bible.

Questions 3: Where do you live
Answer 3: In my body.

Question 4: Where does your body sleep at night?
Answer 4: In a bed.

Question 5: Where is the bed geographically located?
Answer 5: On the territory of my Sovereign, who is God. The Bible says that God owns all the Heavens and the Earth, which leaves nothing for Caesar to rule. See Gen. 1:1, Psalm 89:11-13, Isaiah 45:12, Deut. 10:14. You're trying to create a false presumption that I have allegiance to you and must follow your laws because I live on your territory. It's *not* your territory. God is YOUR landlord, and if my God doesn't exist, then the government doesn't exist either because they are *both* religions and figments of people's imagination. You can't say that God doesn't exist without violating the First Amendment and disestablishing my religion and establishing your own substitute civil religion called "government". What you really mean to ask is what is my domicile because that is the origin of all of your civil jurisdiction over me, now isn't it?

Questions 6: Where is your domicile?
Answer 6: My domicile establishes to whom I owe exclusive allegiance, and that allegiance is exclusively to God, who is my ***ONLY*** King, Lawgiver, and Judge. Isaiah 33:22. The Bible forbids me to have allegiance to anyone but God or to nominate a King or Ruler to whom I owe allegiance or obedience. See 1 Sam. 8:4-8 and 1 Sam. 12. Consequently, the only place I can have a domicile is in God's Kingdom on Earth, and since God owns all the earth, I'm a citizen of Heaven and not any man-made government, which the Bible confirms in Phil. 3:20. You're trying to recruit me to commit idolatry by placing a civil ruler above my allegiance to God, which is the worst sin of all documented in the Bible and violates the first four commandments of the Ten Commandments. The Bible also says that I am a pilgrim and stranger and sojourner on earth who cannot be conformed to the earth, and therefore cannot have a domicile within any man-made government, but only God's government. Hebrews 11:13, 1 Pet. 2:1, Romans 12:2.

Questions 7: Are you a "U.S. citizen"?
Answer 7: Which of the three "United States" do you mean? The U.S. Supreme Court identified three distinct definitions of "United States" in Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)? If there are three different "United States", then it follows that there are three different types of "U.S. citizens", now doesn't it?

Questions 8: You don't know which one of the three are most commonly used on government forms?
Answer 8: That's not the point here. You are the moving party and you have the burden of proof. You are the one who must define exactly what you mean so that I can give you an ***unambiguous*** answer that is consistent with prevailing law. I'm not going to do your job for you, and I'm not going to encourage injurious presumptions about what you mean by the audience who will undoubtedly read this deposition. Presumption is a biblical sin. See Numbers 15:30, New King James version. I won't sit here and help you manufacture presumptions about my status that will prejudice my God given rights.

Questions 9: Are you a "resident" of the United States?
Answer 9: A "resident" is an alien with a domicile within your territory. I don't have a domicile within any man-made government so I'm not a "resident" ANYWHERE. I am not an "alien" in relation to you because I was born here. That makes me a "national" pursuant to 8 U.S.C. §1101(a)(21) but not a statutory "citizen" as defined in 8 U.S.C. §1401. All statutory citizens are persons born somewhere in the United States and who have a domicile on federal territory, and I'm NOT a statutory "citizen".

Questions 10: What kind of "citizen" are you?

Answer 10: I'm not a STATUTORY "citizen" or "resident" or "inhabitant" of any man-made government, and what all those statuses have in common is domicile within the jurisdiction of the state or forum. I already told you I'm a citizen of God's Kingdom and not Earth because that is what the Bible requires me to be as a Christian. Being a "citizen" implies a domicile within the jurisdiction of the government having general jurisdiction over the country or state of my birth. I can only be a "citizen" of one place at a time because I can only have a domicile in one place at a time. A human being without a domicile in the place that he is physically located is a transient foreigner, a stranger, and a stateless person in relation to the government of that place. He or she is protected by the common law and NOT the statutory civil law. That is what I am. I can't delegate any of my God-given sovereignty to you or nominate you as my protector by selecting a domicile within your statutory jurisdiction because the Bible says I can't conduct commerce with any government and can't nominate a king or protector over or above me. Rev. 18:4, 1 Sam. 8:4-8 and 1 Sam. 12. The Bible forbids oaths, including perjury oaths, which means I'm not allowed to participate in any of your franchises or excise taxes, submit any of your forms, or sign any contracts with you that would cause a surrender of the sovereignty God gave me as his fiduciary and "public officer". See Matt. 5:33-37. I also can't serve as your "public officer", which is what all of your franchises do to me, because no man can serve two masters. Luke 16:13. I have no delegated authority from the sovereign I represent here today, being God, to act as your agent, fiduciary, or public officer, all of which is what a "taxpayer" is.

> *"You were bought at a price; **do not become slaves of men** [and remember that government is made up of men]."*
> *[1 Cor. 7:23, Bible, NKJV]*

> *"We ought to obey God rather than men."*
> *[Acts 5:27-29, Bible, NKJV]*

Questions 11: Who issued your passport?

Answer 11: The "United States ***of America***" issued my passport, not the "United States". The Articles of Confederation identify the United States of America as the confederation of states of the Union, not the government that was created to serve them called the "United States". See United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936). The only thing you need to get a passport is allegiance to "United States" pursuant to 22 U.S.C. §212. The "United States" they mean in that statute isn't defined and it could have one of three different meanings. Since the specific meaning is not identified, I define "allegiance to the United States" as being allegiance to the people in the states of the Union and NOT the pagan government that serves them in the District of Criminals. No provision within the U.S. Code says that I have to be a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 in order to obtain a passport or that possession of a passport infers or implies that I am a statutory "U.S. citizen". A passport is *not* proof of citizenship, but only proof of ***allegiance***. The only citizenship status that carries with it exclusively allegiance is that of a "national" but not a "citizen" pursuant to 8 U.S.C. §1101(a)(21). That and ***only*** that is what I am as far as citizenship. There is no basis to imply or infer anything more than that about my citizenship. You have the burden of proof if you allege otherwise, and I insist that you satisfy that burden of proof right here, right now on the public record of this deposition before I can truthfully and unambiguously answer ANY of your questions about citizenship.

> *"...the only means by which an American can lawfully leave the country or return to it - absent a Presidentially granted exception - is with a* passport*... As a travel control document, **a passport is both proof of identity and proof of allegiance to the United States.** Even under a travel control statute, however, a* passport *remains in a sense a document by which the Government vouches for the bearer and for his conduct. "*
> *[Haig v. Agee, 453 U.S. 280 (1981)]*

Questions 12: Are you the "citizen of the United States" described in section 1 of the Fourteenth Amendment?

Answer 12: The term "United States" as used in the Constitution signifies the states of the Union and excludes federal territories and possessions.

> *"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word 'state.' in that connection, was used simply to denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. **The result of that examination is a conviction that the members of the American confederacy***

> ***only are the states contemplated in the Constitution , . . . and excludes from the term the signification attached to it by writers on the law of nations.' This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L.Ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395 , 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.'*** *In Scott v. Jones, 5 How. 343, 12 L.Ed. 181, and in Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress." [Downes v. Bidwell, 182 U.S. 244 (1901)]*

Therefore, the term "citizen of the United States" as used in section 1 of the Fourteenth Amendment implies a citizen of one of the 50 states of the Union who was NOT born within or domiciled within any federal territory or possession and who is NOT therefore subject to any of the civil laws of the national government.

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.* ***No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.*** *It had been the occasion of much discussion in the courts, by the executive departments and in the public journals.* ***It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens****." [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

> *"****It is impossible*** *to construe the words 'subject to the jurisdiction thereof,' in the opening sentence [of the Fourteenth Amendment, Section 1], as less comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or* ***to hold that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the United States[***]****.'" [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]*

A constitutional citizen, which is what you are describing, is not a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 and may not describe himself as a "citizen" of any kind on any federal form. If I have ever done that, I was in error and you should disregard any evidence in your possession that I might have done such a thing because now I know that it was wrong.

14.3 Arguing or Explaining Your Citizenship in Litigation Against the Government

A very common misconception about citizenship employed by IRS and Department of Justice Attorneys in the course of litigation is the following false statement:

> *"Constitutional citizens born within states of the Union and domiciled there are statutory "citizens of the United States" pursuant to 8 U.S.C. §1401, the Internal Revenue Code at 26 C.F.R. §1.1-1(c), 26 U.S.C. §911."*

The reasons why the above is false are explained elsewhere in this document. An example of such false statements is found in the Department of Justice Criminal Tax Manual (1994), Section 40.05[7]:

> *40.05[7] Defendant Not A "Person" or "Citizen"; District Court Lacks Jurisdiction Over Non-Persons and State Citizens*
>
> *40.05[7][a] Generally*
>
> *Another popular protester argument is the contention that the protester is not subject to federal law because he or she is not a citizen of the United States, but a citizen of a particular "sovereign" state. This argument seems to be based on an erroneous interpretation of 26 U.S.C. §3121(e)(2), which states in part: "The term 'United States' when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa." The "not a citizen" assertion directly contradicts the Fourteenth Amendment, which states "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." The argument has been rejected time and again by the courts. See United States v. Cooper, 170 F.3d. 691, 691(7th Cir. 1999) (imposed sanctions on tax protester defendant making "frivolous squared" argument that only residents of Washington, D.C. and other federal enclaves are citizens of United States and subject to federal tax laws); United States v. Mundt, 29 F.3d. 233, 237 (6th Cir. 1994) (rejected "patently frivolous" argument that defendant was not a resident of any "federal zone" and therefore not subject to federal income tax laws); United States v. Hilgeford, 7 F.3d. 1340, 1342 (7th Cir. 1993)*

(rejected "shop worn" argument that defendant is a citizen of the "Indiana State Republic" and therefore an alien beyond the jurisdictional reach of the federal courts); United States v. Gerads, 999 F.2d. 1255, 1256-57 (8th Cir. 1993) (imposed $1500 sanction for frivolous appeal based on argument that defendants were not citizens of the United States but instead "Free Citizens of the Republic of Minnesota" not subject to taxation); United States v. Silevan, 985 F.2d. 962, 970 (8th Cir. 1993) (rejected as "plainly frivolous" defendant's argument that he is not a "federal citizen"); United States v. Jagim, 978 F.2d. 1032, 1036 (9th Cir. 1992) (rejected "imaginative" argument that defendant cannot be punished under the tax laws of the United States because he is a citizen of the "Republic" of Idaho currently claiming "asylum" in the "Republic" of Colorado) United States v. Masat, 948 F.2d. 923, 934 (5th Cir. 1991); United States v. Sloan, 939 F.2d. 499, 500-01 (7th Cir. 1991) ("strange argument" that defendant is not subject to jurisdiction of the laws of the United States because he is a "freeborn natural individual" citizen of the State of Indiana rejected); United States v. Price, 798 F.2d. 111, 113 (5th Cir. 1986) (citizens of the State of Texas are subject to the provisions of the Internal Revenue Code).

[SOURCE: http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05[7]]

Notice the self-serving and devious "word or art" games and "word tricks" played by the Dept. of Injustice in the above:

1. They deliberately don't show you the WHOLE definition in 26 U.S.C. §3121(e), which would open up a HUGE can of worms that they could never explain in a way that is consistent with everything that people know other than the way it is explained here.
2. They FALSELY and PREJUDICIALLY "presume" that there is no separation of powers between federal territory and states of the Union, which is a violation of your rights and Treason punishable by death. The separation of powers is the very foundation of the Constitution, in fact. See:

   Government Conspiracy to Destroy the Separation of Powers, Form #05.023
   http://sedm.org/Forms/FormIndex.htm
3. They deliberately refuse to recognize that the context in which the term "United States" is used determines its meaning.
4. They deliberately refuse to recognize that there are THREE definitions of the term "United States" according to the U.S. Supreme Court in section 1.4 earlier.
5. They deliberately refuse to reconcile ***which*** of the three mutually exclusive and distinct definitions of "United States" applies in each separate context and WHY they apply based on the statutes they seek to enforce.
6. They deliberately refuse to recognize or admit that the term "United States" as used in the Constitution includes states of the Union and excludes federal territory.
7. They deliberately refuse to apply the rules of statutory construction to determine what is "included" within the definition of "United States" found in 26 U.S.C. §3121(e)(2). They don't want to admit that the definition is ALL inclusive and limiting, because then they couldn't collect any tax, even though it is.

TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121
§ 3121. Definitions

(e) State, United States, and citizen

For purposes of this chapter—

(1) State

*The term **"State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.** [WHERE are the states of the Union?]*

(2) United States

The term "United States" when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa. [WHERE are the states of the Union?]

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*"**When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning.** Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated'"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945) ; Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.*

> *943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary." [Stenberg v. Carhart, 530 U.S. 914 (2000)]*

> *"**It is axiomatic that the statutory definition of the term excludes unstated meanings of that term**. Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it.**"*
> *[Meese v. Keene, 481 U.S. 465, 484 (1987)]*

> *"As a rule, `**a definition which declares what a term "means" . . . excludes any meaning that is not stated**'"*
> *[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]*

Therefore, if you are going to argue citizenship in federal court, we STRONGLY suggest the following lessons learned by reading the Department of Justice Criminal Tax Manual article above:

1. Include all the language contained in the following in your pleadings:
   Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006
   http://sedm.org/Litigation/LitIndex.htm
2. If someone from the government asks you whether you are a "citizen of the United States" or a "U.S. citizen":
   2.1. Cite the *three* definitions of the "United States" explained by the Supreme Court and then ask them to identify which of the *three* definitions of "U.S." they mean in the 1.4 earlier. Tell them they can choose ONLY one of the definitions.
      2.1.1. The COUNTRY "United States*".
      2.1.2. Federal territory and no part of any state of the Union "United States**"
      2.1.3. States of the Union and no part of federal territory "United States***"
   2.2. Ask them WHICH of the three types of statutory citizenship do they mean in Title 8 of the U.S. Code and tell them they can only choose ONE:
      2.2.1. 8 U.S.C. §1401 statutory "citizen of the United States**". Born in and domiciled on a federal territory and possession and NOT a state of the Union.
      2.2.2. 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B) statutory "national of the United States**". Born in and domiciled in American Samoa or Swains Island.
      2.2.3. 8 U.S.C. §1101(a)(21) state national. Born in and domiciled in a state of the Union and not subject to federal legislative jurisdiction but only subject to political jurisdiction.
   2.3. Hand them the following short form printed on double-sided paper and signed by you. Go to section 7 and point to the "national" status in diagram. Tell them you want this in the court record or administrative record and that they agree with it if they can't prove it wrong with evidence.
      Citizenship, Domicile, and Tax Status Options, Form #10.003
      http://sedm.org/Forms/FormIndex.htm

   If you want more details on how to field questions about your citizenship, fill out government forms describing your citizenship, or rebut arguments that you are wrong about your citizenship, we recommend sections 11 through 13 of the following:
   Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
   http://sedm.org/Forms/FormIndex.htm
3. If your opponent won't answer the above questions, then forcefully accuse him of engaging in TREASON by trying to destroy the separation of powers that is the foundation of the United States Constitution. Tell them you won't help them engage in treason or undermine the main protection for your constitutional rights, which the Supreme Court said comes from the separation of powers. Then direct them at the following document that proves the existence of such TREASON.
   Government Conspiracy to Destroy the Separation of Powers, Form #05.023
   http://sedm.org/Forms/FormIndex.htm
4. Every time you discuss citizenship with a government representative, emphasize the three definitions of the "United States" explained by the Supreme Court and that respecting and properly applying these definitions consistently is how we respect and preserve the separation of powers. Those definitions appear in section 1.4 earlier.
5. Admit to being a *constitutional* "citizen of the United States***" but *not* a *statutory* "citizen of the United States**". This will invalidate almost all the case law they cite and force them to expose their presumptions about WHICH "United States" they are trying to corn-hole you into.
6. Emphasize that the context in which the term "United States" is used determines WHICH of the *three* definitions applies and that there are two main contexts.

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

6.1. The Constitution: states of the Union and no part of federal territory. This is the "Federal government"
6.2. Federal statutory law: Community property of the states that includes federal territory and possession that is no party of any state of the Union. This is the "National government".

7. Emphasize that you can only be a "citizen" in ONE of the TWO unique geographical places above at a time because you can only have a domicile in ONE of the two places at a time. Another way of saying this is that you can only have allegiance to ONE MASTER at a time and won't serve two masters, and domicile is based on allegiance.

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

> *"**Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes**. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter.** Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."*
> *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]*

8. Emphasize that it is a violation of due process of law and an injury to your rights for anyone to PRESUME anything about which definition of "United States" applies in a given context or which type of "citizen" you are. EVERYTHING must be supported with evidence as we have done here.

> *(1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bed. of Ed. v. LaFleur (1974) 414 US 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]*
> *[Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]*

9. Emphasize that applying the CORRECT definition is THE MOST IMPORTANT JOB of the court, as admitted by the U.S. Supreme Court, in order to maintain the separation of powers between the federal zone and the states of the Union, and thereby protect your rights:

> ***"I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism..***
>
> ***[. . .]***
>
> *"The idea prevails with some, indeed it has found expression in arguments at the bar, that **we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to..***
>
> ***[. . .]***
>
> ***It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution."***

[Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting]

10. Emphasize that anything your opponent does not rebut with evidence under penalty of perjury is admitted pursuant to Federal Rule of Civil Procedure 8(b)(6) and then serve them with a Notice of Default on the court record of what they have admitted to by their omission in denying.
11. Focus on WHICH "United States" is implied in the definitions within the statute being enforced.
12. Avoid words that are not used in statutes, such as "state citizen" or "sovereign citizen" or "natural born citizen", etc. because they aren't defined and divert attention away from the core definitions themselves.
13. Rationally apply the rules of statutory construction so that your opponent can't use verbicide or word tricks to wiggle out of the statutory definitions with the word "includes". See:

Legal Deception, Propaganda, and Fraud, Form #05.014 http://sedm.org/Forms/FormIndex.htm

14. State that all the cases cited in the Department of Justice Criminal Tax Manual are inapposite, because:
    14.1. You aren't arguing whether you are a "citizen of the United States", but whether you are a STATUTORY "citizen of the United States".
    14.2. They don't address the distinctions between the ***statutory*** and ***constitutional*** definitions nor do they consistently apply the rules of statutory construction.
15. Emphasize that a refusal to stick with the legal definitions and include only what is expressly stated and not "presume" or read anything into it that isn't there is an attempt to destroy the separation of powers and engage in a conspiracy against your Constitutionally protected rights.

> *"Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy."*
> *[Senator Sam Ervin, during Watergate hearing]*
>
> _____
>
> *"When words lose their meaning [or their CONTEXT WHICH ESTABLISHES THEIR MEANING], people lose their freedom."*
> *[Confucius (551 BCE - 479 BCE) Chinese thinker and social philosopher]*

If you would like a more thorough treatment of the subject covered in this section, we recommend section 5.1 of the following:

Flawed Tax Arguments to Avoid, Form #08.004 http://sedm.org/Forms/FormIndex.htm

14.4 Federal court statutory remedies for those who are "state nationals" injured by government

State nationals domiciled in a constitutional state have RIGHTS protected by the constitution. Statutory "citizens" domiciled on federal territory have only PRIVILEGES. If you are a state national who is being COMPELLED to illegally impersonate a public officer called a STATUTORY "citizen", the following remedies are provided to protect your INALIENABLE CONSTITUTIONAL RIGHTS as a state national from being converted into STATUTORY PRIVILEGES.

1. If you are "denied a right or privilege as a national of the United States*" then you can sue under 8 U.S.C. §1503(a) and 8 U.S.C. §1252. See Hassan v. Holder, Civil Case No 10-00970 and Raya v. Clinton, 703 F.Supp.2d. 569 (2010). Under this statute:
    1.1. 8 U.S.C. §1408 "non-citizen nationals of the United States**" in American Samoa and Swain's Island would sue for deprivation of a PRIVILEGE.
    1.2. State nationals domiciled outside the statutory "United States" but physically present on federal territory could sue for deprivation of a constitutional right.
2. If you are a "national of the United States*" who is victimized by acts of international or domestic terrorism, you can sue under 18 U.S.C. §2333. See also Boim v. Quranic Literacy Institute, 340 F.Supp.2d. 885 (2004).

All the above cases cited refer to people born in constitutional states as "nationals of the United States" under Title 8 of the U.S. Code. Therefore, they protect BOTH non-citizen nationals under 8 U.S.C. §1408 and state nationals domiciled outside the federal zone and in a state of the Union.

15. FREQUENTLY ASKED QUESTIONS (FAQs) AND THEIR ANSWERS

15.1 Are those Born Abroad to American National Parents or those who Marry American Nationals still "state nationals"?

QUESTION:

A friend of mine was born in another country while her American parents were missionaries overseas. I have read some references on your website about children born to American parents being citizens, but that's all it says. Does anyone have any more specific cites to backup that statement? Specifically, here are the questions I have:

1. Is she considered "natural-born"? Or does this term even matter?
2. Is there a procedure she must follow to be considered an American and not run the risk of being deported when she sends in the *Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States*, Form #10.001?
3. I've noticed that at least some of the forms on your website contain statements that "I was born in one of the 50 union States", so what would be the proper wording? (Something like "I was born in another country to American parents"?)
4. Will she be able to fully gain/regain her Sovereignty as an American national, or is this hopeless for all people born in other countries?
5. Where does the INS, etc. really come into the picture? Should all of this only be done through her State's immigration laws, or how is it really supposed to work?
6. She is recently married to an American born in a union State. Would that help/change her status in any way? (Ignoring the whole marriage license issue which is a whole other can of worms.)

ANSWER:

Those born to American nationals while overseas become American nationals the same as those born within a state of the Union under the Fourteenth Amendment.

> *7 FAM 1131.6 Nature of Citizenship Acquired by Birth Abroad to U.S. Citizen Parents*
> *7 FAM 1131.6-1 Status Generally*
> *(TL:CON-68; 04-01-1998)*
>
> *Persons born abroad who acquire U.S. citizenship at birth by statute generally have the same rights and are subject to the same obligations as citizens born in the United States who acquire citizenship pursuant to the 14th Amendment to the Constitution. One exception is that they may be subject to citizenship retention requirements.*
> *[7 Foreign Affairs Manual (F.A.M.), Section 1131.6: Nature of Citizenship Acquired by Birth Abroad to U.S. Citizen Parents]*

Now some answers to your specific questions:

1. A "natural born" American is one born anywhere in the United States*, whether federal territory or a state of the Union. She is not "natural born" by that definition. The term doesn't matter. The only thing that matters is whether you are a constitutional or a statutory citizen, and which of the three definitions of "U.S." you claim citizenship within. The term "natural born" is not found anywhere in Title 8 of the U.S. Code or on any government form but it is found in the U.S. Constitution so it's irrelevant.

> *"It has never been determined definitively by a court whether a person who acquired U.S. citizenship by birth abroad to U.S. citizens is a natural born citizen within the meaning of Article II of the Constitution and, therefore, eligible for the Presidency."*
> *[7 Foreign Affairs Manual (F.A.M.), Section 1131.6-2: Eligibility for Presidency*
> *SOURCE: http://www.state.gov/documents/organization/86757.pdf]*

2. The *Legal Notice of Changed in Domicile/Citizenship and Divorce from the United States*, Form #10.001 would not apply to a person in her circumstance. She cannot be sovereign because the authority for her status comes from a statute rather than the constitution. See item 4 below.
3. The proper wording would be you were born abroad to American parents.
4. The authority for conferring those born outside the country to American parents is 8 U.S.C. §1401. The Fourteenth Amendment does not authorize constitutional citizenship to those born overseas or in foreign countries. Hence, those born abroad are privileged and cannot be "sovereign". We covered this in section 4.1 earlier.
5. There is no longer an Immigration and Naturalization Service (INS). INS was replaced by U.S. Citizenship and Immigration Services (U.S.C.I.S.) when the Department of Homeland Security (D.H.S.) was formed with the Homeland

Security Act of 2002. U.S.C.I.S. officially absorbed INS on March 1, 2003. The U.S.C.I.S. comes in because those born abroad to American Parents may be subject to what is called "retention requirements". Otherwise, their citizenship is identical to those born within a state of the Union. For details, see:

> *7 FAM 1131.7: Citizenship Retention Requirements*
> *(TL:CON-68; 04-01-1998)*
>
> *a. Persons who acquired U.S. citizenship by birth abroad were not required to take any affirmative action to keep their citizenship until May 24, 1934, when a new law imposed retention requirements on persons born abroad on or after that date to one U.S. citizen parent and one alien parent.*
>
> *b. Retention requirements continued in effect until October 10, 1978, when section 301(b) INA was repealed. Because the repeal was prospective in application, it did not benefit persons born on or after May 24, 1934, and before October 10, 1952 (see 7 FAM 1133.5-13).*
>
> *c. Persons born abroad on or after October 10, 1952, are not subject to any conditions beyond those that apply to all citizens.*
>
> *d. Persons whose citizenship ceased as a result of the operation of former section 301(b) were provided a means of regaining citizenship in March 1995 by an amendment to section 324 INA. A more detailed discussion of the retention requirements and remedies for failure to comply with them is provided in 7 FAM 1133.5.*
> *[7 Foreign Affairs Manual (F.A.M.), Section 1131.7: Citizenship Retention Requirements]*

6. Marriage only affects nationality for a spouse if that spouse started out as a foreign national, which means a national of a different country. Once they marry an American National, they can apply to be naturalized and thereby become a state national. Details are found in:
   6.1. 8 C.F.R. §216.
   6.2. Immigration and Nationality Act, Section 216
   6.3. Immigration and Nationality Act, Section 320: Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired
   6.4. U.S.C.I.S. Form I-751: Petition to Remove Conditions on Residence. See:
      6.4.1. Form I-751: http://www.uscis.gov/files/form/I-751.pdf
      6.4.2. U.S.C.I.S. Form I-751: Petition to Remove Conditions on Residence Instructions: http://www.uscis.gov/files/form/I-751instr.pdf

For further details see:

Dept. of State Foreign Affairs Manual (FAM), Volume 7, Section 1130: Acquisition of U.S. Citizenship by Birth Abroad to U.S. Citizen Parents http://www.state.gov/m/a/dir/regs/fam/c22164.htm

15.2 Am I a Statutory "U.S. citizen" if My Parents were in the Military and I was born Abroad?

QUESTION:

I've been doing some research on this website. I was wanting to apply for a passport as a state national.

1. Is this possible if my father was in the U.S. Army abroad when I was born?
2. My mom was also a school teacher (not sure if she was a teacher when I was born). Does this make me into a statutory "U.S. Citizen" pursuant to 8 U.S.C. §1401?? Seems as if it might.
3. Can you elaborate on this subject?

ANSWER:

You should read this entire document at least once and then go back and find your status in the charts in section 11.1, Table 9. Then and only then should you be asking us questions. We aren't here to think for you, but to answer questions not already explained in this document. The answer is that:

1. All those born anywhere in the country are "nationals" as described in 8 U.S.C. §1101(a)(21).

2. Those born abroad under 8 U.S.C. §1401 or 8 U.S.C. §1408 take on the nationality (e.g. "national") of their parents, and in particular their father at the time of birth. This is called "jus sanguinis" in legal jargon. Our system of citizenship is patterned after the British system in which "nationality" means "birth within allegiance to the king". The "king", in this case is "We the People" and NONE of our elected or appointed politicians.
3. The constitution does not confer authority to make those born abroad into CONSTITUTIONAL citizens. 8 U.S.C. §1401 or 8 U.S.C. §1408 are the only source of authority to acquire citizenship for those born abroad. These statutes are in turn privileges and creations of Congress.
4. Whether one is a "citizen" under federal civil law is determined by whether they are domiciled on federal territory. One cannot be a statutory "U.S. citizen" under the Internal Revenue Code without a domicile on federal territory and one cannot choose a domicile or residence in a place that they have never physically been. Chances are, your parents were never physically present on federal territory before you were born and therefore couldn't practically or legally have a domicile there.
5. Therefore, you can choose to be a "non-resident" even if the authority for your citizenship at birth was 8 U.S.C. §1401.
6. If you would like to learn more about the effect of domicile upon one's citizenship status, see:

   Why Domicile and Becoming a "Taxpayer" Require Your Consent, Family Guardian Fellowship
   http://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm

Between this document and the domicile article above, the truth should become very clear in your mind, especially after you read some of the links at the beginning of the domicile article.

Please be patient with yourself and carefully study this document. The only reason to become impatient is because you have no time to study, which is usually because of no self-discipline or an addiction to unhealthy habits and mental junk food. As it says in the following document, quit watching mental junk food on TV, quit wasting time on unhealthy media saturation, quit surfing porn (if you are), take your television to the dump, and sit down in the quiet and clear your mind and read the word of God, and the extensive materials on this website, and your whole world view will change and you will quickly see the truth. Use the document below to guide your studies:

Path to Freedom, Form #09.015
http://sedm.org/Forms/Procs/PathToFreedom.pdf

The above document is also on the opening page of our website at the top of the page in big letters "START HERE".

http://famguardian.org

There is admittedly a lot to learn, but before your mind can even begin to learn the real truth, you must undo all the damage and lies you learned in the communist, government run propaganda academy that you picked up as you were growing up. The truth is like the parable of the mustard seed in the Bible at Matt. 13:1-9. The seed can only grow if you prepare good ground for it to germinate in. Like the gentle farmer, you must till the ground, fertilize, plant the seed, water, pull the weeds, and carefully tend it and defend it as it grows. Parents must follow the same path with their growing and maturing children.

15.3 Doesn't a "Consular Report of Birth" for a person born abroad make one into a statutory "U.S. citizen" rather than constitutional "citizen of the United States*"?

QUESTION:

I am a constitutional but not statutory citizen and have a child that was born overseas. That child was granted a **"Consular Report of Birth Abroad"** certificate. It has a number in the top right-hand corner, and even has that creepy pyramid *'Annuit Coeptis'* seal on it just like the one on the back of the dollar.

The biggest problem however is at the bottom of this certificate where it says:

> *"A Consular Report of Birth is proof of United States citizenship by law: 22 U.S.C. 2705"*
>
> *This document is on file with the government and could most certainly be used as evidence that the person to whom it applies is in fact NOT a "nonresident alien."*

How in the world is this guy going to rebut this piece of state evidence?

Copyright Family Guardian Fellowship, http://famguardian.org

ANSWER:

1. 22 U.S.C. §2705 is found at:

   http://codes.lp.findlaw.com/uscode/22/38/2705

2. The context is clear from reading 22 U.S.C. §1731.

> *22 U.S.C. §1731 : U.S. Code - Section 1731: Protection to naturalized citizens abroad*
>
> *All **naturalized citizens of the United States** while in foreign countries are entitled to and shall receive from this Government the same protection of persons and property which is accorded to **native-born citizens**. [SOURCE: http://codes.lp.find...ode/22/23/1731]*

The party described in section 2705 is a person "abroad". This same party is described in 22 U.S.C. §1731 as a "naturalized citizen of the United States" while abroad. The term "naturalization", in turn, is described as the process of making one a "national", and NOT a "citizen".

> ***8 U.S.C. §1101(a)(23)** **naturalization defined***
>
> *(a)(23) The term "naturalization" means the conferring of **nationality** [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a state upon a person after birth, by any means whatsoever.*

Here is a definition of "nationality". Note that "citizen" in a statutory context is tied to domicile, while "citizen" in a constitutional context is tied to "nationality". Two COMPLETELY different things.

> *"**Nationality**. That quality or character which arises from the fact of a person's belonging to a nation or state. **Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil status**. Nationality arises either by birth or by naturalization. See also Naturalization."*
> *[Black's Law Dictionary, Sixth Edition, p. 1025]*

The source of your confusion is caused once again and as usual, by a failure to distinguish the CONTEXT in which the word is used. Domicile is what determines your LEGAL status while place of birth establishes your POLITICAL status. A political status DOES NOT imply federal jurisdiction or legal jurisdiction, but simply a right to travel freely within the respective country.

3. The term "United States citizenship" is nowhere made equivalent to the phrase "national and citizen of the United States" as used in 8 U.S.C. §1401. It is a violation of due process to PRESUME they are the same.

4. WHICH of the three "United States" are implied in the term "United States citizenship" are not defined, and the definitions from Title 8 do not apply in Title 22. Consequently, the term can mean whatever the hearer wants it to mean. So long as you define WHICH "United States" you choose to be a member of, they can't interfere with it.

5. Until someone shows me a definition of which "United States" is implied WITHIN TITLE 22 and NOT TITLE 8, we are entitled to both define and presume that which suits our First Amendment right to politically associate.

As we have said many times before, being a "citizen" of anything is a voluntary choice that is a product of your First Amendment right to associate. ONLY YOU get to define what groups you want to join and therefore WHICH of the three "United States" you want to be a citizen and a member of. Furthermore, you can change your mind after you know that there are multiple choices instead of only one choice. You change your mind by how you describe yourself on government forms. The only thing you need in order to get a passport is to have allegiance, and the only status under Title 8 that carries with it EXCLUSIVELY allegiance is that of a "national".

15.4 If 8 U.S.C. §1401 ISN'T the source of authority for your CONSTITUTIONAL citizenship, then what is?

QUESTION: Some attorneys respond to this research by asserting that if 8 U.S.C. §1401 is NOT the authority for being a CONSTITUTIONAL citizen, then WHAT is the statutory authority?

ANSWER: The answer is that statutes only regulate PUBLIC conduct of those domiciled on federal territory. They cannot and do not prescribe the status of those born in a legislatively foreign state such as a CONSTITUTIONAL state. The only thing that can do that is either state law, the common law, or the law of nations. Here is the authority:

> *"**The law of nations 'is part of our law.' Hilton v. Guyot, N.Y.1895, 16 S.Ct. 139, 159 U.S. 163, 40 L.Ed. 95. It provides that in general all persons are citizens (subjects) of the countries (governments, sovereigns) of their birth, and in consequence owe them permanent allegiance.** This status cannot be changed without their countries' consent. Shanks v. Dupont, S.C.1830, 3 Pet. 245, 7 L.Ed. 666. A person may be admitted to citizenship in another country without his country's consent, but the only result is that thereafter he is a citizen of two countries. His allegiance and obligations to the country of his birth are not diminished, and in so far as they conflict with his new allegiance, 'he becomes a citizen of the new country at his peril.' Talbot v. Janson, S.C.1795, 3 Dall. 164, 169, 1 L.Ed. 540." In re Siem, D.C.Mont.1922, 284 F. 868.*
> *[8 U.S.C.A. §1401 (2009), p. 25, 2009]*

The Law of Nations in turn is found at:

The Law of Nations, Vattel http://famguardian.org/Publications/LawOfNations/vattel.htm

Another source of authority to confer jurisdiction by birth is that of the common law.

> *134. Common law, persons born outside United States*
>
> *Under St.1778, abrogating all statutes of England in N.Y., and under the laws of the United States, the citizenship of all children of Americans born abroad between 1802 and 1855 depended exclusively upon the dormant principles of the common law. Ludlam v. Ludlam, 1860, 31 Barb. 486, affirmed 26 N.Y. 356, 84 Am.Dec. 193. Where a citizen of the United States voluntarily, at the age of 18 years, went to Peru, with the intention of remaining there is trade an indefinite time, but was not naturalized there, by the common law and in the absence of any law of the United States on the subject, his child born in Peru of a wife a native of that country, was capable of inheriting property as a citizen of the United States. Ludlam v. Ludlam, 1863, 26 N.Y. 356, 84 Am.Dec. 193.*
> *[8 U.S.C.A. §1401 (2009), pp. 44-45]*

Any lawyer that tells you that you can only acquire citizenship by birth under an Act of Congress is therefore:

1. LYING to you.
2. Acting, often unknowingly, as a federal public officer recruiter, because the statutes only regulate PUBLIC conduct of public officers. The ability to regulate PRIVATE rights and PRIVATE conduct is "repugnant to the constitution" as held by the U.S. Supreme Court.

For further details on why the above is true, see:

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

16. FEDERAL CITIZENSHIP BACKGROUND

> *"All government without the consent of the governed is the very definition of slavery."*
> *[Jonathan Swift]*

16.1 Types of citizenship under federal law

At present, there are three types of federal citizenship identified in Title 8 of the U.S. Code, which is an "act of Congress":

Table 24: Types of federal citizens under federal law

#	Legal name	Where born	Defined in	Common name	Description
1	*"nationals but not **citizens** of the United States** **at birth**"*	*1. American Samoa* *2. Swains Island*	*8 U.S.C. §1408* *8 U.S.C. §1101(a)(22);* *8 U.S.C. §1452*	*"U.S. national"*	*The U.S. Supreme Court and the Constitution call these people "citizens of the United States". See section 16.7 later for details. Used on the 1040NR form to describe people who file that form. Does not describe people who are not born in the federal United States.*
2	"U.S.A.*** national" or "state national" or "Constitutional but not statutory U.S.*** citizen"	*States of the Union*	*8 U.S.C. §1101(a)(21)*	*"national" or "state national"*	*This person is not necessarily the same as the "U.S. national" above, because it includes people who born in states of the Union. Notice that this term does not mention 8 U.S.C. §1408 citizenship nor confine itself only to citizenship by birth in the federal zone. Therefore, it also includes people born in states of the Union.*
3	"nationals and citizens of the United States** **at birth**"	1. District of Columbia 2. Puerto Rico 3. Guam 4. Virgin Islands *5.* Foreign country/abroad to at least one "national" parent.	*8 U.S.C. §1401*	*"U.S. citizen"*	*All "U.S. citizens" are also "nationals" per 8 U.S.C. §1401 but "nationals" are not necessarily "U.S. citizens" as per 8 U.S.C. §1101(a)(22)(B).[53]. Term used on the 1040 form to describe the children who are being claimed as deductions.*

Throughout the remainder of this book, when we refer generically to "nationals", we mean statuses 1 or 2 above, which includes "nationals but not citizens of the United States at birth" under 8 U.S.C. §1408 or "nationals, but not citizens" under 8 U.S.C. §1101(a)(21). STATUTORY "Nationals but not citizens" under 8 U.S.C. §1452 and "Nationals but not citizens ***at birth***" under 8 U.S.C. §1408 includes only those born in American Samoa and Swains Island.

It is very important to be mindful of the ***context*** whenever you hear or use the term "citizen of the United States" or "U.S. citizen", because the term "United States" has an *entirely different meaning* in federal statutes or "acts of Congress" than it has in the Constitution. This is especially true when filling out government forms. The differences in meaning of these terms between the Constitution and "acts of Congress" is a direct result of the fact that the federal government has no police powers within the states. In the Constitution and the rulings of the Supreme Court, the term "United States" means *the collective states of the Union*, while in federal statutes or "acts of Congress", it means the federal zone. Watch out! Here is a quick summary of the effects on meanings based on this very important observation:

[53] See 7 Foreign Affairs Manual (F.A.M.), Section 1111.1 available from: http://foia.state.gov/famdir/masterdocs/07fam/07m1110.pdf

Table 25: Summary of citizenship terms within their context

#	Term	Contextual meaning		
		Constitution and rulings of the U.S. supreme Court	***Federal statutes or "acts of Congress"***	***State statutes***
1	***"citizen"***	"National" of the collective states of the Union as described in *Minor v. Happersett*, 88 U.S. 162 (1874) and 8 U.S.C. §1101(a)(21)	"National" of the federal zone as defined in 8 U.S.C. §1401	"national" of the "state"
2	***"citizen of the United States"***	"National" of the collective states of the Union or "United States***" as defined in 8 U.S.C. §1101(a)(21)	Territorial citizen born in the federal zone as defined in 8 U.S.C. §1401	"National" of the country "United States" as defined in 8 U.S.C. §1101(a)(21)
3	***"U.S. citizen"***	Not used	Territorial citizen born in the federal zone as defined in 8 U.S.C. §1401	"National" of the *country* "United States" as defined in 8 U.S.C. §1101(a)(21)
4	***"national of the United States"***	Not used	"National" of the federal zone ("United States**") as defined in 8 U.S.C. §1101(a)(22)	Not used
5	***"national"***	Not defined, but equivalent to a Fourteenth Amendment, Section 1 citizen	8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B)	Not used
6	***"U.S. national"***	Not used	"National" of the federal zone ("United States**") as defined in 8 U.S.C. §1408 or 8 U.S.C. §1452	Not used
7	***"citizen of the United States of America"***	"National" of the collective states of the Union as described in *Minor v. Happersett*, 88 U.S. 162 (1874) and 8 U.S.C. §1101(a)(21)	Not used	Not used
8	***"national but not citizen of the United States"***	"National" of the collective states of the Union of "United States***" as defined in common law but not statutes.	8 U.S.C. §1452 and 8 U.S.C. §1408	Not used

"citizen of the United States" status under the Constitution is the equivalent of "national of the United States" status under federal statutes and it is a "privileged" status:

> *"**To be a citizen of the United States is a political privilege** which no one, not born to, can assume without its consent in some form."*
> *[Elk v. Wilkins, 112 U.S. 94 (1884)]*

The Fourteenth Amendment did *not* create "citizen of the United States" status or add any restrictions to the existing citizenship laws, but simply allayed doubts and controversies that had arisen prior to that time:

> *"..the opening sentence of **the fourteenth amendment is** throughout affirmative and declaratory, **intended to ally doubts and to settle controversies which had arisen, and not to impose any new restrictions upon citizenship.**"*
> *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

"U.S. citizen" or "national and citizen of the United States**" status under federal statutes and "acts of Congress" is ***different*** from "citizen of the United States***" status under the Fourteenth Amendment, Section 1. "U.S.** citizen" or "national and citizen of the United States**" under federal statutes pursuant 8 U.S.C. §1401 is different from the Constitutional "citizen of the United States***" or statutory "USA national" pursuant to 8 U.S.C. §101(a)(21). Although these two nationals are different, they both came into existence as a result of the operation of ***The Laws of Nations***. The Fourteenth Amendment didn't *create* the Constitutional status of "citizen of the United States***". The only thing that the ratification of the 14th Amendment in 1868 accomplished was to:

1. Extend the status of "citizen of the United States***" to persons of *all* races, instead of only the whites who were previously the only citizens recognized under the Constitution.
2. Further extend the privileges and immunities of those persons who were ***already*** "citizens of the United States***"
3. Clarify and further define the meaning of the term "citizen of the United States***" under the Constitution

White persons born in states of the Union ***always were*** the equivalent of "nationals" under federal statutes from the very beginning of our country under ***The Law of Nations, Vattel, Book I, Section 212*** and they had this status long before the creation of the 14th Amendment in 1868.[54] This is true because a "national" is defined in 8 U.S.C. §1101(a)(21) as someone who "owes allegiance to a state" and 8 U.S.C. §1101(a)(22)(B) defines a "national of the United States**" as someone who owes allegiance to the "United States**". Nationality and allegiance are the only thing you need in order to be regarded as a "citizen" in our country:

> *"There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association.* ***He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.***
>
> *"For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words 'subject,' 'inhabitant,' and 'citizen' have been used, and the choice between them is sometimes made to depend upon the form of the government.* ***Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.***"
>
> "***To determine, then, who were citizens of the United States before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.***
>
> *"Looking at the Constitution itself we find that it was ordained and established by 'the people of the United States,'3 and then going further back, we find that these were the people of the several States that had before dissolved the political bands which connected them with Great Britain, and assumed a separate and equal station among the powers of the earth,4 and that had by Articles of Confederation and Perpetual Union, in which they took the name of 'the United States of America,' entered into a firm league of [88 U.S. 162, 167] friendship with each other for their common defence, the security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to or attack made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.* 5
>
> "***Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were.*** "
> *[Minor v. Happersett, 88 U.S. 162 (1874)]*

The treatment of the term "allegiance" above is significant. We must understand exactly what this word means in order to understand the foundation of our republican form of government. Below is a definition of "allegiance" from the law dictionary:

> ***"Allegiance.*** *Obligation of fidelity and obedience to* ***government*** *in consideration for protection that government gives. U.S. v. Kyh, D.C.N.Y., 49 F.Supp 407, 414.* See also *Oath of allegiance or loyalty."*

[54] ***The Law of Nations***, incidentally, was one of the reference documents that the founders used to write the Constitution.

[Black's Law Dictionary, Sixth Edition, p. 74]

The person who is a "national" does not have the kind of "allegiance" as that described above. Allegiance above is to the ***government***, while "nationals" instead have their allegiance to the "*state*", which is the sovereign people (as individuals) within the territorial boundaries of the political body and not exclusively the "government":

8 U.S.C. §1101 Definitions

(a) (21) The term "national" means a person ***owing permanent allegiance to a state****.*

The term "state" is then defined as follows:

> *"**State**. **A people** permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moralitis, C.C.A.Md., 136 F.2d. 129, 130.* ***In its largest sense, a "state" is a body politic or a society of men.*** *Beagle v. Motor Vehicle Acc. Indemnification Corp., 44 Misc.2d. 636, 254 N.Y.S.2d. 763, 765.* ***A body of people occupying a definite territory and politically organized under one government.*** *State ex re. Maisano v. Mitchell, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. Restatement, Second, Conflicts, §3. Term may refer either to body politic of a nation (e.g. United States) or to an individual government unit of such nation (e.g. California).*
>
> *[…]*
>
> ***The people of a state, in their collective capacity****, considered as the party wronged by a criminal deed; the public; as in the title of a cause, "The State vs. A.B."*
> *[Black's Law Dictionary, Sixth Edition, p. 1407]*

To have "allegiance" to "a state" as a "national" is to have allegiance to the sovereign within the body politic, which in a republican system of government is the people collectively and individually and not necessarily the government. We *cannot* "assume" or "presume" that the government represents the will of the people. This is especially true when the government has gone bad and is not representing the will of the people. When we have a rebellious government that has strayed from the Constitution and its "de jure" foundation to become a "de facto" government, then the allegiance we have to the Constitution and the people who ordained it must supersede our allegiance to the government that has violated its charter to implement the Constitution. The people, not the government, must always be regarded as the ultimate sovereigns within republican systems of governance.

Ironically, the very definition of the word "privilege" in Black's Law Dictionary, Sixth Edition, seems to contradict the conclusion that "citizenship" can be a privilege to begin with!:

> ***"Privilege. A particular benefit or advantage*** *enjoyed by a person, company, or class* ***beyond the common advantages of other citizens****. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others."*
> *[Black's Law Dictionary, Sixth Edition, p. 1197]*

Note above that it says "*beyond the* ***common advantages*** *of other citizens*", thus implying that citizenship itself *cannot* be a "privilege" and that you must also be accepting some kind of benefit beyond that of "citizenship" in order to be classified as "privileged". Furthermore, if everyone accepts this "privilege" (as the government calls it) called "U.S. citizen" status in federal statutes or even if more than half of all natural persons do, then it becomes a "common advantage", and thus no longer a *special* privilege granted only to a minority or a select few. This is the situation today with most Americans, where most falsely believe they are "U.S. citizens" as defined by federal statutes. By the above logic and definition, then, a reasonable man could easily conclude that "U.S. citizen" status *cannot* be classified as a "privilege" because it is "common" and is shared by a majority rather than a minority.

16.2 History of federal citizenship

So far we have not offered any authority other than statutes to prove that the government actually recognizes two distinct classes of federal citizenship. We will now present additional evidence by describing the 13th and 14th Amendments and the history of how they have been viewed by the Supreme Court of the United States.

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Prior to the Thirteenth and Fourteenth Amendments, all persons born in a state of the Union were "citizens of the United States" under the Constitution and under the rulings of the U.S. Supreme Court, but NOT under federal statutes or "acts of Congress":

> *"**There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment 'all persons born or naturalized in the United States and subject to the jurisdiction thereof' are expressly declared to be 'citizens of the United States and of the State wherein they reside.' But, in our opinion, it did not need this amendment to give them that position. Before its adoption the Constitution of the United States did not in terms prescribe who should be citizens of the United States or of the several States, yet there were necessarily such citizens without such provision.***
>
> *[…]*
>
> *"The fourteenth amendment did not affect the citizenship of women any more than it did of men. **In this particular, therefore, the rights of Mrs. Minor do not depend upon the amendment. She has always been a citizen from her birth, and entitled to all the privileges and immunities of citizenship. The [Fourteenth] Amendment prohibited the State, of which she is a citizen, from abridging any of their privileges and immunities as a citizen of the United States; but it did not confer citizenship on her. That she had before its adoption.***
>
> *"The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere.*
>
> *"**The [Fourteenth] Amendment did not add to the privileges and immunities of a citizen.** It simply furnished an additional guaranty for the protection of such as he already had. **No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the Constitution and laws of the States, but it operates for this purpose, if at all, through the States and the state laws, and not directly upon the citizen.***
>
> *"All the States had government when the Constitution was adopted. **These governments the Constitution did not change.**"*
> *[Minor v. Happersett, 88 U.S. 162 (1874)]*

Therefore, "citizen of the United States" status under our Constitution and under the rulings of the Supreme Court existed *before* the passage of the Fourteenth Amendment to the U.S. Constitution. The status of being a "citizen of the United States" under the Constitution and under Supreme Court rulings is equivalent to the status of being a "national" under federal statutes or "acts of Congress" and is defined in 8 U.S.C. §1101(a)(21).

Towards the end of the Civil War in 1865, the 13th Amendment was ratified and thereby abolished slavery and involuntary servitude except as punishment for a crime. The Supreme Court ruled that the 13th Amendment operated to free former slaves and prohibit slavery, but it in no way conferred citizenship to the former slaves, or to those races other than white, because the founders of the Constitution were all of the white race.

Even after the end of the Civil War and the passage of the Thirteenth Amendment, Southern states were openly discriminating against blacks by denying them state citizenship and political rights. Congress was under political pressure from the northern states and had to do something about this problem. The Fourteenth Amendment was introduced as the answer to this problem because it extended citizenship to persons of *all* races instead of only the whites covered by our original Constitution. The "big daddy" and chief protector of blacks then became the federal government under the new Fourteenth Amendment. This protection was extended by extending national citizenship, which then made blacks "subject to ***the*** jurisdiction of the United States".

> *"The first section of the fourteenth amendment of the constitution [169 U.S. 649, 676] begins with the words, 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.' As appears upon the face of the amendment, as well as from the history of the times, this was not intended to impose any new restrictions upon citizenship, or to prevent any persons from becoming citizens by the fact of birth within the United States, who would thereby have become citizens according to the law existing before its adoption. It is declaratory in form, and enabling and extending in effect. **Its main purpose doubtless was, as has been often recognized by this court, to establish the citizenship of free negroes, which had been denied in the opinion delivered by Chief Justice Taney in Scott v. Sandford (1857) 19 How. 393; and to put it beyond doubt that all blacks, as well as whites, born or naturalized within the jurisdiction of the United States, are citizens of the United States.** Slaughter House Cases (1873) 16 Wall. 36, 73; Strauder v. West Virginia (1879) 100 U.S. 303 , 306; Ex parte Virginia (1879) Id. 339, 345; Neal v. Delaware (1880) 103 U.S. 370 , 386; Elk v. Wilkins (1884) 112 U.S. 94, 101 , 5 S.Sup.Ct. 41. But the opening words, 'All persons born,' are general, not to say universal, restricted only by place and jurisdiction, and not by*

color or race, as was clearly recognized in all the opinions delivered in the Slaughter House Cases, above cited.
"

[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]

The Fourteenth Amendment approach that Congress devised would only work if it could confer national citizenship ***without*** conferring state citizenship. This approach was the ***only*** remedy available to Congress to end slavery and discrimination in the southern states because the federal government did ***not*** have the authority under our the Constitution to determine if a former slave could become a Citizen of one of the several states since the 9th and 10th Amendments said that powers not granted specifically to the federal government by the Constitution are reserved to the states or to the People.

History shows that the Pennsylvania Commonwealth and New York State were nationalizing blacks as State Citizens before the outbreak of the Civil War. In other southern states, blacks were not Citizens and therefore did not have standing in any court based on the privileges and immunities of "citizens of the United States". The 14th Amendment was written primarily to afford citizenship to those of the black race that were recently freed by the 13th Amendment (*Slaughter-House Cases*, 16 Wall. 36, 71), and did not include Indians and others NOT born in and subject to the jurisdiction of the United States (*McKay v. Cambell*, 2 Sawy. 129). Thus, the 14th Amendment recognized that an individual can be a "citizen of the United States***" under the Constitution ***without*** being a Citizen of a State." (*Slaughter-House Cases*, supra; cf. *U.S. v. Cruikshank*, 92 U.S. 542 (1875)).

The Fourteenth Amendment was introduced for ratification to the states on June 16, 1866 and ratification was completed on July 28, 1868 at the end of the Civil War by the three fourths of the states required by the Constitution.[55] Ratification of the amendment by the southern states was made a precondition of them being readmitted back into the Union after the war. Until they were readmitted into the union, they were conquered federal territories.[56] Many of the southern states that voted in favor of ratifying the amendment did so at gunpoint while they were occupied by federal troops! Their legislatures in many such cases were summarily dismissed as "rebels" by Congress and replaced with puppet legislatures hand-selected by Congress following the cessation of war. You could say that they ratified the amendment under duress because of this, and that the amendment is therefore invalid because the ratification must be entirely voluntary to be legally binding. Furthermore, before they voted on this ratification, they had no representation in Congress and were "outnumbered" until they gave in.

The blacks following the civil war therefore had to be "collectively naturalized" into the status of being "citizens of the United States" so they could then freely roam to any state and be citizens of the state they were in, even if that state refused to grant them state citizenship. In order to do this, "citizen of the United States***" status under the Constitution had to be made paramount and dominant over state citizenship

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

> *"By the thirteenth amendment of the constitution slavery was prohibited. The main object of the opening sentence of the fourteenth amendment was to settle the question, upon which there had been a difference of opinion throughout the country and in this court, as to the citizenship of free negroes, (Scott v. Sandford, 19 How. 393;) and to put it beyond doubt that all persons, white or black, and* ***whether formerly slaves*** *or not, born or naturalized [collectively naturalized, in the case of slaves] in the United States[***], and* ***owing no allegiance to any alien power,*** *should be citizens of the United States[***] and of the state in which they reside. Slaughter-House Cases, 16 Wall. 36, 73; Strauder v. West Virginia, 100 U.S. 303 , 306. "*

[55] See dissenting opinion of Chief Justice Fuller in *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898).

[56] See Dyett v. Turner, 439 P.2d. 266 (1968). Available at: http://famguardian.org/Subjects/LawAndGovt/Citizenship/Dyett/dyett.htm

[Elk v. Wilkins, 112 U.S. 94 (1884)]

The blacks were therefore collectively naturalized *without their consent* following the Civil War in the *Civil Rights Act of 1866* on April 9, 1866, 14 Stat. 27 so they could be protected from state government abuses of their natural rights.

> *"By the act of April 9, 1866, entitled 'An act to protect all persons in the United States in their civil rights, and furnish means for their vindication,' (14 St. 27,) it is provided that 'all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States.' This, so far as we are aware, is the first general enactment making persons of the Indian race citizens of the United States. Numerous statutes and treaties previously provided for all the individual members of particular Indian tribes becoming, in certain contingencies, citizens of the United States. But the act of 1866 reached Indians not in tribal relations.* ***Beyond question, by that act, national citizenship was conferred directly upon all persons in this country, of whatever race, (excluding only 'Indians not taxed,') who were born within the territorial limits of the United States, and were not subject to any foreign power.*** *"*
> *[Elk v. Wilkins, 112 U.S. 94 (1884)]*

Congress had the exclusive authority to collectively naturalize the blacks under Article 1, Section 8, Clause 4 of the U.S. Constitution. Collective naturalization also occurs, for instance, when a new territory is annexed to the "United States". An example of collective naturalization was the case of the Louisiana Purchase from France or the Alaska Purchase from Russia. Note that at the time of the Louisiana Purchase and the Alaska Purchase, these areas became federal territories, which are the proper subject of exclusive federal jurisdiction and acts of Congress. The U.S. Supreme Court calls these areas "inchoate states" in their rulings. The same condition applied to the southern states following the Civil War, which effectively became federal territories during the period when they were conquered but had not yet rejoined the Union. Conditions had been placed on them in order to rejoin. For instance, they could not send representatives to the Congress until they had ratified the Fourteenth Amendment. In effect, they would be slaves of the rest of the states until they had consented to the ratification of the Fourteenth Amendment that would help eliminate slavery. During the time that the southern states were federal territories, an act of Congress such as the Civil Rights Act of 1866 could lawfully be passed to naturalize all the blacks. Once they rejoined the Union as sovereign states, such an act could not have been passed because the jurisdiction of the states within their borders would again have been exclusive and plenary.

To restate: In the *Slaughter-House Cases*, 16 Wall. 36, 71 supra the U.S. Supreme Court held:

> *"**It is quite clear, then, that there is a citizenship of the United States and a citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances of the individual.** Of the privileges and immunities of the citizens of the United States and of the privileges and immunities of the citizen of the state, and what they respectfully are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment."*

The U.S. Supreme Court has also ruled that "The term United States is a metaphor [a figure of speech]". *Cunard S.S Co. v. Mellon*, 262 U.S. 100, 122; and that

> *"The term 'United States' may be used in one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of sovereign in a family of nations. It may designate territory over which sovereignty of the United States extends, or it may be a collective name of the states which are united by and under the Constitution."*
> *[Hooven & Allison Co. v. Evatt, 324 U.S. 652, 672-73.]*

Did the Courts really say that someone could be a **C**itizen of a State without being a "**c**itizen of the United States" (which means "national of the United States" in federal statutes)? Yes, they did. Who would fit this description? How about a national from another country who resides in a state of the Union and who has not yet been naturalized under the laws of this country. It's true that the cases cited above are old, some over 100 years old. None of these cases have ever been overturned by a more recent decision, so they are valid. A more recent case is *Crosse v. Bd. of Supervisors*, 221 A.2d. 431 (1966) which says:

> *"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state." Citing U.S. v. Cruikshank, supra.*

The Pennsylvania Commonwealth, for instance, is one of the "several states" described in the Constitution. The Constitution treats the several states of the Union as independent countries and jurisdictions that are "foreign" to each other and to the federal government for the purposes of legislative jurisdiction and internal "police powers". 28 U.S.C. §297 makes it very clear that the states of the Union are "foreign countries" with respect to each other. Each state is on an equal footing with all

the other states of the Union in terms of its sovereignty and nearly exclusive control over everything that happens internal to its borders. The Buck Act in 1940 created federal areas inside the 50 Union states. If you live in a federal area, you are subject to federal territorial laws and the municipal laws of the District of Columbia. The Internal Revenue Service (IRS) is ***internal*** to the federal zone. The Pennsylvania Commonwealth is not part of the federal zone, but the Commonwealth of Pennsylvania is. PA is the name that the post office recognizes for mail sent into the Commonwealth of Pennsylvania, which is a federal area. Pa., Penna., and Pennsylvania are the names that the post office uses for mail sent into the Pennsylvania Commonwealth, which is not a federal area. If I accept mail sent to PA, I am saying that I live in the federal zone. The same situation exists in the other states.

One important outcome of being a "U.S. citizen" under federal statutes and "acts of Congress" is that the federal government may tax only its own "U.S. citizens" when they reside outside of federal territorial jurisdiction, for instance when they are in foreign countries. See the Supreme Court case of *Cook v. Tait* for authorities on this subject. In the U.S. Constitution Annotated, under the Fifth Amendment (see http://caselaw.lp.findlaw.com/data/constitution/amendment05/13.html - 6) , here is what it says about this subject:

> *In laying taxes, the Federal Government is less narrowly restricted by the Fifth Amendment than are the States by the Fourteenth.* ***The Federal Government may tax property belonging to its ["U.S."] citizens, even if such property is never situated within the jurisdiction of the United States****,*[57] *and it may tax the income of a citizen resident abroad, which is derived from property located at his residence.*[58] *The difference is explained by the fact that protection of the Federal Government follows the citizen wherever he goes, whereas the benefits of state government accrue only to persons and property within the State's borders.*

It is important, however, to point out that the Union states are exempted from direct taxes under Article 1, Section 9, Clause 4 and Article 1, Section 2, Clause 3 of the Constitution but foreign countries where "U.S. citizens" (under federal statutes) reside are not. This point is VERY important, and clearly indicates from where the tax jurisdiction of the United States government derives. It isn't mainly a geographical jurisdiction as far as taxes ***internal*** to the federal zone go, but instead originates mainly from our "U.S. citizen" status under federal statutes and "acts of Congress". Through this devious mechanism of fooling sovereign state "nationals" into becoming privileged "U.S. citizens" under federal statutes and "acts of Congress", the federal government usurped the Sovereignty of the People, as well as the Sovereignty of the several Union states. They also usurped the authority of sovereign state nationals by creating "Federal areas" within the authority of Article IV, Section 3, Clause 2 in the Constitution for the United States of America which states:

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

Therefore, all STATUTORY "U.S. citizens" [i.e. citizens of the District of Columbia and the territories described in federal statutes] residing in one of the states of the Union, are classified as property and franchisees of the federal government, and as an "individual" entity! These serfs are "completely subject to the jurisdiction of the United States" no matter where they reside because they are chattel and slaves of that government. See *Wheeling Steel Corp. v. Fox*, 298 U.S. 193, 80 L.Ed. 1143, 56 S.Ct. 773 (1936). Under the "Buck Act," 4 U.S.C Secs. 105-113, the federal government has created a "Federal area" or "enclave" within the boundaries of the several states. This area is similar to any territory that the federal government acquires through purchase, conquest or treaty, thereby imposing federal territorial law upon the people in this "Federal area." Federal territorial law is evidenced by the Executive Branch's Admiralty flag (a federal flag with a gold or yellow fringe on it) flying in schools, offices and courtrooms. As you will find out in section 5.6.1 of the *Tax Fraud Prevention Manual*, Form #06.008, "acts of Congress" and all federal crimes falling under Title 18, the Criminal Code, only apply inside these federal areas and ***not*** within states of the Union.

There are actually four potential sources of federal jurisdiction over "nationals" living in a state of the Union:

1. In personam jurisdiction
2. Citizenship
3. Territorial jurisdiction. If a person's "domicile" is within the territorial jurisdiction, then they are subject to the jurisdiction of the sovereign.
4. Subject matter jurisdiction

[57] United States v. Bennett, 232 U.S. 299, 307 (1914).

[58] Cook v. Tait, 265 U.S. 47 (1924).

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"Nationals", also called "citizens of the United States***" by the Supreme Court and the Fourteenth Amendment, are subject to the political (but not legislative) jurisdiction of the "United States***" even when they are outside the territorial jurisdiction of that country United States*. That is the whole reason why we have embassies in foreign countries: to protect citizens residing in foreign lands. States of the Union *do not* have legislative jurisdiction over their citizens when they are outside the *state.* However, today all state citizens are also citizens of the United States*** and hence all state citizens have the same protections when they are outside of the "U.S.***" that was spoken of at the beginning of this paragraph, meaning outside the country United States*. Federal political jurisdiction derives from being either a "U.S.** citizen" under 8 U.S.C. §1401 or a "national of the United States**" under 8 U.S.C. §1101(a)(22). Being a "U.S.** citizen" under federal statutes is a *privilege* while being a "national of the United States***" in all cases is a *right*. We hope this clears up all remaining doubts you might have about the nature of federal citizenship.

Now for a little history on citizenship prior to the Civil War. To begin, the "citizen of the United States**" in 26 C.F.R. §31.3121(e) -1 is a citizen of a territory or possession of the United States under Title 48 of the U.S. Code and 8 U.S.C. §1401. This citizenship doesn't have anything to do with the Fourteenth Amendment. It is a special "non-constitutional" class of citizenship. This misunderstanding dates back to 1803 at the time of the Louisiana Purchase. Article 1, Section 8, Clause 17 jurisdiction applies exclusively to:

1. The District of Columbia as the seat of government, and
2. Territory within states of the Union ceded to the United States for purposes specified.

The territorial clause, at Article 4, Section 3, applied only to what was known as the Northwest Territory ceded by New York and other new sovereign states in 1787 to help pay off debts of the Revolution.

In the cession treaty with France, there were two important provisions for territory ceded as a result of the Louisiana Purchase:

1. Those who lived in the territory would enjoy all rights, benefits and protections of "citizens of the United States***," and
2. As the territory was settled, it would become one or more States of the Union.

Thomas Jefferson was President at the time. He knew that the Constitution makes no provision for acquisition of new territories so he drafted two proposed amendments to accommodate the Louisiana Purchase and the treaty provisions. However, Congress elected to do nothing, reasoning that territorial acquisition was implicit from the constitutional provisions relating to waging war & making treaties. As a consequence, the U.S. Government has been operating under implied rather than constitutionally enumerated powers for territorial acquisition ever since.

Until the Spanish-American War (1898), cession treaties all included the two key elements that were in the Louisiana Purchase -- the acquired territory would become one or more States of the Union, and those living in the territory would enjoy all rights, benefits and protections the Constitution affords citizens of the several States until such time as the territory was admitted to the Union. When Spain ceded Puerto Rico & the Philippines, the cession treaty did not include those provisions.

If you will read the *Downes v. Bidwell* case, that U.S. Supreme Court decision, and the other Insular Tax Cases decided in the same general timeframe, a distinction was made between incorporated territories such as Alaska and Hawaii (destined to become States of the Union, per cession treaties), and the new "unincorporated" insular possessions. They were deemed "foreign" to States of the Union, i.e., to the "United States," in that they were not under the "constitutional umbrella."

In 1917, Congress extended nationality ("national of the United States**") status to the people of Puerto Rico; in 1927, the status was extended to the people of the Virgin Islands, etc., until citizenship was finally extended to the people of Guam, American Samoa and the Northern Mariana Islands. It appears that nationality ("national of the United States**") status was also extended to the people of Alaska and Hawaii prior to the two being admitted to the Union, but in all cases it was a "non-constitutional" citizenship -- the Fourteenth Amendment didn't have a thing to do with it, because these were territories at the time and were not part of the "United States***" as referred to in the Constitution.

One of the important declarations in *Downes v. Bidwell* is that once the Constitution has been extended to a territory, it cannot be withdrawn. The District of Columbia, federal enclaves ceded by states of the Union for Article 1, Section 8, Clause 17 purposes, the Northwest Territory, and territories acquired from 1803 to 1898 all enjoyed the same benefit of falling under the constitutional umbrella without being part of the "United States" within the meaning of the Constitution. However, until admitted to the Union, people in the territories, as well as those in today's unincorporated insular possessions:

1. Did not elect Senators and Representatives to Congress, and
2. could not vote in presidential elections. Additionally, both incorporated territories and unincorporated possessions are or were subject to Congress' plenary power, i.e., the "municipal" authority of the United States.

An essential necessary to understand the scheme is to understand that "all legislation is geographical in nature." In other words, it applies to a territory. The Social Security Act of 1935 applied to the "geographical United States**," i.e., to territories and possessions of the United States**. It did not apply to states of the Union, and there is no special provision that extends application to federal enclaves within States of the Union. This is one of the reasons there are some code sections that conditionally include the District of Columbia where others don't.

If you would like to study the history of citizenship further, the best and most authoritative source is the Supreme Court case of *Minor v. Happersett*, 88 U.S. 162 (1874).

16.3 Constitutional Basis of federal citizenship

Here is Section 1 of the 14th Amendment that confers "national" citizenship upon persons born in the United States***:

> *Section 1. All persons born or naturalized in the United States[***], **and subject to the jurisdiction thereof**, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

Prior to the introduction of the Fourteenth Amendment after the Civil War, the U.S. Constitution only established the individual rights enumerated by the first eight Amendments to the U.S. Constitution at the *federal level*. This meant that prior to the Fourteenth Amendment, the individual rights enumerated by the first eight amendments to the U.S. Constitution were *not* guaranteed to Americans by the states of the Union and many state constitutions did not universally include all of these rights. The Fourteenth Amendment was introduced at the federal level to compel states to honor the first 8 amendments of the constitution in the case of all "citizens of the United States".[59] These "citizens of the United States" identified by both the Fourteenth Amendment and the U.S. Supreme Court are referred to as "nationals but not citizens" or simply "nationals of the United States" within federal statutes.[60] Here is how the Supreme Court of the United States described the significance of the Fourteenth Amendment in terms of its effect on federal legislative jurisdiction:

> *"**The [Fourteenth] amendment prohibited the state, of which she is a citizen, from abridging any of her privileges and immunities as a citizen of the United States, but it did not confer citizenship on her. That she had before its adoption.***
>
> *"If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the Constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is therefore presented whether all citizens are necessarily voters.*
>
> *"The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case, we need not determine what they are, but only whether suffrage is necessarily one of them.*
>
> *[. . .]*
>
> *The [Fourteenth] amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had. **No new voters were necessarily made by it. Indirectly it may have had that effect because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the states, but it operates for this purpose, if at all, through the states and the state laws, and not directly upon the citizen."***
> ***[Minor v. Happersett, 88 U.S. 162 (1874)]***

So we can see that the Fourteenth Amendment operates exclusively through the states and state law, not through federal law. It is not a source of federal legislative jurisdiction, but simply confers membership in the political community called the "United States***" by virtue of their birth in a state of the Union.

[59] See Cong. Globe, 39th Cong., 1st Sess., pt. 3, p. 2765 through 2766 (May 23, 1866).

[60] See 8 U.S.C. §1452.

Following the introduction of the Fourteenth Amendment, it became quite common for people to confuse "citizens of the United States***" under the Fourteenth Amendment and under Supreme Court rulings with "U.S. citizens" under federal statutes and "acts of Congress" such as 8 U.S.C. §1401, which are two *completely different* statuses. Because of this confusion, people in states of the Union would almost universally but mistakenly identify themselves as "U.S. citizens" under the authority of federal statutes on the many government forms they would eventually submit in the context of federal taxes. This created a "false presumption" and evidence supporting the belief that they are residents of the federal zone and feudal serfs of Congress. Through this devious obfuscation mechanism, people who were victims of such confusion became "property and franchisees of the federal government" in receipt of taxable privileges who were aliens in their own **s**tate and whose "U.S. citizen" status made them into residents and citizens of the *federal zone from a legal perspective.* Sneaky politicians would later introduce the Buck Act of 1940 following the passage of the Fourteenth Amendment in 1868 as a way to allow states to tax this franchise and states would later introduce income tax statutes of their own to cash in on these federal slaves.

Remember the U.S. Supreme Court's definition of the term "United States" in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945) which we talked about earlier in section 1 in which there were three definitions of "United States"? The key to understanding the meaning of the 14th Amendment shown above are the words "United States***", which means the collective states of the Union of states in the context of the Constitution, and "**the** jurisdiction", which means the political and NOT legislative jurisdiction of these states.

> *"**It is impossible** to construe the words 'subject to the jurisdiction thereof,' in the opening sentence [of the Fourteenth Amendment], as less comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or **to hold that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the United States[***].**'"*
> *[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

Now do you understand? Can you also understand then why your government would want you to be a federal statutory "U.S. citizen" defined in 8 U.S.C. §1401 and who lives in the federal zone from a legal perspective? They can legally make you into a slave with no rights who is completely subject to their jurisdiction! Tricky, huh? The U.S. Supreme Court confirmed these conclusions in *Downes v. Bidwell*, 182 U.S. 244 (1901), when it said in pertinent part:

> *"The 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude 'within the United States, or in any place subject to **their** jurisdiction,' is also significant as showing that there may be places within the jurisdiction of the United States that are no part of the Union. To say that the phraseology of this amendment was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible interpretation that those states were no longer a part of the Union, is to confess the very point in issue, since it involves an admission that, if these states were not a part of the Union, they were still subject to the jurisdiction of the United States.*
>
> *Upon the other hand, the 14th Amendment, upon the subject of citizenship, declares only that 'all persons born or naturalized in the United States, and subject to **the** jurisdiction thereof, are citizens of the United States, and of the state wherein they reside.' **Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place 'subject to their jurisdiction.**"*

The Social Security Program Operations Manual System (POMS) clarifies the meaning of "subject to **the** jurisdiction" found in section 1 of the Fourteenth Amendment:

> *Social Security Program Operations Manual System (POMS)*
>
> *GN 00303.100 U.S. Citizenship[…]*
>
> ***5. SUBJECT TO THE JURISDICTION OF THE U.S.***
>
> ***Individuals under the purview of the Fourteenth Amendment (which states that all individuals born in the U.S. and to whom U.S. laws apply are U.S. citizens)**. Acquisition of citizenship is not affected by the fact that the alien parents are only temporarily in the U.S. at the time of the child's birth. Under international law, children born in the U.S. to foreign sovereigns or foreign diplomatic officers listed on the State Department Diplomatic List are not subject to the jurisdiction of the U.S.*

The legal encyclopedia, American Jurisprudence, further clarifies the meaning of U.S. citizenship as follows:

> *3C American Jurisprudence 2d, Aliens and Citizens, §2689 (1999) Who is born in United States and subject to United States jurisdiction*

"A person is born subject to the jurisdiction of the United States, for purposes of acquiring citizenship at birth, if his or her birth occurs ***in territory over which the United States is sovereign****, even though another country provides all governmental services within the territory, and the territory is subsequently ceded to the other country."*

Therefore, an individual may not legally be a "U.S. citizen" or "citizen of the United States" under federal statutes or "acts of Congress" unless he or she was born on a federal **territory**, such as in Guam, the Virgin Islands, or Puerto Rico. States of the Union are *not* territories of the central government. Below is the definition of the word "territory" so you can see for yourself, right from Black's Law Dictionary, Sixth Edition, p. 1473:

*"**Territory**: A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical area under the jurisdiction of another country or sovereign power.*

A portion of the United States not within the limits of any state*, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the President."*

The major legal encyclopedia, Corpus Juris Secundum (C.J.S.), has the following enlightening things to say about the word "territory":

86 Corpus Juris Secundum, Territories

§1. Definitions, Nature, and Distinctions

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

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

"Territories" or "territory" as including "state" or "states."

While the term "territories of the" United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution, and in ordinary acts of congress "territory" does not include a foreign state.

As used in this title, the term "territories" generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."
[86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]

The U.S. Supreme Court also defined precisely what "territory" meant as follows:

*"**Various meanings are sought to be attributed to the term 'territory' in the phrase 'the United States and all territory subject to the jurisdiction thereof.' We are of opinion that it means the regional areas- of land and adjacent waters-over which the United States claims and exercises [plenary/exclusive] dominion and control as a sovereign power.** The immediate context and the purport of the entire section show that the term is used in a physical and not a metaphorical sense-that it refers to areas or districts having fixity of location and recognized boundaries. See United States v. Bevans, 3 Wheat. 336, 390.*

*"**It now is settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes the land areas under its dominion and control**, the ports, harbors, bays and other enclosed arms of the sea along its coast and a marginal belt of the sea extending from the coast line outward a marine league, or three geographic miles. Church v. Hubbart, 2 Cranch, 187, 234; The Ann, 1 Fed.Cas. No. 397, p. 926; United States v. Smiley, 27 Fed.Cas. No. 16317, p. 1132; Manchester v. Massachusetts, 139 U.S. 240, 257 , 258 S., 11 Sup.Ct. 559; Louisiana v. Mississippi, 202 U.S. 1, 52 , 26 S.Sup.Ct. 408; 1 Kent's Com. (12th Ed.) *29; 1 Moore, [262*

U.S. 100, 123] International Law Digest, 145; 1 Hyde, International Law, 141, 142, 154; Wilson, International Law (8th Ed.) 54; Westlake, International Law (2d Ed.), p. 187, et seq; Wheaton, International Law (5th Eng. Ed. [Phillipson]) p. 282; 1 Oppenheim International Law (3d Ed.) 185-189, 252. This, we hold, is the territory which the amendment designates as its field of operation; and the designation is not of a part of this territory but of 'all' of it."
[Cunard S.S. Co. v. Mellon, 262 U.S. 100, 43 S.Ct. 504 (1923)]

It is extremely important to emphasize once again the need to consider the context of the words being used in order to properly and clearly understand federal jurisdiction. The term "subject to **the** jurisdiction" as used in the Fourteenth Amendment of the Constitution has an ***entirely different meaning*** than the term "subject to **its** jurisdiction" as used in federal statutes or "acts of Congress". Below is a table that hopefully will make the distinctions clear in your mind:

Table 26: Constitution v. Federal Statute jurisdiction

Context	***Term used***	***Authority where cited***	***Where term used within authority cited***	***Jurisdiction***
Federal statute or "act of Congress"	"subject to ***its*** jurisdiction"	*Cunard S.S. Co. v. Mellon*, 262 U.S. 100 (1923)	National Prohibition Act (41 Stat. 305)	Federal zone only under Article 1, Section 8, Clause 17 of the Constitution. Refers to both legislative and political jurisdiction.
U.S. Constitution	"subject to ***the*** jurisdiction"	*U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898)	Fourteenth Amendment, section 1	The collective states of the Union. Does not include any part of the federal zone. Applies ONLY to "political jurisdiction" and excludes "legislative jurisdiction".

An interesting and important outcome of the above analysis regarding the Fourteenth Amendment is the following very reasonable conclusion:

*If you claim to be a federal "U.S. citizen" under the Internal Revenue Code and yet do not live in the federal United States**/federal zone, the only way you can be subject to the jurisdiction of the United States is to yourself be property or territory of the United States! **That's right: you are a slave**! The only thing subject to the jurisdiction of the United States is its territory, and if you aren't on federal property then YOU are federal territory!*

Persons born in the sovereign 50 Union states outside of the "federal zone" are technically not "U.S. citizens" under federal statutes, but "nationals" as defined in 8 U.S.C. §1101(a)(21) through (a)(22). As "nationals", they are classified as "nonresident aliens" within the Internal Revenue Code:

26 U.S.C. §7701 Definitions

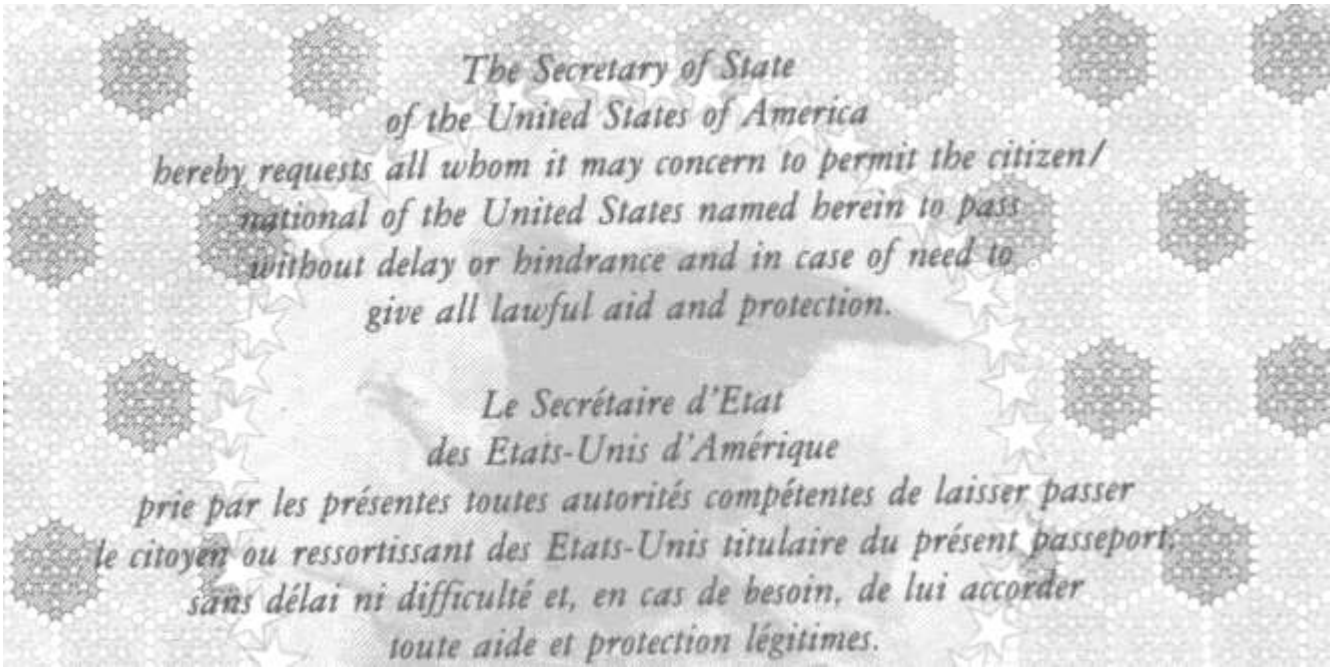
(A) Nonresident alien

An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of the [federal] United States (within the meaning of subparagraph (A)).

One of our readers took this section a step further and actually examined her passport. Below is a snapshot of what the cover of the U.S. passport says, which confirms the fact that U.S. passports recognize two classes of citizenship: "U.S. citizens" and "nationals":

Figure 4: Copy of U.S. Passport Cover

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We can now apply what we have just learned above to the federal government's definition of "U.S. citizen" found in the Internal Revenue Code and explain why they defined it the way they did. Are you a "U.S. citizen"? Here's the ***only*** definition of "citizen of the United States" found ***anywhere*** in the Internal Revenue Code (I.R.C.) or 26 CFR:

> *26 C.F.R. 31.3121(e)-1 State, United States, and citizen.*
>
> *(b)…The term 'citizen of the United States' includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.*

The answer is EMPHATICALLY NO! The above definition, you will note, also depends on the definition of "United States" or "U.S." appearing in 26 U.S.C. §7701(a)(9) and 26 U.S.C. §7701(a)(10), which means the ***federal*** United States in the context of the Internal Revenue Code. The context must always be examined to determine which of the two types of federal citizens (nationals or citizens) they are talking about. Therefore, the only thing "U.S. citizen" or "citizen of the United States" can mean in Subtitles A and C of the Internal Revenue Code is persons born in ***federal*** territories and possessions, which doesn't include most of us. Based on what we just learned, we can now understand why the conniving lawyers inhabiting the District of Columbia (Washington, D.C.) defined it the way they did! Puerto Rico, the Virgin Islands, American Samoa, and Guam are all ***federal TERRITORIES*** and territories are the only place that "U.S. citizens" as defined above can be born and reside! The District of Columbia is NOT a territory as the word is correctly defined!

The Fourteenth Amendment has two requirements in order to be a "citizen of the United States ":

1. Born in a state of the Union **AND**
2. "subject to **the** jurisdiction" of the federal government.

We must therefore think very clearly about what it means to be "subject to **the** jurisdiction" above and what context we are talking about: federal statutes versus the Constitution. You will find out later in section 4.11 that the term "subject to **the** jurisdiction" means the **political** jurisdiction, which means the ability to vote or serve on jury duty within the 50 states of the Union. If we therefore reside in the 50 Union states and outside of the federal zone, then we are technically "subject to **the** [political] jurisdiction" of the federal government under the Constitution, but at the same time, we are **not** subject to most federal statutes and regulations or to the Internal Revenue Code. The founding fathers endowed us with the ability to participate politically in voting and jury service within our country without subjecting ourselves to federal police powers or legislative jurisdiction.

How does the government rope us into the jurisdiction of federal statutes and "acts of Congress" so they can tax and pillage us? They use confusing terms and definitions on tax and voter registration and jury duty forms to get us to "volunteer" or

"elect" to be treated as though we are statutory federal "U.S. citizens" under 8 U.S.C. §1401 who are subject to federal law and who reside inside the federal zone. For instance, they scare us into filling out an IRS form 1040 that creates a false but prima facie presumption that we occupy the federal zone as a "alien".[61] In effect, they trick us by abusing language into admitting that we occupy the federal zone so they can make us into financial slaves, and it's perfectly legal because the Thirteenth Amendment prohibition against involuntary servitude doesn't apply inside the federal zone!

16.4 The voluntary nature of citizenship: Requirement for "consent" and "intent"

As we said in section 4.11, the act of becoming a citizens is a voluntary act and requires an intent and consent on your part. The government likes to rig its forms to deceive you into admitting that you are a "U.S. citizen" under federal statutes and the Internal Revenue Code, which most people aren't. Whenever you see any kind of state or federal government form that asks you whether you are a "U.S. citizen", remember that they are asking about your "intent" and asking for your "consent" to treat you as a "U.S. citizen". In doing so, what they are really asking you but can't say outright:

> *"Do you want to volunteer to give up all of your rights and become a slave to state and federal income taxes who is devoid of Constitutional rights? Do you want to be a Socialist puppet of your government?"*

If your answer is yes, you have just volunteered into slavery and servitude to the federal government, in effect. There is absolutely no advantage whatsoever to becoming a "U.S. citizen" because as we said before, your rights don't come from your *citizenship*, but from where you *live*. Even the U.S. Supreme Court says that citizenship is an *optional* and *voluntary* act:

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

Returning to the Cruikshank cite above and the meaning of the word "voluntarily" in the context of "U.S. citizen" status, look at the definition of "voluntary". Here is it:

> *"Voluntary: (Black's Law Dictionary, Sixth Edition, p. 1575) "**Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself.** Coker v. State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. **Proceeding from the free and unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without compulsion or solicitation.** The word, especially in statutes, often implies knowledge of essential facts. Without valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely nominal consideration; as, a voluntary deed."*

The implications here are profound, because the Supreme Court is implying here that we don't have to choose to be statutory "U.S.** citizens" because it is *voluntary! Voluntary citizenship and voluntary political rights are the very heart and soul of what it means to live in a free country and have liberty!* We can't be citizens by compulsion or by presumption, and must do so by *choice*. We can simply be "free inhabitants" under the Articles of Confederation instead of statutory "citizens" if that status affords us the most protections for our God-give rights and liberties. The reason why citizenship MUST be voluntary is because of what we find in the Declaration of Independence, which states:

[61] See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.1441-1(c)(3) for confirmation of the fact that the only "individuals" who are "subject" to the Internal Revenue Code are aliens and nonresident aliens.

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

The key word here is "consent". If you don't want to be a "U.S. citizen" or accept the so-called "benefits" or "privileges and immunities" of a highly litigious and corrupt and greedy socialist democracy, or submit yourself to its corrupt laws that are clearly in conflict with God's sovereign laws, then you don't have to! Consent can't be compelled and if it is, then the exercise of government power in such a case is no longer "just" as Thomas Jefferson says here, and represents "injustice".

> *"An agreement obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.* [62] *Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,* [63] *and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.* [64] *However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.* [65] *"*
> *[American Jurisprudence 2d, Duress, §21 (1999)]*

Please remember that the purpose of our court system is to effect justice, not injustice, so the courts can't enforce that which isn't consensual. The only exception to this rule is if a person does something that infringes on the *equal* rights or liberties of a bona fide, flesh and blood third party. Nonpayment of "income taxes" (which are in reality donations) does *not* accomplish this because the state/government isn't a natural or *real* person, but an artificial legal entity that actually is a corporation. The problem is, even if your choice or consent was procured by force or fraud or trickery on the part of the government or its treacherous lawyers, as it is in most cases, the judges in our corrupt federal courts are so eager to get their hands in *your* pocket that they won't give you the benefit of the doubt as their very own precedents and rulings clearly establish. Here is what the U.S. Supreme Court held about this subject:

> *"Keeping in mind the well-settled rule that **the citizen is exempt from taxation unless the same is imposed by clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those upon whom the tax is sought to be laid**."*
> *[Spreckels Sugar Refining Co. v. McClain, 192 U.S. 397 (1904)]*

> *"Waivers of constitutional rights not only must be* voluntary, *but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."*
> *[Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463 (1970)]*

Powerful stuff, folks! By the way, there are LOTS of similar quotes like the first quote above that use the word "taxpayer" instead of "citizen", but we positively refuse to use them because the word "taxpayer" is a due process trap and a government scam. Based on the above, if most judges really were "honorable" (which is why we are *supposed* to call them "your honor" but also why they seldom merit that name), they would presume we are "non-resident nationals of the United States*** of AMERICA" rather than the STATUTORY "United States**" unless and until **THE GOVERNMENT** meets the burden of proof that we chose to become privileged statutory "U.S. citizens" by an *informed and deliberate choice and consent rather than by presumption and by fraud because of our own legal ignorance when filling out government forms*. The foundation

[62] Brown v. Pierce, 74 U.S. 205, 7 Wall. 205, 19 L.Ed. 134

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

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

[65] 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.

of this is that in our system of justice, we are "innocent until proven guilty". In the commercial world, a contract becomes valid only when there is:

1. An offer: government offers to make us STATUTORY "U.S. citizens"
2. Acceptance: we accept their offer voluntarily and without duress. Being deceived constitutes duress insofar as the actions of our government are concerned.
3. Consideration: receipt of the privileges and immunities of STATUTORY "U.S. citizen" status in our case or income tax on the part of the government
4. Mutual assent by both parties: informed choice and a full understanding of the rights that are being surrendered or waived in the process of procuring the perceived benefit.

The fourth element above is ***missing*** from the "citizenship contract" we signed when we submitted our government application for voter registration, passport, or social security benefits, and therefore the "citizenship contract" ***cannot and should not*** be legally enforced by our dishonorable courts, but it is anyway in a massive conspiracy to deprive us of rights under 18 U.S.C. §241 and in violation of the spirit and intent of the "social contract" called U.S. Constitution and that of the framers who wrote it. The goal of this document is to ensure that your ***consent*** from this day forward is ***fully informed*** so that the government can no longer use your own ignorance as a weapon against you to STEAL your property. After you have read this document, if you continue to remain a STATUTORY "U.S. citizen", then you will have no one to blame but yourself for your inaction at eliminating that status and regaining your God-given rights. The choice to do NOTHING is a choice to remain a slave. As Sherry Peel Jackson, an X IRS Examination agent very powerfully said at the We The People Truth In Taxation Hearings on February 28, 2002 (http://www.bostonteaparty2.com):

> *"You can remain an informed slave, or you can leave the plantation entirely!"*

So the question is, why on earth would ***anyone*** want to "***volunteer***" to be a citizen of either their state or federal government and thereby ***volunteer*** to be subject to the legislative jurisdiction of our corrupt and covetous government? What if you don't want government "protection" as the Supreme Court describes above and want to fend for yourself or better yet have God protect you? *Remember that a compelled benefit is* ***not*** *a benefit, but* ***slavery disguised as government benevolence***! If the government abuses its power by threatening anyone who doesn't want protection [from harassment by IRS computers in the collection of taxes when they aren't paid, for instance] and thereby forces you to accept protection and to pay taxes for that protection, then government becomes nothing more than a mafia protection racket under such circumstances, who charges you for protection from its own bad deeds! This kind of arrangement is no different than Racketeer Influenced Corrupt Organizations (RICO), which is a serious crime under 18 U.S.C. §225. I certainly don't choose to "***volunteer***" to be a citizen of my federal government under such compelled circumstances and you shouldn't either.

We should ***never*** forget that God in the Bible clearly states that we should ***not*** be citizens of ***any*** state or government, because in doing so we surrender our sovereignty and the protection of God, and trade our God-given rights for taxable government "privileges" and protection, thereby becoming slaves!:

> *"Protection draws subjection."*
> *[Steven Miller]*

> *"****Stand fast therefore in the liberty*** *wherewith Christ hath made us free,* ***and be not entangled again with the yoke of bondage [to the government or the income tax]****."*
> *[Galatians 5:1, Bible, NKJV]*

> *"For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ"*
> *[Philippians 3:20]*

> *"Now, therefore, you are no longer strangers and foreigners, but* ***fellow citizens with the saints and members of the household of God****."*
> *[Ephesians 2:19, Bible, NKJV]*

> *"These all died in faith, not having received the promises, but having seen them afar off were assured of them, embraced them* ***and confessed that they were strangers and pilgrims on the earth****."*
> *[Hebrews 11:13]*

> *"Beloved, I beg you* ***as sojourners and pilgrims****, abstain from fleshly lusts which war against the soul..."*
> *[Peter 2:1]*

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16.5 Presumptions about "citizen of the United States" status

The courts often "presume" you to be a statutory federal citizen under 8 U.S.C. §1401, without even telling you that there are different classes of citizens. It is up to you dispute this.

> *"Unless the defendant can prove he is not a citizen of the United States, the IRS has the right to inquire and determine a tax liability."*
> *[U.S. v. Slater, 545 Fed.Supp. 179,182 (1982)]*

The legal encyclopedia, American Jurisprudence 2nd Edition, further helps explain the nature of the above presumption as shown below:

> *"As a general rule, it is presumed, until the contrary is shown, that every person is a citizen of the* ***country*** *[nation, meaning "national"] in which he or she resides.*[66] *Furthermore, once granted, citizenship is presumably retained unless voluntarily relinquished,*[67] *and the burden rests upon one alleging a change of citizenship and allegiance to establish that fact. Consequently, a person born in the United States is presumed to continue to be a citizen until the contrary is shown, and where it appears that a person was once a citizen of a particular foreign country, even though residing in another, the presumption is that he or she still remains a citizen of such foreign country, until the contrary appears."*
> *[3C American Jurisprudence 2d, Aliens and Citizens, §204 Presumptions concerning citizenship (1999)]*

The above quote is obviously written so that it could very easily mislead those who do not understand the separation of powers doctrine or the nature of federal jurisdiction. As we said earlier in section 1, the "United States*" is *not* a "nation", but a "federation" of independent states. Within the context of *The Law of Nations, Vattel* (see Vattel), the federal zone *in combination with* the 50 states are collectively considered a "country", but *not* a nation. Politicians and judges do frequently refer to the federal government as the "national government" to deliberately mislead people, but you would be mistaken to conclude that we are a "nation" in the legal sense.[68] When the above cite says we are "presumed" to be a "citizen" of the "country in which he or she resides", what they are saying is that we are to be presumed to be a "national" but not necessarily a statutory "citizen" under the laws of that country. The U.S.* is a country but not a nation, while both the U.S.** and the U.S.*** are both a county and a nation. Therefore, if you are residing within the US** you are presume to be a national of the U.S.** and if you are residing in the U.S.*** you are presumed to be a national of the U.S.***. The word "citizen" used independently of the name of a geographic region, simply implies "national". This confusion over definitions was not our doing, but a creation of the politicians and the courts to keep you confused and enslaved to their corrupt jurisdiction.

As we covered earlier in Resignation of Compelled Social Security Trustee, Form #06.002, having a Social Security Number (SSN) also creates a rebuttable presumption that you are a "U.S. citizen", according to the Internal Revenue Code:

> *26 C.F.R. §301.6109-1(g)*
>
> *(g) Special rules for taxpayer identifying numbers issued to foreign persons—*
>
> *(1) General rule—*
>
> *(i) Social security number.* ***A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual.*** *A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.*

The reason you can rebut this presumption is that the Social Security Administration Program Operations Manual says that both "U.S. citizens" and "U.S. nationals" can participate in the Social Security program, and because foreigners can acquire a Socialist Security Number as well using an SS-5 form.

To rebut the presumption that you are a statutory "U.S. citizen" under 8 U.S.C. §1401, simply present your SS-5 form reflecting your correct status as a "national", along with your birth certificate. You can also show them a copy of any of the

[66] Shelton v. Tiffin, 47 U.S. 163, 6 How. 163, 12 L.Ed. 387 (1848).

[67] Afroyim v. Rusk, 387 U.S. 253, 87 S.Ct. 1660, 18 L.Ed.2d. 757 (1967).

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

following documents, which we show you how to prepare so as to reflect your correct citizenship status in section 2.5.3.13 of the *Sovereignty Forms and Instructions Manual*, Form #10.005:

1. Voter registration
2. Passport application
3. Government security clearance application
4. Jury summons

Using the above evidence to rebut incorrect presumptions about your citizenship status can be useful when you are filing tax returns and when you are litigating in court and you want the judge to respect your choice of citizenship status.

WARNING!: If you have a Socialist Security Number and you don't rebut the presumption that you are a statutory "U.S. citizen" with evidence in a court proceeding, then the state and federal courts will automatically presume that you are without even telling you that they are! This can have disastrous results!

16.6 Privileges and Immunities of U.S. citizens

Statutory "U.S.** citizens" under 8 U.S.C. §1401 do not have natural rights (constitutional civil rights) granted by God but instead have statutory civil rights granted by Congress. The rights that most people believe they have are not natural rights but civil rights which are actually franchise privileges granted by Congress to only statutory "citizens of the United States**" under 8 U.S.C. §1401. Some of these statutory civil rights parallel the protection of the Bill of Rights (the first 10 Amendments to the Constitution), but by researching the Civil Rights Act along with case law decisions involving those rights, it can be shown that these so-called civil rights do not include the Ninth or Tenth Amendments and have only limited application with regard to Amendments One through Eight.

If you accept any benefit from the federal government or you claim any statutory civil right, you are making an "adhesion contract" with the federal government. You may not be aware of any adhesion contracts but the courts are. The other aspect of such a contract is that you will obey every statute that Congress passes. For example, if you want to be in receipt of the "privilege" of becoming a commissioned officer in the U.S. military, 10 U.S.C. §532(a)(1) requires that you must be a statutory "citizen of the United States**". That same statute in paragraph (3) requires that officers must be "of good moral character". Does *supreme ignorance* fit the description of "good moral character"? No one other than either an idiot or a liar would claim to be a statutory "citizen of the United States**" if they were born in a Union state outside of the federal zone and domiciled there, based on the content of this section. Does that meet the definition of "good moral character?" We think not! We must also conclude that there are an awful lot of officers in the U.S. military who don't belong there, because the vast majority of them no doubt had to be born inside the Union states instead of inside the federal zone. Wouldn't this make a GREAT subject for a lawsuit: getting most of the officers in the military kicked out of the military because they are not, in fact, "U.S. citizens"? Can you see just how insidious this "privilege-induced slavery" is that our government uses to trap us into their corrupt jurisdiction? The most distressing part is that it's all based on fraud and *lies*, and the government in this case loves being lied to and won't question the lies, because willfully acquiescing to lies is the *only* way they can *manufacture* "taxpayers" and idiots they can govern and have jurisdiction over!

Privileged "U.S. citizens" under 8 U.S.C. §1401 are presumed to be operating in the jurisdiction of private commercial law because that is the jurisdiction of their creator -- Congress. This is evidenced by the existence of various contracts and the use of negotiable instruments. All are products of international law or commercial law [Uniform Commercial Code]. Under Common Law your intent is important; in a court of equity and contract (commercial law) the only thing that matters is that you live up to the letter of the contract. Because you have adhesion contracts with Congress, you cannot use the Constitution or Bill of Rights as a defense because it is irrelevant to the contract. As stated previously, the contract says you will obey every Act of Congress. A federal "U.S. citizen" under 8 U.S.C. §1401 does *not* have access to Common Law. If you doubt this, appoint a counsel of your choice and under contract who is not licensed by the socialist state to practice law to represent you in court. Go in front of the federal court and when they ask for his state bar number, tell them the counsel isn't licensed and doesn't need to be licensed. If they try to dismiss your counsel for not being licensed, cite Article 1, Section 10 of the Constitution says

> ***U.S. Constitution, Article 1, Section 10***
>
> *"**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**."*

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By removing your counsel, they have effected a Bill of Attainder by penalizing you without a law or even a trial related to attorney licensing for exercising your right to contract. They have in effect created a Title of Nobility for all those who are licensed to practice law in the state. They have also penalized you in effect for exercising your right of free speech in the process of removing the person you chose to be your ***spokesperson***, who is then prevented from representing you. They have done this in furtherance of the private lawyer's labor union called the American Bar Association (ABA).

Section 1 of the Fourteenth Amendment says that "citizens of the United States", which we will show later are actually "nationals" or "nationals of the United States***" under 8 U.S.C. §1101(a)(21), have special "privileges and immunities" above and beyond those of purely state Citizens, but what exactly are they? The annotated Fourteenth Amendment answers this question. Below is an excerpt from the annotated Fourteenth Amendment on the "privileges and immunities" of U.S. citizens:

> *SECTION 1. RIGHTS GUARANTEED: PRIVILEGES AND IMMUNITIES*
>
> *Unique among constitutional provisions, the privileges and immunities clause of the Fourteenth Amendment enjoys the distinction of having been rendered a "practical nullity" by a single decision of the Supreme Court issued within five years after its ratification. In the Slaughter-House Cases, 15 a bare majority of the Court frustrated the aims of the most aggressive sponsors of this clause, to whom was attributed an intention to centralize "in the hands of the Federal Government large powers hitherto exercised by the States" with a view to enabling business to develop unimpeded by state interference. This expansive alteration of the federal system was to have been achieved by converting the rights of the citizens of each State as of the date of the adoption of the Fourteenth Amendment into privileges and immunities of United States citizenship and thereafter perpetuating this newly defined status quo through judicial condemnation of any state law challenged as "abridging" any one of the latter privileges. To have fostered such intentions, the Court declared, would have been "to transfer the security and protection of all the civil rights . . . to the Federal Government, . . . to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States," and to "constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment. . . . [The effect of] so great a departure from the structure and spirit of our institutions . . . is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character. . . . We are convinced that no such results were intended by the Congress . . . , nor by the legislatures . . . which ratified" this amendment, and that the sole "pervading purpose" of this and the other War Amendments was "the freedom of the slave race."*
>
> *Conformably to these conclusions, the Court advised the New Orleans butchers that the Louisiana statute, conferring on a single corporation a monopoly of the business of slaughtering cattle, abrogated no rights possessed by them as United States citizens; insofar as that law interfered with their claimed privilege of pursuing the lawful calling of butchering animals, the privilege thus terminated was merely one of "those which belonged to the citizens of the States as such." Privileges and immunities of state citizenship had been "left to the state governments for security and protection" and had not been placed by this clause "under the special care of the Federal Government." The only privileges which the Fourteenth Amendment protected against state encroachment were declared to be those "which owe their existence to the Federal Government, its National character, its Constitution, or its laws." 16 These privileges, however, had been available to United States citizens and protected from state interference by operation of federal supremacy even prior to the adoption of the Fourteenth Amendment. The Slaughter-House Cases, therefore, reduced the privileges and immunities clause to a superfluous reiteration of a prohibition already operative against the states.*
>
> *Although the Court has expressed a reluctance to attempt a definitive enumeration of those privileges and immunities of United States citizens which are protected against state encroachment, it nevertheless felt obliged in the Slaughter-House Cases "to suggest some which owe their existence to the Federal Government, its National character, its Constitution, or its laws." 17 Among those which it then identified were the right of access to the seat of Government and to the seaports, subtreasuries, land officers, and courts of justice in the several States, the right to demand protection of the Federal Government on the high seas or abroad, the right of assembly, the privilege of habeas corpus, the right to use the navigable waters of the United States, and rights secured by treaty. In Twining v. New Jersey, 18 the Court recognized "among the rights and privileges" of national citizenship the right to pass freely from State to State, 19 the right to petition Congress for a redress of grievances, 20 the right to vote for national officers, 21 the right to enter public lands, 22 the right to be protected against violence while in the lawful custody of a United States marshal, 23 and the right to inform the United States authorities of violation of its laws. 24 Earlier, in a decision not mentioned in Twining, the Court had also acknowledged that the carrying on of interstate commerce is "a right which every citizen of the United States is entitled to exercise." 25*
>
> *In modern times, the Court has continued the minor role accorded to the clause, only occasionally manifesting a disposition to enlarge the restraint which it imposes upon state action. Colgate v. Harvey, 26 which was overruled five years later, 27 represented the first attempt by the Court since adoption of the Fourteenth Amendment to convert the privileges and immunities clause into a source of protection of other than those "interests growing out of the relationship between the citizen and the national government." Here, the Court declared that the right*

of a citizen resident in one State to contract in another, to transact any lawful business, or to make a loan of money, in any State other than that in which the citizen resides was a privilege of national citizenship which was abridged by a state income tax law excluding from taxable income interest received on money loaned within the State. In Hague v. CIO, 28 two and perhaps three justices thought that freedom to use municipal streets and parks for the dissemination of information concerning provisions of a federal statute and to assemble peacefully therein for discussion of the advantages and opportunities offered by such act was a privilege and immunity of a United States citizen, and in Edwards v. California 29 four Justices were prepared to rely on the clause. 30 In Oyama v. California, 31 in a single sentence the Court agreed with the contention of a native-born youth that a state Alien Land Law, applied to work a forfeiture of property purchased in his name with funds advanced by his parent, a Japanese alien ineligible for citizenship and precluded from owning land, deprived him "of his privileges as an American citizen." The right to acquire and retain property had previously not been set forth in any of the enumerations as one of the privileges protected against state abridgment, although a federal statute enacted prior to the proposal and ratification of the Fourteenth Amendment did confer on all citizens the same rights to purchase and hold real property as white citizens enjoyed. 32

[Extracted from Findlaw website at: http://caselaw.lp.findlaw.com/data/constitution/amendment14/02.html - 1]

It is important to realize that the status of "citizen of the United States" under Section 1 of the Fourteenth Amendment makes state citizenship "derivative and dependent" upon federal citizenship.

"Thus, the dual character of our citizenship is made plainly apparent. That is to say, ***a citizen of the United States is ipso facto and at the same time a citizen of the state in which he resides. And while the Fourteenth Amendment does not create a national citizenship, it has the effect of making that citizenship 'paramount and dominant' instead of 'derivative and dependent' upon state citizenship.*** *3 'In reviewing the subject,' Chief Justice White said, in the Selective Draft Law Cases, 245 U.S. 366, 377 , 388 S., 389, 38 S.Ct. 159, 165, L.R.A. 1918C, 361, Ann.Cas. 1918B, 856: 'We have hitherto considered it as it has been argued from the point of view of the Constitution as it stood prior to the adoption of the Fourteenth Amendment. But to avoid all misapprehension we briefly direct attention to that (the fourteenth) amendment for the purpose of pointing out, as has been frequently done in the past, how completely it broadened the national scope of the government under the Constitution by causing citizenship of the United States to be paramount and dominant instead of being subordinate [296 U.S. 404, 428] and derivative, and therefore operating as it does upon all the powers conferred by the Constitution leaves no possible support for the contentions made if their want of merit was otherwise not to clearly made manifest.' "*
[Colgate v. Harvey, 296 U.S. 404 (1935)]

Five years later, in Madden v. Commonwealth of Kentucky, 309 U.S. 83 (1940), the Supreme Court contradicted itself by overruling Colgate v. Harvey in its majority opinion, but the above does help you to understand how the courts think about statutory "nationals". The court also ruled in Madden that the main goal of the Fourteenth Amendment was to protect Negro slaves in their freedom, and was therefore not intended to apply to the rest of the predominantly white population.

"This Court declared in the Slaughter-House Cases15 that the Fourteenth Amendment as well as the Thirteenth and Fifteenth were adopted to protect the negroes in their freedom. This almost contemporaneous interpretation extended the benefits of the privileges and immunities clause to other rights which are inherent in national citizenship but denied it to those which spring from [309 U.S. 83, 92] state citizenship."
[Madden v. Commonwealth of Kentucky, 309 U.S. 83 (1940)]

16.7 Definitions of federal citizenship terms

We'd like to clarify one more *very important point* about the meaning of the term "citizen of the United States" based on the definition of "naturalization" offered earlier. Because "naturalization" is defined statutorily in 8 U.S.C. §1101(a)(23) as the process of conferring "**nationality**" rather than "federal U.S. citizen" status, then some people believe that the "citizen of the United States" that section 1 of the Fourteenth is referring to must *actually* be that of a "national" rather than "U.S. citizen". We agree wholeheartedly with this conclusion, and you will learn many additional reasons why this is the case.

There is additional evidence found earlier in section 1 which corroborates the view that a "citizen of the United States" mentioned repeatedly by the Supreme Court is actually a "national" as defined in 8 U.S.C. §1101(a)(21). In that section, we quoted the Black's Law Dictionary Fourth Edition definition of "National Government" as well as the Supreme Court case of *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) to conclusively show that the "United States" is not a "nation", but a "federation" of sovereign states. Now if the "United States" is defined as a "federation" and *not* a "nation", then what exactly does it mean to say that a person is a "national"? What "nation" are they a "citizen" of under such a circumstance if it isn't the "United States"? Well, 8 U.S.C. §1101(a)(21) answers this question authoritatively:

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.
Sec. 1101. - Definitions

*(a)(21) The term "national" means a person owing permanent allegiance to **a state**.*

It's important to realize that federal statutes and most "acts of Congress" are simply municipal legislation that only have force and effect over the federal zone in most cases. The term "state" in the context of federal statutes, since it is not capitalized, means a foreign state, which can either be a foreign country or a state of the Union. So it is therefore reasonable to conclude that a "national" can *only* mean a person born in a state of the Union or a foreign country to parents who were also "nationals" and who owes allegiance to the federation of states called the "United States".

If you were born in a state of the Union, you are a "national" but not a "citizen" under 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452, and this is so because of section 1 of the Fourteenth Amendment and state law, and not because of any federal statute. The courts of your state, in fact, have the authority under the Law of Nations to declare your "citizen of the United States" status under the Fourteenth Amendment based on your birth certificate. Remember always that Congress wears *two* hats:

1. The equivalent of a state government over the federal zone.
2. An independent contractor for the states of the union that handles ***external*** affairs for the entire country only.

The laws that Congress writes pertain to *one* of these two political jurisdictions, and it is often difficult to tell which of these two that a specific federal law applies to. The only thing that federal statutes pertain to in most cases are statutory *federal* "U.S. citizens" or "citizens and nationals of the United States" as defined under 8 U.S.C. §1401, which are people who are born anywhere in the country but domiciled on federal property that is within the federal zone, because Congress is the municipal "city hall" for the federal zone. The "States" they legislate for in this capacity are *federal* "States", which are in fact territories and possessions of the United States such as Guam and Puerto Rico. Federal statutes and the U.S. Codes do *not* and *cannot* address what happens to people who are born in a state of the Union because Congress has no police power or legislative jurisdiction over states of the Union for the vast majority of subject matters. All legislation and statutes of the states, including the power of taxation of internal commerce, are "plenary" and exclusive within their own respective territorial jurisdictions. Therefore, don't go looking for a federal statute that confers citizenship upon you as someone who was born in a state of the Union, because there isn't one! No government is authorized to write legislation that operates *outside* its territory, which is called "extraterritorial legislation".

> *"The Constitution of the United States [before the Fourteenth Amendment] does not declare who are and who are not its citizens, nor does it attempt to describe the constituent elements of citizenship; it leaves that quality where it found it, resting upon the fact of home birth and upon the laws of the several states."*
> *[8 U.S.C. §1401, Notes]*

A "citizen" in the context of most federal statutes is someone who is either born or naturalized in federal territory within the *federal* "United States" (federal zone). A "national", however, is someone who was born anywhere within the *country* called the "United States". A "citizen" in state statutes and regulations usually refers to someone who is a *state* citizen, and not necessarily a *federal* citizen. These points are *very important* to remember as you read through this book.

So how do we conclusively relate what a "citizen of the United States" is under the Fourteenth Amendment to a specific citizenship status found in federal statutes? We have to look at Title 8, Aliens and Nationality and compare the terms they use to describe each and reach our own conclusions, because the government gives us absolutely no help doing this. Does it surprise you that the Master doesn't want to educate the slaves how to take off their chains by eliminating their captivity to "words of art"? Title 8 of the U.S. Code does not even define "U.S. citizen" and only defines the term "citizens and nationals of the United States" in 8 U.S.C. §1401 or "nationals but not citizens of the United States *at birth*" in 8 U.S.C. §1408. Upon trying to resolve the distinctions between these two terms and how they relate to the term "citizen of the United States" used in section 1 of the Fourteenth Amendment, we searched diligently for authorities and found no authority or cite in federal statutes that makes the term "citizens and nationals of the United States" used in 8 U.S.C. §1401 equivalent to the term "citizen of the United States" used in section 1 of the Fourteenth Amendment or the term "citizen" used in the 26 C.F.R. §1.1-1.

Both the IRC in Subtitle A of Title 26 and Title 8 of the U.S.C. use equivalent definitions for "United States" (see 26 U.S.C. §7701(a)(9) and (a)(10), 8 U.S.C. §1101(a)(38), and 8 C.F.R. §215.1(f)), and all three mean the federal zone only. The "citizen" appearing in 26 C.F.R. §1.1-1, is a *federal* "U.S. citizen" *only*, which is defined in 26 C.F.R. §31.3121(e)-1 as a person born in Puerto Rico, Virgin Islands, Guam, or American Samoa, which are all territories or possessions of the United States. The "citizens and nationals of the United States" appearing in the 8 U.S.C. §1401 are the same *federal* "U.S.** citizens" as that appearing in Title 26 and are equivalent. If you are a "national" or "state national" born in a state of the Union, you should never admit to being a "U.S. citizen" or a "citizen of the United States" under federal statutes or the

Internal Revenue Code because people born in states of the Union are the equivalent of a "National" under federal statutes or "citizens of the United States" under the Fourteenth Amendment.

We believe the confusion the government has created by mixing up the meanings of "citizenship" and "nationality" in federal statutes and cases construing them is deliberate, and is meant to help induce ignorant Americans everywhere into falsely claiming they are "U.S. citizens" on their tax returns and voter registration, which is defined as an entirely ***different*** type of citizenship under Title 26 than the one referred to in either the Fourteenth Amendment as "citizens of the United States" or the cases construing it that we mention in this section. We will now summarize our findings and research in graphical form to make the definitions and distinctions we have just made crystal clear:

Table 27: Summary of findings on meaning of citizenship

Term	*U.S. Supreme Court*	*Title 8: Aliens and Nationality*	*Title 26: Internal Revenue Code*
"U.S. national"	Not defined	Defined in 8 U.S.C. §1102(a)(22) and 8 U.S.C. §1408.	Not defined in Title 26 but is equivalent to "nonresident alien" as defined in 26 U.S.C. §7701(b)(1)(B).
"national"	Not defined	Defined in 8 U.S.C. §1102(a)(22) and 8 U.S.C. §1101(a)(21).	Not defined in Title 26 but is equivalent to "nonresident alien" as defined in 26 U.S.C. §7701(b)(1)(B).
"citizen"	Not explicitly defined by the Supreme Court.	Not defined in Title 8.	Defined in 26 C.F.R. §1.1-1(c).
"citizen of the United States***"	Means a "national" under 8 U.S.C. §1101(a)(21) but *not* a statutory "U.S. citizen" in the Internal Revenue Code, which is defined in 26 U.S.C. §3121(e) See: 1. Slaughter-House Cases, 83 U.S. 36 (1873) 2. U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)	Not defined separately in Title 8. 8 U.S.C. §1401 defines "nationals and citizens of the United States** at birth" but this type of citizen is a *federal zone* citizen *ONLY*. This is because federal statutes only apply to federal territory. This is NOT the same as a "citizen of the United States" defined by the Supreme Court.	Not defined in Title 26.
"nationals and citizens of the United States at birth"	Not explicitly defined by the Supreme Court.	Defined in 8 U.S.C. §1401. NOT the same as Section 1 of Fourteenth Amendment.	Not defined in Title 26.

Based on the above, there is no legal basis to conclude that a "citizen of the United States**" under the tax code at 26 C.F.R. §31.3121(e)-1 and a "citizen of the United States***" as used by the Supreme Court or the Fourteenth Amendment, are equivalent because nowhere in the law are they made equivalent, and each depends on a *different* definition of "United States". However, if you read through court cases on citizenship, you will find that the federal courts like to create a false "presumption" that they are equivalent in order to help expand federal jurisdiction. If you want to understand the meanings of the terms provided above, you will therefore have to read through all of the authorities cited above and convince yourself of the validity of the table.

If you look closely at 26 C.F.R. §1.1-1(c) where income taxes are "imposed", you will find that it does *not* use or define "U.S. citizen" but does refer to "citizens". Remember that under 26 U.S.C. §7806(b), the title of a section or subsection in the Internal Revenue Code has no legal significance. Since that regulation implements 26 U.S.C. §1, which imposes the tax on "individuals", one can "presume" but not conclusively prove that the regulation is describing what a "U.S. citizen" is under 8 U.S.C. §1401. Keep in mind, however, that the term "citizen" refers to the *federal* United States** in the Internal Revenue Code because of the definition it depends on in 26 U.S.C. §7701(a)(9) and (a)(10). Nowhere in Titles 8 or 26, however, are the terms "U.S. citizen" and "citizen of the United States" ever correlated or identified as being equivalent, but we must conclude that they are the same because the definition of "United States" found in 26 U.S.C. §7701(a)(9) and 8 U.S.C. §1101(a)(38) are equivalent and include only the District of Columbia and the territories and possessions of the United States.

16.8 Further Study

If you want to know who the Social Security Administration thinks is a "U.S. citizen", refer to the link below, which is a section from the SSA's Program Operation Manual System (POMS). Note that all the references in the POMS manual we are about to cite below use the term "State" and "United States" as meaning *federal* States and the *federal* United States** only. The link below from POMS is entitled "Who is a U.S. citizen":

http://policy.ssa.gov/poms.nsf/lnx/0200303120 - A

Another useful link in the SSA's POMS manual is the section entitled "Developing Evidence of U.S. citizenship":

http://policy.ssa.gov/poms.nsf/lnx/0300204015

And finally, another useful section from the POMS manual on the SSA website is entitled "GN 00303.300 Establishing U.S. Citizenship for All SSA Programs" at:

http://policy.ssa.gov/poms.nsf/36f3b2ee954f0075852568c100630558/9dfd4c7264a3070f85256a4e004e2c7d?OpenDocument

In conclusion, we need not be afraid because we are not legally obligated to be federal statutory citizens or "U.S.** citizens" and can choose to be a constitutional "citizen of the United States***" (or natural born Sovereign). State **C**itizens are also called "non-residents" in federal statutes. Our right of choosing our statutory federal citizenship is absolute and cannot be abridged. One can become a "national of the United States***" (a state only citizen) without being a statutory "citizen of the United States**" (a federal statutory citizen). That is why we repeatedly advise expatriating from federal United States** citizenship in section 2.5.3.13 of the *Sovereignty Forms and Instructions Manual*, Form #10.005.

WARNING: The feds apparently are so sure that you will be angry and violent after finding out the devious scam they played with "U.S. citizenship" that they made it illegal to be a gun dealer if you were once a U.S. citizen and renounced your statutory "U.S. citizen" status under 8 U.S.C. §1401 to become a "national" under 8 U.S.C. §1101(a)(21)! Take a look at 18 U.S.C. §922(g)(7) to see for yourself at:

http://www4.law.cornell.edu/uscode/18/922.html

Note that because Constitutional rights only apply in the sovereign 50 Union states, this statute can only apply inside the federal zone.

17. REBUTTED FALSE ARGUMENTS OF THOSE WHO DISAGREE WITH THIS PAMPHLET

A few people have disagreed with our position on the 'national" and "state national" citizenship status of persons born in states of the Union. These people have sent us what at first glance might "appear" to be contradictory information from websites maintained by the federal government. We thank them for taking the time to do so and we will devote this section to rebutting all of their incorrect views.

17.1 Legal Profession contradictions

Larry Becraft, a famous patriot attorney, sent out the following email to his many followers relating to citizenship which we would like to respond to that at first might appear to contradict this pamphlet but in fact does not:

> *Time: Mon, 27 May 2013 10:42:19 -0500*
>
> *From: Lowell Becraft <becraft@hiwaay.net>*
>
> *Subject: The erroneous "national" argument*
>
> *I know that the argument about "national" is circulating around, but it is wrong. To address this error, I posted the following at the Truth Attack website:*
>
> *http://www.truth-attack.com/jml/index.php/law-library/jurisdiction**
>
> ***"NATIONALS"***
>
> *In Piqua Bank v. Knoup, 6 Ohio.St. 342, 393 (Ohio 1856), that court defined a national government and contrasted it with a federal government:*
>
> > *"A national government is a government of the people of a single state or nation, united as a community by what is termed the 'social compact,' and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact."*
>
> *Black's Law Dictionary quotes this case in its definition of national government. The Government of the United States is a federal government.*
>
> *But while many may understand this difference between national and federal government, even fewer understand, in reference to human beings, who is a "national" of the United States. This short memo constitutes an introduction to this topic.*

In the late 1800s, the United States was beginning to assert power over islands not contiguous to this country. Then, Hawaii was conquered and made a territory. With time, the same thing happened with the Virgin Islands, the Philippines, Puerto Rico, Swain's Island, Guam, the Northern Marianas, and similar places. Congress began referring to citizens of those islands as persons owing a duty of allegiance to the United States or obedience to its laws; see 28 Stat. 64 (http://www.truth-attack.com/jml/images/stats/28Stat64.pdf;, 32 Stat. 694 (http://www.truth-attack.com/jml/images/stats/32Stat694.pdf).

Eventually in the first few decades of the 20th century, a name for these people was developed: a national. Examples of this name for these persons can be easily seen from a variety of pages appearing in the U.S. Statutes at Large:

28 Stat. 53 http://www.truth-attack.com/jml/images/stats/28Stat53.pdf ;
36 Stat. 328 http://www.truth-attack.com/jml/images/stats/36Stat328.pdf;
37 Stat. 499 http://www.truth-attack.com/jml/images/stats/37Stat499.pdf;
38 Stat. 692 http://www.truth-attack.com/jml/images/stats/38Stat692.pdf;
38 Stat. 818 http://www.truth-attack.com/jml/images/stats/38Stat818.pdf;
42 Stat. 106 http://www.truth-attack.com/jml/images/stats/42Stat106.pdf;
47 Stat. 142 http://www.truth-attack.com/jml/images/stats/47Stat142.pdf;
48 Stat. 454 http://www.truth-attack.com/jml/images/stats/48Stat454.pdf;
48 Stat. 456 http://www.truth-attack.com/jml/images/stats/48Stat456.pdf;
54 Stat. 4 http://www.truth-attack.com/jml/images/stats/54Stat4.pdf;
57 Stat. 308 http://www.truth-attack.com/jml/images/stats/57Stat308.pdf;
58 Stat. 101 http://www.truth-attack.com/jml/images/stats/58Stat101.pdf;
87 Stat. 397 http://www.truth-attack.com/jml/images/stats/87Stat397.pdf;
87 Stat. 635 http://www.truth-attack.com/jml/images/stats/87Stat635.pdf;
88 Stat. 1444 http://www.truth-attack.com/jml/images/stats/88Stat1444.pdf;
88 Stat. 2064 http://www.truth-attack.com/jml/images/stats/88Stat2064.pdf;
89 Stat. 543 http://www.truth-attack.com/jml/images/stats/89Stat543.pdf;
90 Stat. 269 http://www.truth-attack.com/jml/images/stats/90Stat269.pdf;
90 Stat. 1268 http://www.truth-attack.com/jml/images/stats/90Stat1268.pdf;
91 Stat. 1212 http://www.truth-attack.com/jml/images/stats/91Stat1212.pdf;
91 Stat. 1214 http://www.truth-attack.com/jml/images/stats/91Stat1214.pdf;
92 Stat. 72 http://www.truth-attack.com/jml/images/stats/92Stat72.pdf;
92 Stat. 1949 http://www.truth-attack.com/jml/images/stats/92Stat1949.pdf;
96 Stat. 2483 http://www.truth-attack.com/jml/images/stats/96Stat2483.pdf;
97 Stat. 661 http://www.truth-attack.com/jml/images/stats/97Stat661.pdf;
98 Stat. 2302 http://www.truth-attack.com/jml/images/stats/98Stat2302.pdf;
99 Stat. 624 http://www.truth-attack.com/jml/images/stats/99Stat624.pdf;
100 Stat. 1480 http://www.truth-attack.com/jml/images/stats/100Stat1480.pdf;
116 Stat. 2874 http://www.truth-attack.com/jml/images/stats/116Stat2874.pdf;
117 Stat. 2801 http://www.truth-attack.com/jml/images/stats/117Stat2801.pdf;
117 Stat. 2802 http://www.truth-attack.com/jml/images/stats/117Stat2802.pdf;
120 Stat. 80 http://www.truth-attack.com/jml/images/stats/120Stat80.pdf;
121 Stat. 1743 http://www.truth-attack.com/jml/images/stats/121Stat1743.pdf;
123 Stat. 53 http://www.truth-attack.com/jml/images/stats/123Stat53.pdf;

Inherently, "national" means a citizen of the insular possessions. One definition of this word appears in 24 C.F.R. §5.504 http://edocket.access.gpo.gov/cfr_2010/aprqtr/pdf/24cfr5.504.pdf;, which states: "National means a person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession." In § 871-24.60 (96) of the Iowa Administrative Code,

> *"A national is defined as a person who lives in mandates or trust territories administered by the United States and owes permanent allegiance to the United States. An alien is a person owing allegiance to another country or government."*

In Washington Administrative Code § 388-424-0001, this word is defined as

> *"a person who owes permanent allegiance to the U.S. and may enter and work in the U.S. without restriction. The following are the only persons classified as U.S. nationals:*
>
> *(1) Persons born in American Samoa or Swain's Island after December 24, 1952; and*
> *(2) Residents of the Northern Mariana Islands who did not elect to become U.S. citizens."*

Often, Congress uses in legislation the phrase "citizen or national of the United States". When this word appears in this context without definition, it means a citizen of the insular possessions. But just as often when a federal law encompasses a citizen or national, that act may provide a specific definition. Such act may define a U.S. Person, or Citizen, as being a "citizen or national", and in this event, the defined word encompasses a citizen or national.

It is important for students of the law to "data-mine" the U.S. Statutes at Large, which are posted here http://www.truth-attack.com/jml/index.php/law-library/primary-sources-of-law.

*Please download all of these word searchable volumes and start studying. **

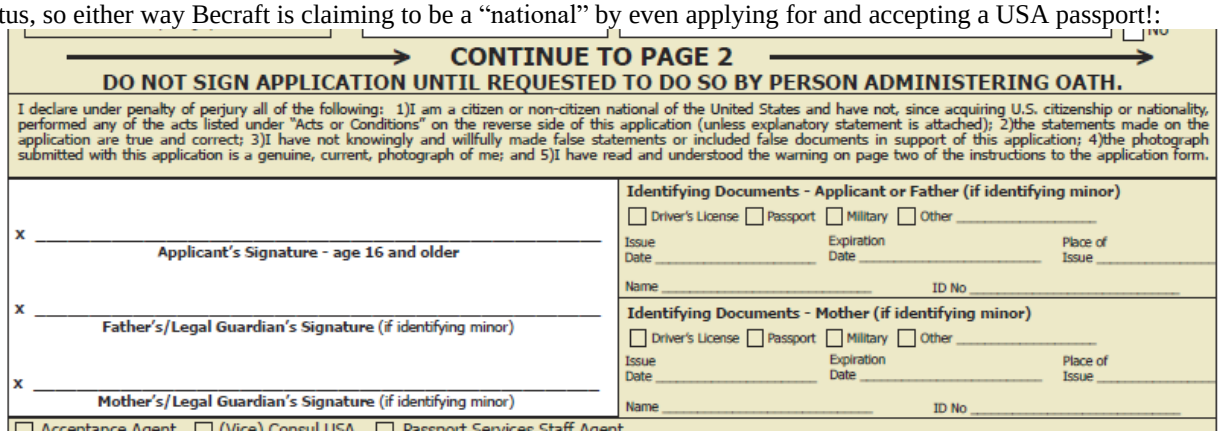
Our position on the above statement by Mr. Becraft is this:

1. He doesn't seem to properly recognize the TWO contexts for citizenship: STATUTORY and CONSTITUTIONAL. These contexts are mutually exclusive and non-overlapping. He only refers to STATUTORY civil context, which in the case of the national government is federal territory only and excludes states of the Union.
2. Becraft doesn't even discuss the statutory definition of "national" found in 8 U.S.C. §1101(a)(21), and if he did, he would have to conclude that the term can in fact describe ANYONE in the WORLD! Everything beyond the point of that omission operates upon a false premise.

> *8 U.S.C. §1101: Definitions*
>
> *(a)(21) The term "national" means a person owing permanent allegiance to a state.*

People born in states of the Union and domiciled there are simply "nationals", which are defined in 8 U.S.C. §1101(a)(21) and "nationals of the United States*" per 8 U.S.C. §1101(a)(22). A "national" is legally defined as anyone having allegiance to a "state", which "state" is a state of the Union and a legislatively but not constitutionally "foreign state" because it is in lower case. "state" may also refer to the state formed by the Union of states under the United States Constitution.

3. Even the penalty of perjury statement at the end of the USA Passport Application, Department of State Form DS-11 recognizes that ALL applicants for American Passports MUST be either "citizens of the United States" or "non-citizen nationals of the United States". Chances are that Becraft himself applied for and retains such a passport and yet he contradicts his own testimony under penalty of perjury on the Department of State Form DS-11 by claiming that he is NOT a "national". Note that the statutory definition of "citizen" found in 8 U.S.C. §1401 ALSO includes "national" status, so either way Becraft is claiming to be a "national" by even applying for and accepting a USA passport!:



CONTINUE TO PAGE 2

DO NOT SIGN APPLICATION UNTIL REQUESTED TO DO SO BY PERSON ADMINISTERING OATH.

I declare under penalty of perjury all of the following: 1)I am a citizen or non-citizen national of the United States and have not, since acquiring U.S. citizenship or nationality, performed any of the acts listed under "Acts or Conditions" on the reverse side of this application (unless explanatory statement is attached); 2)the statements made on the application are true and correct; 3)I have not knowingly and willfully made false statements or included false documents in support of this application; 4)the photograph submitted with this application is a genuine, current, photograph of me; and 5)I have read and understood the warning on page two of the instructions to the application form.

x _____
Applicant's Signature - age 16 and older

x _____
Father's/Legal Guardian's Signature (if identifying minor)

x _____
Mother's/Legal Guardian's Signature (if identifying minor)

Identifying Documents - Applicant or Father (if identifying minor)

☐ Driver's License ☐ Passport ☐ Military ☐ Other _____

Issue Date _____ Expiration Date _____ Place of Issue _____

Name _____ ID No _____

Identifying Documents - Mother (if identifying minor)

☐ Driver's License ☐ Passport ☐ Military ☐ Other _____

Issue Date _____ Expiration Date _____ Place of Issue _____

Name _____ ID No _____

☐ Acceptance Agent ☐ (Vice) Consul USA ☐ Passport Services Staff Agent

Becraft has only two choices in responding to this supreme contradiction that HE creates in the mind of readers:

3.1. Admit that he committed perjury on his passport application by calling himself a statutory "national" or "citizen" of the United States. This could land him in jail for up to TEN years per 18 U.S.C. §1542. OR

3.2. Admit that the terms on the Department of State Form DS-11:

3.2.1. Are POLITICAL/CONSTITUTIONAL and not STATUTORY in nature, in which case the STATUTORY or REGULATORY definitions do not apply. STATUTORY/regulatory definitions do not apply to the CONSTITUTIONAL context in most cases and are limited to federal territory.

3.2.2. Are being MISREPRESENTED by him as ALSO applying to the STATUTORY context. The STATUTORY and CONSTITUTIONAL contexts are mutually exclusive because of the separation of powers doctrine.

Which is it, Mr. Becraft? We allege that the "citizen of the United States" in the above Department of State Form DS-11 is a POLITICAL/CONSTITUTIONAL term and NOT a STATUTORY term, but that it is being FRAUDULENTLY treated as EQUIVALENT to the STATUTORY context by a corrupted government to usurp jurisdiction they in fact do not have. How to YOU explain this away, Mr. Becraft? Or is it above one's pride to admit that they might be incorrect on this issue or worst yet, don't know enough to talk intelligently about it?

4. Becraft doesn't understand the interaction of domicile with one's STATUTORY civil status. We discussed that interaction ad nauseum earlier in section 11 et seq. You cannot have a civil status under the civil laws of a specific

jurisdiction WITHOUT a domicile within that jurisdiction. This fact is recognized in Federal Rule of Civil Procedure 17(b). Hence, people domiciled outside of federal territory cannot have ANY civil status under federal law over which Congress has any civil jurisdiction, because they are in a legislatively but not constitutionally "foreign" jurisdiction. Only through the operation of the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97 and the Longarm Statutes of a specific state can such a civil status be acquired, and it must be CONSENSUALLY acquired through the operation of PURPOSEFUL AVAILMENT.

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

This subject is further discussed ad nauseum at:

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

5. We agree with Becraft that:
   5.1. People domiciled in states of the Union are NOT STATUTORY "nationals of the United States" as defined in 8 U.S.C. §§1408 and 1452 and that these people include only those in American Samoa and Swain's Island.
   5.2. It is a big mistake to claim the status of STATUTORY "citizen of the United States**" as defined in 8 U.S.C. §1101(a)(22)(A). In fact, we regard THIS status as the ONLY status that Becraft is referring to when he uses the word "national".
6. We don't advocate that people using this website claim to have ANY statutory civil status under federal law over which Congress has any civil legislative jurisdiction at all. We tell them that they cannot therefore be statutory "nationals of the United States**" or ANYTHING else under federal civil law. Rather, we tell them that they should refer to themselves with any the following statuses over which Congress enjoys NO legislative authority:
   6.1. "American nationals" but not statutory "citizens".
   6.2. "state nationals" but not statutory "citizens".
   6.3. "nationals of the United States*** of America" (states of the Union and NOT federal government).
   6.4. "nationals of the CONSTITUTIONAL and not STATUTORY "United States***" (states of the Union and NOT federal government).

   The above approach is EXACTLY the same approach that people in even the U.S. government take when describing people from other countries who are visiting here, such as "Mexican nationals".
7. People should NOT be using the word "United States" in describing any aspect of themselves because it invites a confusion of context between the CONSTITUTIONAL and the STATUTORY meanings. This is clarified at:

Developing Evidence of Citizenship and Sovereignty Course, Form #12.002 http://sedm.org/Forms/FormIndex.htm

8. People born in states of the Union and domiciled there are NOT:
   8.1. Statutory "citizens" or "residents", all of whom MUST share a domicile on federal territory in order to have any civil status whatsoever under the Internal Revenue Code, as required by Federal Rule of Civil Procedure 17.
   8.2. Statutory "nationals of the United States** at birth" or "U.S. nationals" pursuant to 8 U.S.C. §1408 or 8 U.S.C. §1452.
9. The U.S. Supreme Court has recognized that in a STATUTORY context ONLY, that the only remaining "non-citizen nationals" are those in American Samoa and Swain's Island:

> *"2. Nationality and citizenship are not entirely synonymous; **one can be a national of the United States and yet not a citizen. 8 U.S.C. §1101(a)(22). The distinction has little practical impact today, however, for the only remaining noncitizen nationals are residents of American Samoa and Swains Island.** See **T. Aleinikoff, D. Martin, & H. Motomura, Immigration: Process and Policy 974-975, n. 2 (3d ed. 1995)**. The provision that a child born abroad out of wedlock to a United States citizen mother gains her nationality has been interpreted to mean that the child gains her citizenship as well; thus, if the mother is not just a United States national, but also a United States citizen, the child is a United States citizen.* See *7 Gordon § 93.04[2][b], p. 93-42;* id., *§ 93.04[2][d][viii], p. 93-49."*
> *[Miller v. Albright, 523 U.S. 420 (1998)]*

However:

9.1. As we just said, we tell people in states of the Union that the civil statutory context of federal law has no jurisdiction over those domiciled in a state of the Union. Hence, they cannot have ANY civil statutory "status" to which any public rights or obligations can attach. This is direct result of the Separation of Powers Doctrine that forms the heart of the United States Constitution and is recognized in 40 U.S.C. §3112.

9.2. The STATUTORY context is not the ONLY context in which the term "national" can be or is used. It can also be used in either a CONSTITUTIONAL context or a COMMON LAW context. In the common law context, people in states of the Union are in fact statutory "nationals" but not statutory "citizens".

10. On occasion, we have referred to people born in states of the Union as "nationals of the United States*** **OF AMERICA**" and then CAREFULLY clarified the term "United States of America" to exclude any part of the STATUTORY "United States**" as used in Title 8 of the U.S. Code, to include ONLY states of the Union. However, to avoid this kind of confusion, it is easier just to use the same terminology as that found in 26 U.S.C. §7701(b)(1)(B) and 8 U.S.C. §1101(a)(21): "national" and to avoid any confusing uses of any of the following suffixes:
    10.1. "United States"
    10.2. "United States of America"
    10.3. "USA"
11. To avoid confusion, it's best:
    11.1. To avoid the use of the term "citizen" in describing yourself, because the STATUTORY sense of that word also implies a legal "domicile" within the legislative jurisdiction of the federal government, which is NOT true for persons domiciled in states of the Union.
    11.2. To simply refer to yourself as a "_____national", where the underline refers to the state of the Union you were born in. This will avoid all association with the federal government.
    11.3. When presented with a government form asking if you are a "U.S. citizen" should answer NO and then write next to it "Constitutional but not statutory 'citizen'". If the recipient of the form won't let you modify the form, then attach a statement redefining the words on the form so that it is consistent with what appears here.

Therefore, we agree mostly with Larry Becraft, but we don't agree that saying one is a national under 8 U.S.C. §1101(a)(21) but not a STATUTORY "U.S. citizen" under 8 U.S.C. §1401 is a mistake as long as the context is defined as constitutional and common law, and not statutory. He is well intentioned but his view reflects an incomplete understanding and an outright refusal to recognize or even define the CONTEXT for the words he uses. The reason is that he wants to aid and abet the identity theft that is facilitated by the equivocation of geographical terms that he deliberately and deceptively uses. This is typical of most lawyers, as was pointed out and proven in:

Legal Deception, Propaganda, and Fraud, Form #05.014 http://sedm.org/Forms/FormIndex.htm

Our position found in this memorandum is consistent with most of what he said above. By the way, Richard MacDonald uses the same conventions on his website and in his diverse discussions of citizenship as we use and we have never seen Larry Becraft attack Richard's approach:

http://www.state-citizen.org/

We thank Larry for caring enough to even address this topic, which is more than most attorneys do. However he only adds to the confusion by not clearly addressing the TWO contexts for legal terms, and which context applies to each and every word he or others use or misuse. It's simply PRESUMPTUOUS, injurious, and WRONG to:

1. Always interpret words people use as meaning the STATUTORY context.
2. Use only statutes to disprove their usage of the terms. This ignores and damages those such as us who use the CONSTITUTIONAL or POLITICAL context and EXCLUDE the STATUTORY context. The common law and the

law of nations creates and implies definitions and contexts for words that are completely foreign and not subject to the statutory definitions because they protect PRIVATE rights that are not and cannot be subject to the statutes.

3. PRESUME, to the great injury of those who are damaged by the presumption, that the STATUTORY and CONSTITUTIONAL context for geographical "words of art" are either equivalent interchangeable.
4. PRESUME that the term "national" as used in the title of this document or in 8 U.S.C. §1101(a)(21) includes the "national" mentioned in 8 U.S.C. §1408 and 8 U.S.C. §1452. It does NOT.

Any of the above results in criminal identity theft as extensively documented in the following:

Government Identity Theft, Form #05.046 http://sedm.org/Forms/FormIndex.htm

The term "national" as used in 8 U.S.C. §1101(a)(21) is an example of a term that has a political meaning, because it references allegiance to a legislatively FOREIGN state and has NO obligations or "privileges" under national law that attach to the status. By "national" as used in 8 U.S.C. §1101(a)(21), we believe is meant one who has "nationality" within the COUNTRY United States*. That in fact is why no privileges or rights attach to the status: Because it is a CONSTITUTIONAL right rather than a STATUTORY privilege.

> ***"Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right."***
> *[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

BECRAFT'S RESPONSE:

We sent the above to Mr. Becraft. In response, all that Mr. Becraft could do is call us "nasty" and offer supreme court cites that deliberately confuse or cloud CONSTITUTIONAL and STATUTORY contexts to make it appear as though they are equivalent.

> *As I often state, lots of people in this movement, especially the gurus, are some of the nastiest people you can ever meet, and now I conclude that this observation includes you.*
>
> *I fully understand that you have a vested interest in continuing to promote the baseless "national" argument, with which I disagree. Now you make demands to which I state that you can take a hike.*
>
> *Let me act like you: I hereby demand the following:*
>
> *1. That you contact every person that you have mislead about this argument and admit that you have been incorrect;*
>
> *2. That you tell each of them that your argument about "foreign" is contrary to decisions of the courts. See attached.*
>
> *I am now deleting all contact information for you.*
>
> *Larry*

He said he wouldn't talk with us about it and terminated communication, thus abandoning the field of rational argument and admitting that our research was correct pursuant to Federal Rule of Civil Procedure 8(b)(6). You can read the interchange and our response below. You be the judge:

Family Guardian Forums, Forum 6.1.4: Citizenship Questions, Confusion, and Disinformation http://famguardian.org/forums/index.php?showtopic=7301

Below was our response to his response:

> *Dear Larry,*
>
> *1. As most attorneys do, you have added lots of heat and absolutely no light to the most important issue of citizenship. You have presented no facts directly pertinent to a PRIVATE person not subject to federal civil law which derive from the legislatively foreign domicile of such a party as required by Federal Rule of Civil Procedure*

17(b). All civil law cited must derive from the domicile of the party, which means no federal statutory civil law can be cited for those with a foreign domicile unless the party proves there was consensual, PURPOSEFUL availment, which you have not proven. See the International Shoe case and the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. Citing foreign law against a nonresident with no "purposeful availment" is an abuse of the courts for "political purposes" in violation of the separation of powers.

2. There is no financial vested interest in the position you claim we have a vested interest in. The citizenship information provided to you for rebuttal is and always has been absolutely free. It would have to be offered for sale before there could be or is a financial interest. Hence, the statement that there is a vested interest is absolutely false and fraudulent.

3. The person with a real vested interest is you, who benefits handsomely to the tune of tens of thousands of dollars when people are confused, arguing, and have to litigate expensively to resolve the confusion. There is no financial incentive for attorneys to prevent conflict, and a big DISINCENTIVE to do so. You can't and won't act in a preemptive mode to resolve the confusion and ensuing litigation. The way to do that is to address ALL the issues raised in the Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006 pamphlet. Hence, you perpetuate and protect a very profitable (for you) source of confusion. On this subject, see:

Petition for Admission to Practice
http://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf

4. You falsely accuse us of being a "guru". A guru is someone that people trust or rely on for a specific subject matter. Yet our Member Agreement, Form #01.001 SPECIFICALLY says that our members and readers are NOT allowed to trust ANY MAN, including us, to interpret the law and will only trust their own reading of the law. See for yourself:

4.1 Member Agreement, Form #01.001, Section 3
http://sedm.org/Membership/MemberAgreement.htm

4.2 Guide to Asking Questions, Form #09.017, Section 1
http://sedm.org/Membership/GuideToAskingQuestions.htm

How is it even possible to be a "guru" without some measure of reliance on a "man" that is forbidden by our Member Agreement? What have you been smoking, or don't you even study the people and things you so presumptuously and ignorantly and foolishly criticize.

5. You state that the argument is "baseless" and yet it is supported by the 200 pages of research that neither you nor anyone else in over ten years of peer review has proven is incorrect in any particular. Even the last federal judge and U.S. attorney who received such arguments didn't disagree with them and therefore agreed. We even showed you HOW to prove it incorrect: Answer the questions at the end (section 20) without contradicting yourself, the rules of statutory construction, or the statutes. You can't. The only person with a baseless argument is one without evidence, and you haven't presented the evidence (in the form of answers to questions) needed to supersede or discredit our evidence. How about:

5.1 A list of errata of this document (Form #05.006)?
5.2 Answers to the questions in section 20 that disprove your assertions?

6. You attached a memorandum allegedly proving that the U.S. is NOT "foreign" in relation to the states. Even the Corpus Juris Secundum legal encyclopedia disagrees with you.
http://famguardian.org/TaxFreedom/CitesByTopic/ForeignState.htm

You are correct that the United States is not "foreign" in relation to a state domiciled citizen if you mean in a CONSTITUTIONAL sense but incorrect if you mean a STATUTORY sense. That only further proves that you intend to perpetuate the confusion of STATUTORY and CONSTITUTIONAL context that is the source of all unjust, unconstitutional, and CRIMINAL power wielded by the corrupted federal courts. The issue of being LEGISLATIVELY foreign but not CONSTITUTIONALLY foreign is already addressed in:

6.1 Flawed Tax Arguments to Avoid, Form #08.004, Sections 2 and 6.3
DIRECT LINK: http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf

6.2 Why you are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006, Sections 2, 3, 4, 19
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyANational.pdf

When are you going to rebut the above with answers and equally persuasive arguments rather than childish name calling with the word "nasty"? Your response is the childish response of children:

"I win. I'm plugging my ears and I'm not listening to your answer. Neener, neener, neener. If you want' to talk with me again about this, you will have to bribe me for $250 per hour in your next planned 'legal emergency' because all I care about is money and not justice or social responsibility."

We would expect much better of such an experienced and informed person. We value your feedback and lots of people will read of your childish response on a public website. Is that the best you can do, my friend?

By disassociating and removing us from your email list, you have abandoned rational debate, gone into default, and admitted that you are misleading people because you can't and won't rebut or defend the above issues with FACTS and therefore admit they are correct per Federal Rule of Civil Procedure 8(b)(6). He who abandons the battlefield of debate by refusing to participate is always the loser.

If there were a good definition for "nasty" in the legal field (a word you used), it would have to be people who maliciously play word games and confusion of context (STATUTORY v. CONSTITUTIONAL) to STEAL jurisdiction they do not have. This turns the public trust into a sham trust and officers of the public trust (such as attorneys) into thieves and deceivers. U.S. Supreme Court Justice Scalia agrees on this subject of what "nasty" means:

http://www.youtube.com/watch?v=DaoLMW5AF4Y
http://www.c-spanvideo.org/program/307035-1

The following information and memorandums expose how this CRIMINAL abuse happens, and you know that if you addressed it, you and most judges would be powerless and penniless. Justice Scalia admitted as much in the last video above.

1. Foundations of Freedom, Video 4: Willful Government Deception and Propaganda, Form #12.021
http://www.youtube.com/watch?v=DvnTL_Z5asc

2. Flawed Tax Arguments to Avoid, Form #08.004, Sections 2 and 6.3
http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf

3. Legal Deception, Propaganda, and Fraud, Form, Form #05.014
http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf

4. Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006
http://sedm.org/Litigation/LitIndex.htm

5. Government Identity Theft, Form #05.046
http://sedm.org/Litigation/LitIndex.htm

When we want to talk responsibly with a legal professional such as yourself about this foundation of all the corruption in the legal field to PREVENT harm, they plug their ears because it butters their bread with stolen loot and can't be threatened. Disgusting. Our readers will hear about this abuse.

Finally, if you are going to warn your readers about us, at least have the decency and integrity to give them the benefit of BOTH sides of the argument by providing a link to the following and telling them that you agree with it because you can't prove it wrong:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006, Sections 2, 3, 4, 17.2
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyANational.pdf

Here are some of the self-serving presumptions that Mr. Becraft is operating under to pad his, the government's, and the judge's pocket, which are provably FALSE, and which have already been disproven elsewhere in this exhaustive memorandum:

1. That there is ONLY one context for legal words: STATUTORY. Hence, he only needs to examine the statutes and can ignore the common law and the constitution on this subject.
2. That a CONSTITUTIONAL and a STATUTORY citizen are equivalent. They are NOT. See section 2.4 earlier.
3. That case law that pertains to a statutory "citizen" such as what he offers in proof is relevant to those not SIMILARLY SITUATED with a foreign domicile such as our members. This violates:
   3.1. Choice of law rules.
   3.2. Federal Rule of Civil Procedure 17(b).

3.3. Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.
3.4. Rules of Decision Act, 28 U.S.C. §1652.
3.5. Stare decision on the subject of domicile.
3.6. The rules of statutory construction.

4. That the geographical "United States" used in the constitution is the same as that used in federal statutory law. They are NOT. See:

   Why the Fourteenth Amendment is Not a Threat to Your Freedom, Form #08.015
   http://sedm.org/Forms/FormIndex.htm

5. That the jurisdiction of a judge is whatever he says it is and that the Federal Rules of Civil Procedure that we cite do NOT constrain any judge's jurisdiction. Thus, we have a society of men and not law, which is tyranny and anarchy.
6. That it's OK for federal forms to make the APPLICANT FALSELY PRESUME a POLITICAL/CONSTITUTIONAL status while agencies receiving the form maliciously ENFORCE and PRESUME a STATUTORY or LEGAL status. These two things are mutually exclusive and it can only be ONE or the OTHER. This type of contradiction is what Orwell called "doublethink". See:
   6.1. Sections 12 and 14 of this pamphlet.
   6.2. *Foundations of Freedom, Video 4: Willful Government Deception and Propaganda*, Form #12.021
   http://www.youtube.com/watch?v=DvnTL_Z5asc
7. That judges and attorneys can add ANYTHING they want to the geographical definitions found in Title 8 of the U.S. Code such as states of the Union, even though they are not EXPRESSLY included and therefore PURPOSEFULLY excluded per the Rules of Statutory Construction. This is a recipe for communism and anarchy. See:

   Legal Deception, Propaganda, and Fraud, Form #05.014
   http://sedm.org/Forms/FormIndex.htm

If Larry Becraft, or any attorney for that matter, admits any of the above contradictions and the FRAUD they represent, he will also have to admit that he has been misrepresenting the law and injuring his clients for most of his career. Hence, all he can present is:

1. An "immune response" by refusing to talk about the above issues.
2. An attack on the credibility of the messenger and try to "shoot the messenger", which is us.
3. Refusing to clarify the context and DEFINITION and CONTEXT of specific "words of art" he is using to commit identity theft by equivocation.

Judges do the same thing, by calling arguments "frivolous" but refusing to present evidence on the record PROVING the arguments are indeed incorrect. In that sense, they are violating the separation of powers by acting in a POLITICAL capacity, where "frivolous" simply means you are a heretic that refuses to join the state sponsored religion of false presumption, which presumption serves as a substitute for religious faith and also violates due process of law. Such tactics are how judges and attorneys do "risk management" and protect their "plausible deniability". This prevents them from having to defend themselves from suits brought by clients or litigants they have injured in the past with their false presumptions, misrepresentations, and legal ignorance. The worst thing an attorney can do is admit they are mistaken, so they seldom take any position on any matter and always defer to any and every judge they are in front of, like Jell-O that molds to fill any space. Are you beginning to understand why the only people Jesus got angry at were the lawyers? Father, forgive them, for they know not what they do.

In addition to the questions later in section 20, below are the key questions Mr. Becraft refuses to answer because it exposes his false and self-serving and unconstitutional presumptions about citizenship:

1. By "national" within federal law, are you sure you don't mean "national of the United States*" per 8 U.S.C. §1101(a)(22)? If so, we agree with your argument but you need to clarify this is the case to prevent the confusion you are causing.
2. Is a state domiciled party born anywhere in the COUNTRY America included within the definition of "national" found in 8 U.S.C. §1101(a)(21) and if not WHY not?
3. Is the "state" mentioned in 8 U.S.C. §1101(a)(21) legislatively but not constitutionally foreign because it is lower case?
4. Specifically WHAT would a human with American nationality domiciled in a legislatively foreign state such as a state of the Union be called within Title 8?
5. If you say such a person would be a "national and citizen of the United States AT BIRTH" per 8 U.S.C. §1401, then what would a citizen of the District of Columbia be called if not that in 8 U.S.C. §1401? Citizens of the District of Columbia and of the constitutional states are NOT equivalent per the U.S. Supreme Court.

> *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.* ***No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.*** *It had been the occasion of much discussion in the courts, by the executive departments and in the public journals.* ***It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens.*** *"*
> *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

In his defense, we also talked with Mr. Becraft about this section. He recognizes the existence of state citizens just as we do, but differs on what they should be called within federal statutes. He says that instead of calling themselves "non-citizen nationals" they should simply call themselves "American citizens". He says that even early enactments of Congress recognize the distinctions between statutory "U.S. citizens" and state citizens by calling state citizens "American citizens" or "citizens of the United States of America". For an example of such an approach, see:

1 Stat. 477, SEDM Exhibit #01.004 http://sedm.org/Exhibits/ExhibitIndex.htm

17.2 Freedom Advocate Flawed Arguments

17.2.1 Misconceptions about "privileges and immunities" under the Fourteenth Amendment

Many misinformed freedom lovers misinterpret the phrase "privileges and immunities" found in the Fourteenth Amendment as an excuse to say that:

1. Those who claim to be "citizens" under the amendment are availing themselves of a franchise privilege and thereby become subject to federal law.
2. Because they are availing themselves of a franchise privilege, then they have implicitly surrendered the protections of the Constitution for their natural rights.

We strongly DISAGREE.

The following U.S. Supreme Court case identifies the extent and nature of this so-called "privilege", and SPECIFICALLY WHO it is a privilege FOR. It ISN'T a privilege for constitutional citizens, but for FOREIGN nationals and CONSTITUTIONAL aliens, according to the U.S. Supreme Court. The "privilege" is associated ONLY with the process of "naturalization" and NOT with rights imputed AFTER naturalization to the person as a CONSTITUTIONAL citizen.

> *"The opportunity to become a citizen of the United States is said to be merely a privilege, and not a right. It is true that the Constitution does not confer upon aliens the right to naturalization. But it authorizes Congress to establish a uniform rule therefor. Article 1, § 8, cl. 4. The opportunity having been conferred by the Naturalization Act, there is a statutory right in the alien to submit his petition and evidence to a court, to have that tribunal pass upon them, and, if the requisite facts are established, to receive the certificate. See United States v. Shanahan (D. C.) 232 F. 169, 171. There is, of course, no 'right to naturalization unless all statutory requirements are complied with.' United States v. Ginsberg, 37 S.Ct. 422, 243 U.S. 472, 475 (61 L.Ed. 853); Luria v. United States, 34 S.Ct. 10, 231 U.S. 9, 22 58 L.Ed. 101. The applicant for citizenship, like other suitors who institute proceedings in a court of justice to secure the determination of an asserted right, must allege in his petition the fulfillment of all conditions upon the existence of which the alleged right is made dependent, and he must establish these allegations by competent evidence to the satisfaction of the court. In re Bodek (C. C.) 63 F. 813, 814, 815; In re _____, 7 Hill (N. Y.) 137. In passing upon the application the court exercises judicial judgment. It does not confer or withhold a favor."*
> *[Tutun v. United States Neuberger v. Same, 270 U.S. 568 (1926)*
> *SOURCE:*
> *http://scholar.google.com/scholar_case?case=8292236307895948943&q=270+U.S%3E+568&hl=en&as_sdt=4,60]*

AFTER becoming a constitutional citizen through the CONSTITUTIONAL naturalization process, the rights attached to the status of constitutional "citizen" are no longer PRIVILEGES, but RIGHTS. They are rights because the citizenship itself CANNOT be unilaterally terminated without the CONSENT of the citizen. Privileges are revocable, while RIGHTS are not. Hence, misinformed freedom advocates who don't understand constitutional law misunderstand what the word "privileges" means in the Fourteenth Amendment.

"In the United States the people are sovereign, and the government cannot sever its relationship to the people by taking away their [CONSTITUTIONAL] citizenship."
[Afroyim v. Rusk, 387 U.S. 253 (1967)]

The U.S. Supreme Court furthermore defined "privileges and immunities" in the Fourteenth Amendment as excluding any public benefit or franchise from the meaning of "privileges and immunities" for those who are "citizens of the United States***", meaning that the phrase has nothing to do with congressionally granted statutory franchises:

Thomas, J., dissenting

Justice Thomas, with whom the Chief Justice joins, dissenting.

I join The Chief Justice's dissent. I write separately to address the majority's conclusion that California has violated "the right of the newly arrived citizen to the same privileges and immunities enjoyed by other citizens of the same State." Ante, at 12. In my view, the majority attributes a meaning to the Privileges or Immunities Clause that likely was unintended when the Fourteenth Amendment was enacted and ratified.

The Privileges or Immunities Clause of the Fourteenth Amendment provides that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." U.S. Const., Amdt. 14, §1. Unlike the Equal Protection and Due Process Clauses, which have assumed near-talismanic status in modern constitutional law, the Court all but read the Privileges or Immunities Clause out of the Constitution in the Slaughter-House Cases, 16 Wall. 36 (1873). There, the Court held that the State of Louisiana had not abridged the Privileges or Immunities Clause by granting a partial monopoly of the slaughtering business to one company. Id., at 59 63, 66. The Court reasoned that the Privileges or Immunities Clause was not intended "as a protection to the citizen of a State against the legislative power of his own State." Id., at 74. Rather the "privileges or immunities of citizens" guaranteed by the Fourteenth Amendment were limited to those "belonging to a citizen of the United States as such." Id., at 75. The Court declined to specify the privileges or immunities that fell into this latter category, but it made clear that few did. See id., at 76 (stating that "nearly every civil right for the establishment and protection of which organized government is instituted," including "those rights which are fundamental," are not protected by the Clause).

Unlike the majority, I would look to history to ascertain the original meaning of the Clause.1 ***At least in American law, the phrase (or its close approximation) appears to stem from the 1606 Charter of Virginia, which provided that "all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies shall HAVE and enjoy all Liberties, Franchises, and Immunities as if they had been abiding and born, within this our Realme of England."***

7 Federal and State Constitutions, Colonial Charters and Other Organic Laws 3788 (F. Thorpe ed. 1909). Other colonial charters contained similar guarantees.2 Years later, as tensions between England and the American Colonies increased, the colonists adopted resolutions reasserting their entitlement to the privileges or immunities of English citizenship.3

The colonists' repeated assertions that they maintained the rights, privileges and immunities of persons "born within the realm of England" and "natural born" persons suggests that, at the time of the founding, the terms "privileges" and "immunities" (and their counterparts) were understood to refer to those fundamental rights and liberties specifically enjoyed by English citizens, and more broadly, by all persons. Presumably members of the Second Continental Congress so understood these terms when they employed them in the Articles of Confederation, which guaranteed that "the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States." Art. IV. The Constitution, which superceded the Articles of Confederation, similarly guarantees that "[t]he Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." Art. IV, §2, cl. 1.

Justice Bushrod Washington's landmark opinion in Corfield v. Coryell, 6 Fed.Cas. 546 (No. 3, 230) (CCED Pa. 1825), reflects this historical understanding. In Corfield, a citizen of Pennsylvania challenged a New Jersey law that prohibited any person who was not an "actual inhabitant and resident" of New Jersey from harvesting oysters from New Jersey waters. Id., at 550. Justice Washington, sitting as Circuit Justice, rejected the argument that the New Jersey law violated Article IV's Privileges and Immunities Clause. He reasoned, "we cannot accede to the proposition that, under this provision of the constitution, the citizens of the several states are permitted to participate in all the rights which belong exclusively to the citizens of any other particular state, merely upon the ground that they are enjoyed by those citizens." Id., at 552. Instead, Washington concluded:

We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the government; the enjoyment of life and liberty, with the right to acquire and possess

property of every kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; and an exemption from higher taxes or impositions than are paid by the other citizens of the state; the elective franchise, as regulated and established by the laws or constitution of the state in which it is to be exercised. These, and many others which might be mentioned, are, strictly speaking, privileges and immunities." Id. at 551 552.

Washington rejected the proposition that the Privileges and Immunities Clause guaranteed equal access to all public benefits (such as the right to harvest oysters in public waters) that a State chooses to make available. Instead, he endorsed the colonial-era conception of the terms "privileges" and "immunities," concluding that Article IV encompassed only fundamental rights that belong to all citizens of the United States.4 Id., at 552.

Justice Washington's opinion in Corfield indisputably influenced the Members of Congress who enacted the Fourteenth Amendment. When Congress gathered to debate the Fourteenth Amendment, members frequently, if not as a matter of course, appealed to Corfield, arguing that the Amendment was necessary to guarantee the fundamental rights that Justice Washington identified in his opinion. See Harrison, Reconstructing the Privileges or Immunities Clause, 101 Yale L. J. 1385, 1418 (1992) (referring to a Member's "obligatory quotation from Corfield"). For just one example, in a speech introducing the Amendment to the Senate, Senator Howard explained the Privileges or Immunities Clause by quoting at length from Corfield.5 Cong. Globe, 39th Cong., 1st Sess., 2765 (1866). Furthermore, it appears that no Member of Congress refuted the notion that Washington's analysis in Corfield undergirded the meaning of the Privileges or Immunities Clause.6

That Members of the 39th Congress appear to have endorsed the wisdom of Justice Washington's opinion does not, standing alone, provide dispositive insight into their understanding of the Fourteenth Amendment's Privileges or Immunities Clause. Nevertheless, their repeated references to the Corfield decision, combined with what appears to be the historical understanding of the Clause's operative terms, supports the inference that, at the time the Fourteenth Amendment was adopted, people understood that "privileges or immunities of citizens" were fundamental rights, rather than every public benefit established by positive law. Accordingly, the majority's conclusion that a State violates the Privileges or Immunities Clause when it "discriminates" against citizens who have been domiciled in the State for less than a year in the distribution of welfare benefit appears contrary to the original understanding and is dubious at best.

As The Chief Justice points out, ante at 1, it comes as quite a surprise that the majority relies on the Privileges or Immunities Clause at all in this case. That is because, as I have explained supra, at 1 2, The Slaughter-House Cases sapped the Clause of any meaning. Although the majority appears to breathe new life into the Clause today, it fails to address its historical underpinnings or its place in our constitutional jurisprudence. Because I believe that the demise of the Privileges or Immunities Clause has contributed in no small part to the current disarray of our Fourteenth Amendment jurisprudence, I would be open to reevaluating its meaning in an appropriate case. Before invoking the Clause, however, we should endeavor to understand what the framers of the Fourteenth Amendment thought that it meant. We should also consider whether the Clause should displace, rather than augment, portions of our equal protection and substantive due process jurisprudence. The majority's failure to consider these important questions raises the specter that the Privileges or Immunities Clause will become yet another convenient tool for inventing new rights, limited solely by the "predilections of those who happen at the time to be Members of this Court." Moore v. East Cleveland, 431 U.S. 494, 502 (1977).

I respectfully dissent.

Notes

1. Legal scholars agree on little beyond the conclusion that the Clause does not mean what the Court said it meant in 1873. See, e.g., Harrison, Reconstructing the Privileges or Immunities Clause, 101 Yale L. J. 1385, 1418 (1992) (Clause is an antidiscrimination provision); D. Currie, The Constitution in the Supreme Court 341 351 (1985) (same); 2 W. Crosskey, Politics and the Constitution in the History of the United States 1089 1095 (1953) (Clause incorporates first eight Amendments of the Bill of Rights); M. Curtis, No State Shall Abridge 100 (1986) (Clause protects the rights included in the Bill of Rights as well as other fundamental rights); B. Siegan, Supreme Court's Constitution 46 71 (1987) (Clause guarantees Lockean conception of natural rights); Ackerman, Constitutional Politics/Constitutional Law, 99 Yale L. J. 453, 521 536 (1989) (same); J. Ely, Democracy and Distrust 28 (1980) (Clause "was a delegation to future constitutional decision-makers to protect certain rights that the document neither lists or in any specific way gives directions for finding"); R. Berger, Government by Judiciary 30 (2d ed. 1997) (Clause forbids race discrimination with respect to rights listed in the Civil Rights Act of 1866); R. Bork, The Tempting of America 166 (1990) (Clause is inscrutable and should be treated as if it had been obliterated by an ink blot).

2. See 1620 Charter of New England, in 3 Thorpe, at 1839 (guaranteeing "[l]iberties, and ffranchizes, and Immunities of free Denizens and naturall Subjects"); 1622 Charter of Connecticut, reprinted in 1 id., at 553 (guaranteeing "[l]iberties and Immunities of free and natural Subjects"); 1629 Charter of the Massachusetts Bay Colony, in 3 id., at 1857 (guaranteeing the "liberties and Immunities of free and naturall subjects"); 1632 Charter

of Maine, in 3 id., at 1635 (guaranteeing "[l]iberties[,] Francheses and Immunityes of or belonging to any of the naturall borne subjects"); 1632 Charter of Maryland, in 3 id., at 1682 (guaranteeing "Privileges, Franchises and Liberties"); 1663 Charter of Carolina, in 5 id., at 2747 (holding "liberties, franchises, and privileges" inviolate); 1663 Charter of the Rhode Island and Providence Plantations, in 6 id., at 3220 (guaranteeing "libertyes and immunityes of ffree and naturall subjects"); 1732 Charter of Georgia, in 2 id., at 773 (guaranteeing "liberties, franchises and immunities of free denizens and natural born subjects").

3. See, e.g., The Massachusetts Resolves, in Prologue to Revolution: Sources and Documents on the Stamp Act Crisis 56 (E. Morgan ed. 1959) ("Resolved, That there are certain essential Rights of the British Constitution of Government, which are founded in the Law of God and Nature, and are the common Rights of Mankind Therefore, Resolved that no Man can justly take the Property of another without his Consent . . . this inherent Right, together with all other essential Rights, Liberties, Privileges and Immunities of the People of Great Britain have been fully confirmed to them by Magna Charta"); The Virginia Resolves, id., at 47 48 ("[T]he Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of England"); 1774 Statement of Violation of Rights, 1 Journals of the Continental Congress 68 (1904) ("[O]ur ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England Resolved [t]hat by such emigration they by no means forfeited, surrendered or lost any of those rights").

4. During the first half of the 19th century, a number of legal scholars and state courts endorsed Washington's conclusion that the Clause protected only fundamental rights. See, e.g., Campbell v. Morris, 3 Harr. & M. 535, 554 (Md. 1797) (Chase, J.) (Clause protects property and personal rights); Douglass v. Stephens, 1 Del.Ch. 465, 470 (1821) (Clause protects the "absolute rights" that "all men by nature have"); 2 J. Kent, Commentaries on American Law 71 72 (1836) (Clause "confined to those [rights] which were, in their nature, fundamental"). See generally Antieau, Paul's Perverted Privileges or the True Meaning of the Privileges and Immunities Clause of Article Four, 9 Wm. & Mary L. Rev. 1, 18 21 (1967) (collecting sources).

5. He also observed that, while, Supreme Court had not "undertaken to define either the nature or extent of the privileges and immunities," Washington's opinion gave "some intimation of what probably will be the opinion of the judiciary." Cong. Globe, 39th Cong., 1st Sess., 2765 (1866).

6. During debates on the Civil Rights Act of 1866, Members of Congress also repeatedly invoked Corfield to support the legislation. See generally, Siegan, Supreme Court's Constitution, at 46 56. The Act's sponsor, Senator Trumble, quoting from Corfield, explained that the legislation protected the "fundamental rights belonging to every man as a free man, and which under the Constitution as it now exists we have a right to protect every man in." Cong. Globe, supra, at 476. The Civil Rights Act is widely regarded as the precursor to the Fourteenth Amendment. See, e.g., J. tenBroek, Equal Under Law 201 (rev. ed. 1965) ("The one point upon which historians of the Fourteenth Amendment agree, and, indeed, which the evidence places beyond cavil, is that the Fourteenth Amendment was designed to place the constitutionality of the Freedmen's Bureau and civil rights bills, particularly the latter, beyond doubt").
[Saenz v Roe, 526 U.S. 473, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999)]

The other important thing to take away from this analysis is that Congress has statutes that DO, in fact, revoke SOME KIND of citizenship, but THAT citizenship is NOT constitutional citizenship. It is STATUTORY citizenship.

8 U.S.C. §1481 - Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions

*(a)A person **who is a national of the United States** whether by birth or naturalization, **shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality—***

(1)obtaining naturalization in a foreign state upon his own application or upon an application filed by a duly authorized agent, after having attained the age of eighteen years; or

(2)taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof, after having attained the age of eighteen years; or

(3)entering, or serving in, the armed forces of a foreign state if
(A) such armed forces are engaged in hostilities against the United States, or
(B) such persons serve as a commissioned or non-commissioned officer; or

(4)
(A)accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years if he has or acquires the nationality of such foreign state; or

(B) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years for which office, post, or employment an oath, affirmation, or declaration of allegiance is required; or

(5)making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(6)making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense; or

(7)committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of title 18, or willfully performing any act in violation of section 2385 of title 18, or violating section 2384 of title 18 by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction.

(b)Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this chapter or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.

[SOURCE: http://www.law.cornell.edu/uscode/text/8/1481]

Note that the above statutory provisions for LOSING nationality:

1. Existed BEFORE the Afroyim case indicated above.
2. Were not CHANGED by the Afroyim holding, and therefore did not pertain to constitutional citizens.
3. Have as a PREREQUISITE the following requirement: *"with the intention of relinquishing United States nationality—".* No one but YOU can determine your intention, and THEY have the burden of proving that the acts specified above WERE ACCOMPANIED by the EXPRESSLY MANIFEST INTENTION indicated and that YOU specified that intention.

The type of citizenship that is LOST by 8 U.S.C. §1481 can only mean STATUTORY citizenship, not constitutional citizenship. Here is why, from a case dealing with such loss:

"The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401 STATUTORY citizen]*. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States * * * are citizens of the United States * * *.' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.* ***While conceding that Bellei is an American citizen****, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution.* ***I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others****. [. . .]*

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[. . .]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.
[Rogers v. Bellei, 401 U.S. 815 (1971)]

An immigration attorney also confirmed on the Democracy Now program that Congress can't take away CONSTITUTIONAL citizenship without your consent, which MUST imply that 8 U.S.C. §1481 does not describe expatriation of CONSTITUTIONAL citizenship:

Constitutional Attorney Shayana Kadidal on Democracy Now proves Federal Government cannot take away CONSTITUTIONAL citizenship and that "nationals of the United States" described in 8 U.S.C. §1481 DOES NOT include constitutional citizens, Exhibit #01.015
http://sedm.org/Exhibits/ExhibitIndex.htm

Here is yet another example of why CONSTITUTIONAL citizenship is not a revocable privilege you can lose, but a protected PRIVATE right that you must consent to lose:

FOURTEENTH AMENDMENT
PRIVILEGES OR IMMUNITIES

Unique among constitutional provisions, the clause prohibiting state abridgement of the ''privileges or immunities'' of United States citizens was rendered a ''practical nullity'' by a single decision of the Supreme Court issued within five years of its ratification. In the Slaughter-House Cases,[69] the Court evaluated a Louisiana statute which conferred a monopoly upon a single corporation to engage in the business of slaughtering cattle. In determining whether this statute abridged the ''privileges'' of other butchers, the Court frustrated the aims of the most aggressive sponsors of the Privileges or Immunities Clause. According to the Court, these sponsors had sought to centralize ''in the hands of the Federal Government large powers hitherto exercised by the States'' by converting the rights of the citizens of each State at the time of the adoption of the Fourteenth Amendment into protected privileges and immunities of United States citizenship. This interpretation would have allowed business to develop unimpeded by state interference by limiting state laws ''abridging'' these privileges.

According to the Court, however, such an interpretation would have ''transfer[red] the security and protection of all the civil rights . . . to the Federal Government, . . . to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States,'' and would ''constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment . . . . [The effect of] so great a departure from the structure and spirit of our institutions . . . is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character . . . . We are convinced that no such results were intended by the Congress . . . , nor by the legislatures . . . which ratified'' the other War Amendments was ''the freedom of the slave race.''

Based on these conclusions, the Court held that none of the rights alleged by the competing New Orleans butchers to have been violated were derived from the butcher's national citizenship; insofar as the Louisiana law interfered with their pursuit of the business of butchering animals, the privilege was one which ''belonged to the citizens of the States as such.'' Despite the broad language of this clause, the Court held that the privileges and immunities of state citizenship had been ''left to the state governments for security and protection'' and had not been placed by the clause ''under the special care of the Federal Government.'' The only privileges which the Fourteenth Amendment protected against state encroachment were declared to be those ''which owe their existence to the Federal Government, its National character, its Constitution, or its laws.''[70] These privileges, however, had been available to United States citizens and protected from state interference by operation of federal supremacy even prior to the adoption of the Fourteenth Amendment. The Slaughter-House Cases, therefore, reduced the privileges or immunities clause to a superfluous reiteration of a prohibition already operative against the states.
[The Constitution of the United States of America, Analysis and Interpretation, Fourteenth Amendment, U.S. Government Printing Office, pp. 1674-1675;
SOURCE: http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf]

[69] 83 U.S. (16 Wall.) 36, 71, 77–79 (1873).

[70] 83 U.S. at 78-79.

Hence, the PRIVATE rights associated with the status of CONSTITUTIONAL "citizen" are irrevocable and therefore NOT "privileges" or franchises, but PRIVATE INALIENABLE RIGHTS.

Note ALSO WHO the above provisions are targeted AT:

"(a)A person who is a national of the United States "

Note that:

1. The "national of the United States" they are talking about is a person found in either 8 U.S.C. §1408 (American Samoa or Swain's Island) or 8 U.S.C. §1401.
2. People in states of the Union are NOT STATUTORY "nationals of the United States**" under 8 U.S.C. §1101(a)(22), but rather CONSTITUTIONAL "nationals of the United States***" or simply "nationals of the United States of America".

17.2.2 State citizens are Not Fourteenth Amendment "citizens of the United States***"

False Argument: People in states of the Union are NOT Fourteenth Amendment "citizens of the United States***". A Fourteenth Amendment "citizen of the United States***" is domiciled on federal territory and subject to the exclusive LEGISLATIVE jurisdiction of Congress.

Corrected Alternative Argument: All state citizens are, at this time, Fourteenth Amendment citizens. The fact that one is a Fourteenth Amendment "citizen of the United States***" does not mean that they are subject to the exclusive LEGISLATIVE jurisdiction of Congress under Article 1, Section 8, Clause 17, but rather the POLITICAL jurisdiction. Political jurisdiction encompasses allegiance, nationality, being a "national", and political rights. Exclusive LEGISLATIVE jurisdiction of Congress, on the other hand, has domicile and/or physical presence on federal territory as a prerequisite.

Further information:
1. *Why the Fourteenth Amendment is Not a Threat to Your Freedom*, Form #08.015--explains and rebuts THE MOST prevalent flawed argument we hear from freedom advocates.
2. http://sedm.org/Forms/FormIndex.htm*Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006
   http://sedm.org/Forms/FormIndex.htm
3. *Fourteenth Amendment Annotated*, Findlaw
   http://www.findlaw.com/casecode/constitution/
4. *Citizenship and Sovereignty Course*, Form #12.001
   http://sedm.org/Forms/FormIndex.htm
5. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
   http://sedm.org/Forms/FormIndex.htm
6. *Citizenship, Domicile, and Tax Status Options*, Form #10.003
   http://sedm.org/Forms/FormIndex.htm
7. *Family Guardian Forums, Forum 6.1: Citizenship, Domicile, and Nationality*
   http://famguardian.org/forums/index.php?showforum=6

A number of freedom advocates situated in states of the Union and who are state nationals falsely allege one or more of the following:

1. The Fourteenth Amendment is a threat to the freedom of the average American domiciled in a state of the Union.
2. People domiciled within states of the Union are NOT Fourteenth Amendment "citizens of the United States".
3. A Fourteenth Amendment "citizen of the United States" is domiciled on federal territory and subject to the exclusive LEGISLATIVE jurisdiction of Congress.

This is what we call a "conspiracy theory" and it is actually an over-reaction to the verbicide abused by the government as described in:

In fact, this view is COMPLETELY FALSE, as we will explain.

The first thing we must understand to fully comprehend constitutional citizenship is that there are the TWO types of jurisdiction:

1. POLITICAL JURISDICTION: based upon allegiance, nationality, and being a national under 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B).
2. LEGISLATIVE JURISDICTION: based upon domicile and being a statutory "citizen" under the civil law.

One can be subject to the POLITICAL JURISDICTION without being subject to the LEGISLATIVE JURISDICTION. An example would be an American national born and domiciled in a state of the Union on land within the exclusive jurisdiction of the state that is not federal territory. THAT person would be subject to the POLITICAL JURISDICTION of the United States*** by virtue of possessing BOTH of the following characteristics:

1. Being born or naturalized anywhere within the "United States***" AND
2. Having allegiance to the United States***.

That person does not have a domicile on federal territory and therefore:

1. Is NOT a "person" under federal statutory civil law.
2. Is therefore not subject to exclusive federal civil LEGISLATIVE JURISDICTION under Article 1, Section 8, Clause 17 of the United States Constitution.
3. Would be subject to federal criminal law within Title 18 of the U.S. Code only by setting foot temporarily on federal territory and committing a crime while there.

The next thing we must understand about citizenship are the various jurisdictional phrases used to describe it in the U.S.A. Constitution and within federal statutory law. These phrases are summarized below.

Table 28: Meaning of jurisdictional phrases beginning with "subject to ...."

#	Phrase	Context	Type of jurisdiction	Jurisdiction created by	Extent of Jurisdiction
1	"Subject to THE jurisdiction"	Fourteenth Amendment, Section 1	Political jurisdiction	Oath of allegiance to "United States***" and birth or naturalization in the United States***	States of the Union ONLY.
2	"Subject to ITS jurisdiction"	Federal statutory law	Legislative jurisdiction	Domicile on federal territory ONLY	Federal territories, federal possessions
3	"Subject to THEIR jurisdiction"	Thirteenth Amendment	Political jurisdiction	Oath of allegiance to a state of the Union. Becoming a "citizen under state law.	States of the Union ONLY
4	"within ITS jurisdiction"	Fourteenth Amendment, Section 1	Political jurisdiction	Oath of allegiance to a state of the Union. Becoming a "citizen" under state law.	States of the Union ONLY

Below is the case law upon which the above table is based:

1. Meaning of "subject to THE jurisdiction":

> *"This section contemplates two sources of citizenship, and two sources only: birth and naturalization. The persons declared [112 U.S. 94, 102] to be citizens are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' **The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction, and owing them direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do to the time of naturalization in the other.** Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts; or collectively, as by the force of a treaty by which foreign territory is acquired." [Elk v. Wilkins, 112 U.S. 94 (1884)]*

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

[. . .]

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

2. Meaning of "subject to THEIR jurisdiction" found in the Thirteenth Amendment:

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

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*"**The 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude 'within the United States, or in any place subject to their jurisdiction,' is also significant as showing that there may be places within the jurisdiction of the United States that are no part of the Union**. To say that the phraseology of this amendment was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible interpretation that those states were no longer a part of the Union, is to confess the very point in issue, since it involves an admission that, if these states were not a part of the Union, they were still subject to the jurisdiction of the United States [because they were federal territory until the rejoined the Union].*

*Upon the other hand, the 14th Amendment, upon the subject of citizenship, declares only that 'all persons born or naturalized in the United States, and subject to **the** jurisdiction thereof, are citizens of the United States, and of the state wherein they reside.' **Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place 'subject to their jurisdiction.**"*
[Downes v. Bidwell, 182 U.S. 244 (1901)]

The U.S. circuit courts distinguished the differences between POLITICAL jurisdiction and CIVIL jurisdiction below. Note that they say that the term "United States" when used in a geographical sense implies states of the Union and EXCLUDES federal territory. POLITICAL jurisdiction may reach outside that geography because it is based on allegiance, but CIVIL jurisdiction cannot and is always territorially limited:

The principal issue in this petition is the territorial scope of the term "the United States" in the Citizenship Clause of the Fourteenth Amendment. *U.S. Const. amend. XIV, § 1 ("All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United States territory, argues she was "born ... in the United States" and is therefore a United States citizen.* [71]

*Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang v. INS, 35 F.3d 1449, 1452 (9th Cir.1994) ("**No court has addressed whether persons born in a United States territory are born 'in the United States,' within the meaning of the Fourteenth Amendment**."), cert. denied sub nom. Sanidad v. INS, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, **the Ninth Circuit held that "birth in the Philippines during the territorial period does not constitute birth 'in the United***

[71] Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. § 1105a(a)(5).

States' under the Citizenship Clause of the Fourteenth Amendment, *and thus does not give rise to United States citizenship." Rabang, 35 F.3d at 1452. We agree.* [72]

Despite the novelty of petitioner's argument, ***the Supreme Court in the Insular Cases*** [73] ***provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment****. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States.* ***The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union****. U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("****[I]t can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives."****); Rabang, 35 F.3d at 1452.* ***Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787****.*

The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend XIV, § 1 (emphasis added). ***The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are no[t] part of the Union" to which the Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773****, Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States '] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union****. Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("****[I]n dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.****").* [74]

Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its status as a United States territory, was not a part of the United States*. See Hooven & Allison Co. v. Evatt, 324 U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("****As we have seen, [the Philippines] are not a part of the United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution, as do the states which are united by and under it****."); see id. at 673-74, 65 S.Ct. at 881 (****Philippines "are territories belonging to, but not a part of, the Union of states under the Constitution,****" and therefore imports "brought from the Philippines into the United States ... are brought from territory, which is not a part of the United States, into the territory of the United States.").*

Accordingly, the Supreme Court has observed*, without deciding,* ***that persons born in the Philippines prior to its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States****. See Barber v. Gonzales, 347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the Philippines during the territorial period were "nationals" of the United States, they were not "United States citizens"); Rabang v. Boyd, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("****The inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of the United States, do not possess right of free entry into the United States.****" (emphasis added) (citation and internal quotation marks omitted)).*

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[72] For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. Dorr v. United States, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); Rabang, 35 F.3d at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing Downes v. Bidwell, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. United States v. Verdugo-Urquidez, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056, 1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[ ]").

[73] De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

[74] Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

Petitioner, notwithstanding this line of Supreme Court authority since the Insular Cases, argues that the Fourteenth Amendment codified English common law principles that birth within the territory or dominion of a sovereign confers citizenship. Because the United States exercised complete sovereignty over the Philippines during its territorial period, petitioner asserts that she is therefore a citizen by virtue of her birth within the territory and dominion of the United States. ***Petitioner argues that the term "the United States" in the Fourteenth Amendment should be interpreted to mean "within the dominion or territory of the United States****." Rabang, 35 F.3d at 1459 (Pregerson, J., dissenting); see United States v. Wong Kim Ark, 169 U.S. 649, 693, 18 S.Ct. 456, 473-74, 42 L.Ed. 890 (1898) (relying on the English common law and holding that the Fourteenth Amendment "affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country" (emphasis added)); Inglis v. Sailors' Snug Harbour, 28 U.S. (3 Pet.) 99, 155, 7 L.Ed. 617 (1830) (Story, J., concurring and dissenting) (citizenship is conferred by "birth locally within the dominions of the sovereign; and ... birth within the protection and obedience ... of the sovereign").*

We decline petitioner's invitation to construe Wong Kim Ark and Inglis so expansively. Neither case is reliable authority for the citizenship principle petitioner would have us adopt. The issue in Wong Kim Ark was whether a child born to alien parents in the United States was a citizen under the Fourteenth Amendment. That the child was born in San Francisco was undisputed and "it [was therefore] unnecessary to define 'territory' rigorously or decide whether 'territory' in its broader sense (i.e. outlying land subject to the jurisdiction of this country) meant 'in the United States' under the Citizenship Clause." Rabang, 35 F.3d at 1454.[75] *Similarly, in Inglis, a pre-Fourteenth Amendment decision, the Court considered whether a person, born in the colonies prior to the Declaration of Independence, whose parents remained loyal to England and left the colonies after independence, was a United States citizen for the purpose of inheriting property in the United States. Because the person's birth within the colonies was undisputed, it was unnecessary in that case to consider the territorial scope of common law citizenship.*

The question of the Fourteenth Amendment's territorial scope was not before the Court in Wong Kim Ark or Inglis and we will not construe the Court's statements in either case as establishing the citizenship principle that a person born in the outlying territories of the United States is a United States citizen under the Fourteenth Amendment. *See Rabang, 35 F.3d at 1454. "[G]eneral expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision." Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 399, 5 L.Ed. 257 (1821) (Marshall, C.J.).*

In sum, persons born in the Philippines during its status as a United States territory were not "born ... in the United States" under the Fourteenth Amendment*. Rabang, 35 F.3d at 1453 (Fourteenth Amendment has an "express territorial limitation which prevents its extension to every place over which the government exercises its sovereignty."). Petitioner is therefore not a United States citizen by virtue of her birth in the Philippines during its territorial period.*

Petitioner makes several additional arguments that we address and dispose of quickly. First, contrary to petitioner's argument, ***Congress' classification of the inhabitants of the Philippines as "nationals" during the Philippines' territorial period did not violate the Thirteenth Amendment****. The Thirteenth Amendment "proscribe[s] conditions of 'enforced compulsory service of one to another.' " Jobson v. Henne, 355 F.2d. 129, 131 (2d Cir.1966) (quoting Hodges v. United States, 203 U.S. 1, 16, 27 S.Ct. 6, 8, 51 L.Ed. 65 (1906)).*

Furthermore, contrary to petitioner's argument, Congress had the authority to classify her as a "national" and then reclassify her as an alien to whom the United States immigration laws would apply. Congress' authority to determine petitioner's political and immigration status was derived from three sources. Under the Constitution, Congress has authority to "make all needful Rules and Regulations respecting the Territory ... belonging to the United States," see U.S. Const. art. IV, § 3, cl. 2, and "[t]o establish an uniform Rule of Naturalization," id. art. I, § 8, cl.4. The Treaty of Paris provided that "the civil rights and political status of the native inhabitants ... shall be determined by Congress." Treaty of Paris, supra, art. IX, 30 Stat. at 1759. This authority was confirmed in Downes where the Supreme Court stated that the "power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be.*" Downes, 182 U.S. at 279, 21 S.Ct. at 784; see Rabang v. Boyd, 353 U.S. 427, 432, 77 S.Ct. 985, 988, 1 L.Ed.2d. 956 (1957) (rejecting argument that Congress did not have authority to alter the immigration status of persons born in the Philippines).*

Congress' reclassification of Philippine "nationals" to alien status under the Philippine Independence Act was not tantamount to a "collective denaturalization" as petitioner contends*. See Afroyim v. Rusk, 387 U.S. 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (****holding that Congress has no authority to revoke United States citizenship). Philippine "nationals" of the United States were not naturalized United States citizens.*** *See Manlangit v. INS, 488 F.2d. 1073, 1074 (4th Cir.1973) (****holding that Afroyim addressed the rights of a***

[75] This point is well illustrated by the Court's ambiguous pronouncements on the territorial scope of common law citizenship. See Rabang, 35 F.3d at 1454; compare Wong Kim Ark, 169 U.S. at 658, 18 S.Ct. at 460 (under the English common law, "every child born in England of alien parents was a natural-born subject" (emphasis added)), and id. at 661, 18 S.Ct. at 462 ("Persons who are born in a country are generally deemed citizens and subjects of that country." (citation and internal quotation marks omitted; emphasis added)), with id. at 667, 18 S.Ct. at 464 (citizenship is conferred by "birth within the dominion").

> ***naturalized American citizen and therefore does not stand as a bar to Congress' authority to revoke the non-citizen, "national" status of the Philippine inhabitants***).
> *[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]*

Within the United States Constitution, there are two types of citizens mentioned:

1. **Upper case "Citizen" of the original constitution**
   - 1.1. Mentioned in:
     - 1.1.1. Article 1, Section 2, Clause 2.
     - 1.1.2. Article 1, Section 3, Clause 3.
   - 1.2. No doubt, was a white male ONLY. Excluded:
     - 1.2.1. Blacks. 15th Amendment.
     - 1.2.2. Women. 19th Amendment.
   - 1.3. Rights defined are in the CONTEXT of ONLY the relationship between the national government and people in the several constitutional States.
   - 1.4. Upper case because these people were the sovereigns who wrote the original constitution.
2. **Lower case "citizen of the United States***" in the constitution:**
   - 2.1. Mentioned first in the Fourteenth Amendment, Section 1.
   - 2.2. Mentioned also in Constitutional Amendments 15, 19, and 26.
   - 2.3. Includes people other than white males, such as blacks (15th Amend.), women (19th Amend.).
   - 2.4. Since the passage of the Fourteenth Amendment, has been made a SUPERSET of the capital "C" Citizen in the earlier constitution, not a subset.
   - 2.5. Rights defined are in the context of ONLY the relationship between the STATE government and the people in the several States. NOT the national government.
   - 2.6. Lower case because the people protected are NOT the capital "C" citizen, are located in a foreign state, and THESE people were not among the original capitalized sovereigns. Therefore, they cannot be given the same name or use the same capitalization. It is a maxim of law that what is similar is not the same.
   - 2.7. Is not inferior AT THIS TIME to a capital "C" Citizen. At one time it was, but right now, everyone is equal because of Amendments 14 and on.

The U.S. Supreme Court admitted that the "citizen of the United States***" described Fourteenth Amendment included EVERYONE and people of ALL RACES, and therefore was a superset of the capital "C" citizen of the original constitution, which was a white male only:

> *"The fourteenth amendment, by the language, 'all persons born in the United States, and subject to the jurisdiction thereof,' was intended to bring **all races, without distinction of color, within the rule which prior to that time pertained to the white race.**' Benny v. O'Brien (1895), 58 N.J.Law 36, 39, 40, 32 Atl. 696.*

> *The foregoing considerations and authorities irresistibly lead us to these conclusions: **The fourteenth amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country [not the "United States**", but the "United States***"]**, including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. **The amendment, in clear words and in manifest intent, includes the children born within the territory of the United States of all other persons, of whatever race or color, domiciled within the United States.** Every citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States. His allegiance to the United States is direct and immediate, and, although but local and temporary, continuing only so long as he remains within our territory, is yet, in the words of Lord Coke in Calvin's Case, 7 Coke, 6a, 'strong enough to make a natural subject, for, if he hath issue here, that issue is a natural-born subject'; and his child, as said by Mr. Binney in his essay before quoted, 'If born in **the country**, is as much a citizen as the natural-born child of a citizen, and by operation of the same principle.' It can hardly be denied that an alien is completely subject to the political jurisdiction of the country in which he resides, seeing that, as said by Mr. Webster, when secretary of state, in his report to the president on Thrasher's case in 1851, and since repeated by this court: 'Independently of a residence with intention to continue such residence; independently of any domiciliation; independently of the taking of any oath of allegiance, or of renouncing any former allegiance,—it is well known that by the public law an alien, or a stranger born, for so long a time as he continues within the dominions of a foreign government, owes obedience to the laws of that government, and may be punished for treason or other crimes as a native-born subject might be, unless his case is varied by some treaty stipulations.' Executive Documents H. R. No. 10, 1st Sess. 32d Cong. p. 4; 6 Webster's Works, 526; U.S. v. Carlisle, 16 Wall. 147, 155; Calvin's Case, 7 Coke, 6a; Ellesmere, Postnati, 63; 1 Hale, P. C. 62; 4 Bl.Comm. 74, 92.*

> *To hold that the fourteenth amendment of the constitution excludes from citizenship the children born in the United States of citizens or subjects of other countries, would be to deny citizenship to thousands of persons of English, Scotch, Irish, German, or other European parentage, who have always been considered and treated as citizens of the United States.*
>
> *[. . .]*
>
> ***But, as already observed, it is impossible to attribute to the words, 'subject to the jurisdiction thereof' (that is to say, of the United States), at the beginning, a less comprehensive meaning than to the words 'within its jurisdiction' (that is, of the state), at the end of the same section; or to hold that persons, who are indisputably 'within the jurisdiction' of the state, are not 'subject to the jurisdiction' of the nation. "***
> *[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

Obviously, the two types of citizenship started out as unequal in the POLITICAL RIGHTS they had at the time the "citizen of the United States***" mentioned in the Fourteenth Amendment was first created in 1868. They were not unequal in OTHER rights, but only in POLITICAL RIGHTS. Political rights include voting and serving on jury duty. Over time, the above two types of citizens have converged to the point where they are now essentially equal in RIGHTS. That convergence has occurred by:

1. The addition of several new amendments after Amendment 14 that add additional rights to the "citizen of the United States***" status. These amendments include Amendments 15, 19, and 26, for instance.
2. Additional federal legislation that enforce the new rights found in 42 U.S.C. §1983.

The U.S. Supreme Court acknowledged the convergence of rights between "Citizens" within the original U.S.A. Constitution and "citizens of the United States***" within the Fourteenth Amendment when it held:

> *There is no occasion to attempt again an exposition of the views of this Court as to the proper limitations of the privileges and immunities clause. There is a very recent discussion in Hague v. Committee Industrial Organization. The appellant purports to accept as sound the position stated as the view of all the justices concurring in the Hague decision.* ***This position is*** *that the privileges and immunities clause* ***protects all citizens*** *against abridgement by states* ***of rights of national citizenship*** ***as distinct from the fundamental or*** *[309 U.S. 83, 91]* ***natural rights inherent in state citizenship.*** *This Court declared in the Slaughter-House Cases15 that the* ***Fourteenth Amendment as well as the Thirteenth and Fifteenth were adopted to protect the negroes in their freedom.*** *This almost contemporaneous interpretation extended the benefits of the privileges and immunities clause to other rights which are inherent in* ***national citizenship but denied it to those which spring from [309 U.S. 83, 92] state citizenship.***
>
> *'We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all; and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested;* ***we mean the freedom of the slave race, the security and firm establishment of that freedom****, and the protection of* ***the newly-made*** *freeman and* ***citizen*** *from the oppressions of those who had formerly exercised unlimited dominion over him. ...*
>
> *'And so if* ***other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply, though the party interested may not be of African descent.*** *But what we do say, and what we wish to be understood is, that in any fair and just construction of any section or phrase of these amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued addition to the Constitution, until that purpose was supposed to be accomplished, as far as constitutional law can accomplish it.'*
> *[Madden v. Commonwealth of Kentucky, 309 U.S. 83 (1940)]*

Note, however, that even though these two types of constitutional citizens are EFFECTIVELY the same in RIGHTS:

1. We are not saying that they apply to the same CONTEXTS.
   1.1. "Citizen" applies to the relationship between the national government and the state citizen.
   1.2. "citizen of the United States***" applies to the relationship between the constitutional state governments and THEIR citizens.
2. We are not saying their NAME or their GENESIS is equivalent.
3. We are not saying that they were ALWAYS equivalent in the RIGHTS they enjoy, but that they have EVOLVED to be equivalent AT THIS TIME.

4. We are not saying that a Fourteenth Amendment constitutional "citizen of the United States" is the equivalent to a statutory "national and citizen of the United States** at birth" found in 8 U.S.C. §1401. In fact, the two are mutually exclusive.

With regard to the last item in the above list, we must emphasize that the government only has the authority to LEGISLATIVELY regulate PUBLIC conduct, not private conduct, on government territory. Hence, civil statutes are law for government and not private people. Those mentioned in the constitution are PRIVATE people and statutory "aliens" under all federal civil law. Statutes are written to protect these PRIVATE, "foreign", and "sovereign" people, but not to regulate or control them or impose "duties" upon them. This is discussed in:

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

In fact, the two types of citizens are just different subsets of the same sovereign state nationals within states of the Union. The only difference is the CONTEXT described above. For both types of citizens:

1. The term "United States***", in the constitutional geographic context, means ONLY states of the Union. This jurisdiction excludes federal territory and statutory "States", and therefore statutory jurisdiction of Congress.
2. The method of enforcing civil rights is found in 42 U.S.C. §1983.
   2.1. That provision applies to state officers and not private parties.
   2.2. This provision was enacted pursuant to Fourteenth Amendment, Section 5.
   2.3. The definition of "person" applicable to that provision and found in 42 U.S.C. §1981(a) refers to the "person" in the constitution and not the statutory "person" found either in Title 26 of the U.S. Code (26 C.F.R. §1.1-1(c)) or in the Social Security Act (see 26 U.S.C. §3121(e)).
3. One only becomes a subject of federal LEGISLATIVE jurisdiction by:
   3.1. Being a state officer but not a PRIVATE person subject to 42 U.S.C. §1983. The ability to regulate PRIVATE conduct is "repugnant to the constitution", as held repeatedly by the U.S. Supreme Court.
   3.2. Changing your domicile to federal territory.
   3.3. Setting foot on federal territory and committing a crime under Title 18 of the U.S. Code while there.

Our official position on the position that state citizens are NOT Fourteenth Amendment "citizens of the United States" therefore summarized in the following list based on the evidence presented in this section:

1. Fourteenth Amendment "citizens of the United States" are a SUPERSET of the "Citizen" mentioned in the original United States Constitution. Based on amendments and legislation created after the Fourteenth Amendment, it adds the following demographic groups to the "Citizen" found in the original U.S.A. Constitution:
   1.1. Blacks. See the 15th Amendment.
   1.2. Women. See the 19th Amendment.
   1.3. Voters under age 21, INCLUDING white males. See 26th Amendment.
2. Those who are white males and therefore eligible to claim the "Citizen" status found in the original constitution will be faced with the following limitations upon their approach that will limit its usefulness and applicability to a small subset of those that our official position can reach:
   2.1. It makes those who use it look like a racist.
   2.2. It is limited to WHITE OVERAGE MALES. It would not be useful for blacks, women, or UNDERAGE WHITE MALES.
   2.3. It confers NO DEMONSTRABLE ADDITIONAL RIGHTS that WHITE males did not possess at the founding of the country.
3. One can be a Constitutional "Citizen" or Fourteenth Amendment "citizen of the United States***" and STILL be a "non-resident non-person" under ordinary acts of Congress. This seeming contradiction is explained by:
   3.1. The separation of legislative powers between the states of the Union and the federal government, which makes each foreign, sovereign, and alien in relation to the other.
   3.2. The differences in geographical definitions between federal statutory law and the Constitution itself.
4. Being a either a "Citizen" or a "citizen of the United States***" within the U.S.A. Constitution equates with being a "national" under federal statutory law at 8 U.S.C. §1101(a)(21). Such who are not engaged in a public office and who also have this status also become "non-resident non-person" if exclusively PRIVATE.
   4.1. One only becomes a statutory "nonresident alien" if they are engaged in a public office:

4.2. One only becomes a statutory "citizen" under 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c) by having a domicile on federal territory AND being born there, so this moniker should be avoided, but the constitutional citizen moniker is not a problem.

4.3. There is no harm in being a "national of the United States*** of America" under 8 U.S.C. §1101(a)(21). Those with this status maintain their sovereignty and sovereign immunity and do not meet any of the exceptions to the Foreign Sovereign Immunities Act (F.S.I.A.) found in 28 U.S.C. §1605 or 28 U.S.C. §1603(b)(3).

4.4. The term "United States" in the constitution, WHEN USED IN A GEOGRAPHIC SENSE, means states of the Union and excludes federal territory, as we already pointed out.

4.5. There are NO LONGER any differences between the two statuses but as we said, at one time there was.

5. Most of the confusion and misunderstandings about the Fourteenth Amendment within the freedom community arise from the following misunderstandings:

5.1. Confusing POLITICAL jurisdiction with LEGISLATIVE jurisdiction. POLITICAL jurisdiction associates with allegiance and nationality. LEGISLATIVE jurisdiction associates with DOMICILE.

5.2. Confusing CONSTITUTIONAL context with STATUTORY context. You can be a "Citizen" or a "citizen of the United States" under the Constitution while at the same time being an ALIEN under STATUTORY context.

5.3. Confusing CONSTITUTIONAL RIGHTS with STATUTORY CIVIL RIGHTS. STATUTORY CIVIL RIGHTS activate with a domicile on federal territory. CONSTITUTIONAL rights activate by being physically present on GROUND protected by the Constitution, not by either allegiance or domicile.

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

5.4. Not tying the word "person" to the section code to which the "person" is subject to. The "person" subject to 42 U.S.C. §1981(a) refers to the "person" in the constitution, which is NOT the same person found in either Title 26 of the U.S. Code (26 C.F.R. §1.1-1(c)) or in the Social Security Act (see 26 U.S.C. §3121(e)).

5.5. Not recognizing the genesis of 42 U.S.C. §1983, which is the Fourteenth Amendment. The reason that this statute mentions "white citizens" is precisely because it IMPLEMENTS the Fourteenth Amendment, and that amendment extended equal protection and equal rights to everyone OTHER than white Citizens.

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

6. We take the position that our Members are Fourteenth Amendment "citizens of the United States". Our position, in contrast:

6.1. Can be used by ANYONE and EVERYONE who claims to be a state citizen.

6.2. Does not result in a surrender of ANY right that a WHITE MALE OVERAGE "Citizen" in the original Constitution has.

6.3. Avoids a lot of controversy and confusion that is pointless, and makes the advocate look like a conspiracy nut.

6.4. Can be used simply and reliably by people with far less legal knowledge, because it is LESS complex and less controversial.

6.5. Keeps the focus where it belongs, which is on GOVERNMENT VERBICIDE and WORD GAMES that destroy rights and violate due process of law. See:

Legal Deception, Propaganda, and Fraud, Form #05.014 http://sedm.org/Forms/FormIndex.htm

7. It is still possible to be a state citizen and yet NEITHER a "Citizen" as found in the original United States Constitution or a "citizen of the United States" found in the Fourteenth Amendment. Those satisfying this condition include:

7.1. "Citizens", who are WHITE MALES who continue to distinguish themselves with this status and who REFUSE to adopt the "citizen of the United States" status adopted later...AND

7.2. Aliens born in a foreign country who are citizens of a state of the Union but who were never naturalized.

8. The subject of constitutional citizenship is a broadly contested subject in courts across the nation, including up to this day. The reason it is still widely contested is because:

8.1. Those who controvert it or argue that they are NOT Fourteenth Amendment "citizens of the United States" in fact, DO NOT understand the context, or the nuances of the subject and are making a mountain out of a mole hill.

8.2. Disputes over the subject are used by the government to distract attention away from MUCH more important and central issues, like what a "trade or business" is and how they can force you to occupy a public office without your consent without violating the Thirteenth Amendment.

8.3. Those who make a mountain of the mole hill that is this subject are what the government truthfully and accurately calls "conspiracy nuts" and little more.

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9. Whether you, as a member and a reader decide to call yourself a "Citizen" of the original U.S.A. Constitution or a "citizen of the United States" within the Fourteenth Amendment is not our concern. You can choose either. Regardless of WHICH status you decide to choose, all members who wish to use our materials are REQUIRED to attach the following forms to the government forms they fill out as a way to prevent being victimized by the false presumptions of others, and to remove ALL discretion from every judge and bureaucrat to decide your citizenship status or civil status in a court of law or in an administrative franchise court:
   9.1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001-use with tax or withholding forms http://sedm.org/Forms/FormIndex.htm
   9.2. *USA Passport Application Attachment*, Form #06.007 http://sedm.org/Forms/FormIndex.htm
   9.3. *Voter Registration Attachment*, Form #06.003 http://sedm.org/Forms/FormIndex.htm
   9.4. *Citizenship, Domicile, and Tax Status Options*, Form #10.003-use at depositions and with court pleadings. http://sedm.org/Forms/FormIndex.htm

Below is a list of case law relevant to the subject of what a constitutional "citizen of the United States" is and its relationship to that of state citizenship. All of the case law provided is entirely consistent with our position on citizenship. The cases are listed in chronological sequence, so you can see the historical evolution of jurisprudence on the subject over time:

> *"The [14th] amendment referred to slavery. Consequently, **the only persons embraced by its provisions, and for which Congress was authorized to legislate** in the manner were those then in slavery."*
> *[Bowlin v. Commonwealth, 65 Kent.Rep. 5, 29 (1867)]*

> *"No white person. . . owes the status of citizenship to the recent amendments to the Federal Constitution."*
> *[Van Valkenbrg v. Brown (1872), 43 Cal.Sup.Ct. 43, 47]*

> *"The rights of the state, as such, are not under consideration in the 14th Amendment, and are fully guaranteed by other provisions."*
> *[United States v. Anthony, 24 Fed.Cas. 829 (No. 14,459), 830 (1873)]*

> *"The **first clause of the fourteenth amendment** made negroes **citizens of the United States****, and citizens of the State in which they reside, and **thereby created two classes of citizens,** one of the United States** and the other of the state."*
> *[Cory et al. v. Carter, 48 Ind. 327, (1874) headnote 8, emphasis added]*

> *"We have in our political system a Government of the United States** and a government of each of the several States. Each one of **these governments is distinct from the others**, and **each has citizens of its own** .... "*
> *[U.S. v. Cruikshank, 92 U.S. 542 (1875) emphasis added]*

> *"One may be a citizen of a State and **yet not a citizen of the United States.** Thomasson v. State, 15 Ind. 449; Cory v. Carter, 48 Ind. 327 (17 Am. R. 738); McCarthy v. Froelke, 63 Ind. 507; In Re Wehlitz, 16 Wis. 443."*
> *[McDonel v. State, 90 Ind. 320, 323(1883) underlines added]*

> *"A person who is a citizen of the United States** is necessarily a citizen of the particular state in which he resides. But **a person may be a citizen of a particular state and not a citizen of the United States****. To hold otherwise would be to deny to the state the highest exercise of its sovereignty, -- the right to declare who are its citizens."*
> *[State v. Fowler, 41 La.Ann. 380, 6 S. 602 (1889), emphasis added]*

> *"The rights and privileges, and immunities which the fourteenth constitutional amendment and Rev. St. section 1979 [U.S. Comp. St. 1901, p. 1262], for its enforcement, were designated to protect, are such as belonging to citizens of the United States as such, and not as citizens of a state".*
> *[Wadleigh v. Newhall 136 F. 941 (1905)]*

> *"The first clause of the fourteenth amendment of the federal Constitution made negroes citizens of the United States**, and citizens of the state in which they reside, **and thereby created two classes of citizens, one of the United States** and the other of the state."***
> *[4 Dec. Dig. '06, p. 1197, sec. 11, "Citizens" (1906), emphasis added]*

> *"A fundamental right inherent in "state citizenship" is a privilege or immunity **of that citizenship only**. Privileges and immunities of "citizens of the United States," **on the other hand, are only such as arise out of the nature and essential character of the national government,** or as specifically granted or secured to all citizens or persons by the Constitution of the United States."*
> *[Twining v. New Jersey, 211 U.S. 78 (1908)]*

"There are, then, under our republican form of government, two classes of citizens, one of the United States and one of the state".
[Gardina v. Board of Registrars of Jefferson County, 160 Ala. 155, 48 So. 788 (1909)]

*"**There are,** then, under our republican form of government, **two classes of citizens**, one of the United States** and one of the state. **One class** of citizenship **may exist in a person, without the other, as in the case of a resident of the District of Columbia**; but both classes **usually exist** in the same person. "*
[Gardina v. Board of Registrars, 160 Ala. 155, 48 S. 788, 791 (1909), emphasis added]

*"... **citizens of the District of Columbia** were not granted the privilege of litigating in the federal courts on the ground of diversity of citizenship. Possibly no better reason for this fact exists than **such citizens were not thought of when** the judiciary article [III] of **the federal Constitution was drafted. ... citizens of the United States**** ... **were also not thought of**; but in any event **a citizen of the United States**, who is not a citizen of any state, is not within the language of the [federal] Constitution."***
[Pannill v. Roanoke, 252 F. 910, 914 (1918)]

"United States citizenship does not entitle citizen to rights and privileges of state citizenship."
[K. Tashiro v. Jordan, 201 Cal. 236, 256 P. 545, 48 Supreme Court. 527 (1927)]

*"A citizen of the United States is ipso facto and at the same time a citizen of the state in which he resides. While the 14th Amendment does not create a national citizenship, it has the effect of making **that citizenship** 'paramount and dominant' instead of 'derivative and dependent' upon state citizenship."*
[Colgate v. Harvey, 296 U.S. 404, 427 (1935)]

"As applied to a citizen of another State, or to a citizen of the United States residing in another State, a state law forbidding sale of convict made goods does not violate the privileges and immunities clauses of Art. IV, Sec. 2 and the Fourteenth Amendment of the Federal Constitution if it applies also and equally to the citizens of the State that enacted it." (Syllabus)
[Whitfield v. State of Ohio, 297 U.S. 431 (1936)]

*"There is **a distinction between** citizenship of the United States** and citizenship of a particular state, and **a person may be the former without being the latter. "***
[Alla v. Kornfeld, 84 F.Supp. 823 (1949) headnote 5, emphasis added]

*"A person **may be a citizen of the United States**** and **yet be not** identified or identifiable as **a citizen of any particular state."***
[Du Vernay v. Ledbetter, 61 So.2d. 573 (1952), emphasis added]

"On the other hand, there is a significant historical fact in all of this. Clearly, one of the purposes of the 13th and 14th Amendments and of the 1866 act and of section 1982 was to give the Negro citizenship. . ."
[Jones v. Alfred H. Mayer Co., 379 F.2d. 33, 43 (1967)]

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

If you would like to learn more about citizenship, we encourage you to read:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006, Sections 2 and 3 http://sedm.org/Forms/FormIndex.htm

If you would like a simplified presentation that addresses the subject of this session for neophytes, see:

Why the Fourteenth Amendment is Not a Threat to Your Freedom, Form #08.015 http://sedm.org/Forms/FormIndex.htm

If you would like to read an excellent debate between a freedom fighter who advocates the flawed argument addressed by this section and this ministry, please read:

Family Guardian Forums, Forum 6.1: Citizenship, Domicile, and Nationality http://famguardian.org/forums/index.php?showtopic=3951

17.3 An alternative view of citizenship provided by one of our readers

17.3.1 FALSE ALLEGATION

Below is concise summary of the position that you are taking. Please let me know if my understanding of your position is not correct or it I have left anything out.

1. Between the three geographic United States, only one, United States*, is a nation-state.
2. The territory of the United States* is subdivided into two main territories in which one can be domiciled in: United States** and United States***. United States** and United States*** are NOT states, but rather are only territorial divisions of United States* for purposes of having different civil statuses.
3. United States* is also known as United States of America. United States* holds all external sovereign power in the country and issues all passports.
4. Anyone born within United States* is a Constitutional "citizen of the United States" per 14th Amendment , and "national" of the United States of America per 8 U.S.C. §1101(a)(21); the three political statuses mean the same and describe the same people, a body politic.

Below is concise summary of the position that I am taking.

1. The United States* is NOT a nation-state. In the past SEDM has fairly consistently described United States* as a country. But "country" is not an accurate description of United States* since it means a nation-state or the territory of a nation-state. The Supreme Court ruling of Chisholm v. Georgia ruling referred to the United States* as a "society, NOT a Nation". A "society" certainly makes sense when you consider that on the territory of United States*, there are, in addition to the sovereign nation-states of United States*** and United States**, numerous sovereign nations of native North American Indian tribes, each with their own territory, people, government and laws. But to keep things simple and to focus on the rift in opinions at SEDM, let's not consider the nation-states of the native North American Indian tribes in this debate. I will use "society" to describe United States* in this debate.

> *"country. 1. A nation or political state. 2. The territory of such a nation or state. "*
> *[Black's Law Dictionary, 7th Ed.]*

2. The territory of the society United States* is subdivided into two nation-states: United States** and United States***. Each nation state has its own territory, nationals, domiciliaries, government, and municipal laws.
3. United States** has a legislative democratic form of government in which the government is sovereign over its people. The government of the United States** is the national government of the United States**. United States** consists of federal land only and excludes all Constitutional Union states.
4. Anyone born in the United States** is a "national of the United States**" per 8 U.S.C. §1101(a)(22) but NOT a "national" of the United States of America per 8 U.S.C. §1101(a)(21) NOR a Constitutional "citizen of the United States***" per 14th Amendment.
5. "national of the United States**" who are domiciled within United States**, but NOT within the "outlying possessions" are statutory "citizen of the United States" per 8 U.S.C. §1101(a)(22)(A) and 8 U.S.C. §1401.
6. "national of the United States**" who are not domiciled within United States**, American Samoa excluded, are non-citizen nationals of the United States** per 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1408
7. The United States*** has a constitutional republic form of government in which the People born in a Constitutional Union states are sovereign and NOT the governments that serve the People. The government of the United States*** is the Federal government of the Union. United States*** consists of the collective states united by and under the U.S. Constitution and excludes all federal land. United States*** is also known as the United States of America, and is so named in the Articles of Confederation and in the preamble to the U.S. Constitution.
8. Anyone born in a Constitution Union state is a Constitutional "citizen of the United States" per 14th Amendment and a "national" of the United States of America" per 8 U.S.C. §1101(a)(21) but NOT a "national of the United States**" per 8 U.S.C. §1101(a)(22)
9. "nationals" of the United States of America who are NOT domiciled within the United States** are non-resident non-persons relative to the United States**.
10. "nationals" of the United States of America who ARE domiciled within the United States** are "resident" aliens per 26 U.S.C. §7701(b)(1)(A).

It is clear that we do not agree. So let's try to discover the source of our disagreement. Below I have made a sequence of simple statements to help in the discovery process. Please either agree or disagree to each of the statements. If you disagree, then please provide your legal proof/evidence for why a statement which you disagree with is incorrect. Also, this discovery

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process will be useful only to the degree that you participate; so please respond to each of the below listed statements. Due to the high number of statements below, I suggest that you downloaded the attached file containing the very same statements, write your responses in the file below each statement using a different font color, and then attached the file containing you responses to the forum.

1. Everyone is born with both a political status and a civil status.
2. A person's nationality is their political status, which denotes membership in some specific nation.
3. The reciprocal obligations of nationality are allegiance and protection. The members owes allegiance to their nation and, in exchange for their allegiance, the nation is obligated to protect its members.

> *"**Nationality. That quality or character which arises from the fact that a person's belonging to a nation or state**. **Nationality determines the political status of the individual**, especially with reference to allegiance; while **domicile determines his civil status**. Nationality arises either by birth or by nationalization. See also Naturalization."*
> *[Black's Law Dictionary, Sixth Edition, p. 1025]*

> ***"There cannot be a nation without a people. The very idea of a political community such as a nation is implies an association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are in this connection reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance."***
> *[Minor v. Happersett, 88 U.S. 162 (1874)]*

4. Individually, the members of a nation are called "nationals", "citizens", or "subjects".
5. Collectively, the members of a nation are the body politic of the nation and are referred to as "the people", "the nation". The people are the state, and the name of the state is the name of its collective members.

> ***"BODY POLITIC**, government, corporations. **When applied to the government this phrase signifies the state**.*
>
> *2. As to the persons who compose the body politic, **they take collectively the name, of people, or nation**; and **individually they are citizens**, when considered in relation to their political rights, and subjects as being submitted to the laws of the state.*
>
> *3. When it refers to corporations, the term body politic means that the members of such corporations shall be considered as an artificial person."*
> *[Bouvier's Law Dictionary, 6th Ed (1856)]*

6. The rule for determining the nationals of a nation are set by each nation itself.
7. The civil status of a person is universally governed by the single principle of domicile and the criteria for determining domicile is established by international law.

> *"The law of England, and of almost all civilized countries, **ascribes to each individual at his birth two distinct legal states** or conditions: one, by virtue of which he becomes the subject of some particular country, binding him by the tie of natural allegiance, and which may be called his **political status**; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the **civil status** or condition of the individual, and may be quite different from his political status. And then, while **maintaining that the civil status is universally governed by the single principle of domicil, domicilium, the criterion established by international law for the purpose of determining civil status**, and the basis on which the personal rights of the party, that is to say, the law which determines his majority or minority, his marriage, succession, testacy or intestacy, must depend, he yet distinctly recognized that **a man's political status, his country, patria, and his "nationality, that is, natural allegiance," "may depend on different laws in different countries**." Pp. 457, 460. He evidently used the word "citizen" not as equivalent to "subject," but rather to "inhabitant," and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects."*
> *[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]*

8. A person's domicile is their permanent legal address in some specific legislative/civil jurisdiction. The requirement to establish domicile is a physical presence in the legislative/civil jurisdiction, either presently or at some point in the past, and the intention to make the place your permanent home. Once a person consents to the jurisdiction, they automatically enter a social compact, or contract, in which they agree to become subject to the civil laws of the jurisdiction for the common good of all. Any place that a person lives, which is not their domicile, is legally, just a temporary residence, even if the person lives there year round for many years. At any one time, a person can have

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several temporary residences but only one domicile/permanent residence. A person's domicile may be outside of the nation of their nationality. A person's domicile determines the jurisdiction of the taxing authorities.

9. The words "citizen", "resident", "inhabitant" AND "**person**" can be used to mean a domiciliary of some specific jurisdiction.

> *"In the constitution and laws of United States **the word 'citizen' is generally, if not always, used in a political sense**, to designate one who has the rights and privileges of a citizen of a state or of the United States. It is so used in section 1 of article 14 of the amendments of the constitution, which provides that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizen of the United States and of the state wherein they reside.' **But it is also sometimes used in a popular language to indicate the same thing as resident, inhabitant, or person**.* [emphasis added]
> *[Baldwin v. Franks, 120 U.S. 678 (1887)]*

10. The term "United States", in the context of the Constitution, means collectively the states united by and under the Constitution and will be referred to as "United States***" herein.
11. The rules for determining nationals of United States*** are contained in the 14th Amendment of the Constitution.

> *"All persons **born** or naturalized **in the United States**, and **subject to the jurisdiction** thereof, are **citizens of the United States** and of the State wherein they reside. "*
> *[United States Constitution, Amendment 14, Section 1]*

12. To be "***subject to the jurisdiction***", as used in the 14th Amendment, ***means to be completely subject to the political jurisdiction*** of the United States***.
13. ***To be subject to the political jurisdiction*** of the United States*** means ***to have allegiance*** to the United States*** and to be ***completely subject*** means to have ***allegiance ONLY to the United States*** and to NO OTHER nation-state***.
14. The phrase "***subject to the jurisdiction***", as used in the 14th Amendment, ***is intended to exclude from its operation children of ministers and consuls born within the United States***. Children of foreign nationals born within the United States*** is another possible intended exclusion. But this exclusion has been doubted and has not yet been settled.
15. The word "citizen", as used in the phrase "citizen of the United States***" found in the 14th Amendment, is a political status and means a national, a member of the nation United States***. To help avoid confusion, where possible, I will refer to the Constitutional "citizen of the United States***" as a national of the United States*** herein.

> *"This section contemplates two sources of citizenship, and two sources only: birth and naturalization. The persons declared to be citizens are "all persons born or naturalized in the United States, and **subject to the jurisdiction thereof**." The evident meaning of these last words is not merely subject in some respect or degree to the jurisdiction of the United States, but* **completely subject to their political jurisdiction, *and* owing them direct and immediate allegiance**. *And the words relate to the time of birth in the one case, as they do to the time of naturalization in the other.* Persons not this subject to the jurisdiction of the United States at the time of birth *cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired. **To be "completely subject" to the political jurisdiction of the United States is to be in no respect or degree subject to the political jurisdiction of any other government**.*
>
> *[. . .]*
>
> *Mr. Justice Miller, indeed, while discussing the causes which led to the adoption of the Fourteenth Amendment, made this remark:*
>
> ***The phrase, "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States**."*
> *[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]*

16. The **ONLY** way that one may acquire the Constitutional status of "citizen of the United States*** **AT BIRTH** is by being "born in the United States***".
17. The phrase "born in the United States***" means born on territory which is under the legislative jurisdiction of one of the Constitutional Union states. Those born in the United States*** are born in allegiance to and are under the protection of the United States***.

> *"The foregoing considerations and authorities irresistibly lead us to these conclusions: **the Fourteenth Amendment affirms the ancient and fundamental rule** of **citizenship by birth within the territory**, in the allegiance and under the protection of the country, including all children here born of resident aliens, **with the***

exceptions or qualifications *(as old as the rule itself)* ***of children of foreign sovereigns or their ministers,*** *or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes."*
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

18. The definitions contained in Subsection (a) of Section 1101 of Title 8 apply to all of Title 8, Chapter 12 (Sections 1101 through 1537 of Title 8)

Title 8 - Aliens and Nationality
Chapter 12 - IMMIGRATION AND NATIONALITY (§§ 1101 - 1537)
Subchapter I - GENERAL PROVISIONS (§§ 1101 - 1107)
§1101. Definitions
(a) ***As used in this chapter***—

19. That the definition of the term "United States" that applies to Title 8, Chapter 12 is found at 8 U.S.C. §1101(a)(38).

8 U.S.C. §1101(a)(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

20. That the phrase "***continental United States, Alaska, Hawaii***", as used in 8 U.S.C. §1101(a)(38), appears to be describing the collective Constitutional Union states and therefore, this section of code would appear to be describing the society United States*.
21. The C.F.R. is an interpretation of the code made by the executive branch of government, interpreted in the context of the Constitutional restrictions placed on the government. The C.F.R. will often contain more details than the Code and will also contain whatever rewording is needed to keep the regulation within the bounds to the Constitution.
22. The Parallel Table of Authority and Rules indicate that 8 C.F.R. part 215 pertains to Title 8 Section 1101 of the Code.
23. The term "continental United States" as used in 8 U.S.C. §1101(a)(38) is defined at 8 C.F.R. §215.1(f)

8 C.F.R. §215.1(f) The term continental United States means the District of Columbia and the several States, except Alaska and Hawaii.

24. In the context of federal law, the word "State", when capitalized, refers to the territories of the U.S. government, and the phrase 'several "States"', when the word "State" is capitalized refers to the collective "States" of the United States government or, in other words, the collective territories of the United States government.
25. For Title 8, Chapter 12, the term "State" is defined at 8 U.S.C. §1101(a)(36).

8 U.S.C. §1101(a)(36) The term State includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

26. After you substitute the collective "States" included in the definition of "State" per 8 U.S.C. §1101(a)(36) for the phrase "several States" found in 8 C.F.R. §215.1(f) and then remove all duplicated terms, you end up with the below shown simplified meaning of term "continental United States".

Continental United States (simplified from 8 C.F.R. §215.1(f)) *means the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.*

27. After you substitute the above simplified definition for the term "continental United States" for the same term found in 8 U.S.C. §1101(a)(38) and then remove all duplicated terms, you end up with the below shown simplified meaning of term "United States".

United States (simplified from 8 U.S.C. §1101(a)(38)) *The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the District of Columbia, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.*

28. Prior to joining the Union in the 1950's, Alaska and Hawaii, were territories of the United States government. Since they are no longer territories of the U.S. government, they should not appear in the definition of United States pursuant to 8 U.S.C. §1101(a)(38) if Congress had intended to describe United States**

29. Legislative notes for Title 8 of the U.S. Code (titled "Aliens and Nationality") reveal that Title 8 is primary derived from the Immigration and Nationality Act of 1940, which was written and codified BEFORE Alaska and Hawaii joined the Union.
30. The Immigration and Nationality Act of 1940 is an "Act of Congress" which is locally applicable to the United States**. This would confirm/indicate that the term "United States", as defined in Title 8, Chapter 12 must include ONLY federal territory and must exclude all Constitution Union states.
31. The executive branch realized that Alaska and Hawaii were no longer territories of the United States government when they wrote the implementing regulation for Title 8, Chapter 12 and therefore, they had to redefine the term "United States" at 8 C.F.R. §215.1(e) to remove Alaska and Hawaii in order to keep the definition at 8 C.F.R. §215.1(e) within the bounds of the Constitution. Notice also that they explicitly included American Samoa and Swain Islands in 8 C.F.R. §215.1(e).

> *8 C.F.R. §215.1(e) - The term United States means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.*

32. After you substitute the collective "States" included in the definition of "State" per 8 U.S.C. §1101(a)(36) for the phrase "several States" found in 8 C.F.R. §215.1(e) and then remove all duplicated terms, you end up with the below shown simplified meaning of term "United States".

> ***United States (simplified from 8 C.F.R. §215.1(e))*** *means District of Columbia, Puerto Rico, Guam, the USVI, CNMI, the Canal Zone, American Samoa, Swains Islands, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.*

33. The term "United States" per 8 C.F.R. §215.1(e) means federal land only and excluded all Constitutional Union states.
34. The definition of "United States" pursuant to 8 C.F.R. §215.1(e) is the definition that is applicable to all of Title 8, Chapter 12 (Sections 1101 through 1537 of Title 8).
35. The use of the term "continental United States" in 8 U.S.C. §1101(a)(38) and then defining that term at 8 C.F.R. §215.1(f) to be only federal territory is a strong indication that there was an intention by Congress to deceive the sovereign "nationals" of the United States of America per 8 U.S.C. §1101(a)(21) in order to usurp power from them. This becomes especially clear when you consider that Alaska and Hawaii joined the Union over 60 years ago; yet, Congress still has not corrected 8 U.S.C. §1101(a)(38) to reflect this fact. By leaving the terms "Alaska" and "Hawaii" in 8 U.S.C. §1101(a)(38), it is easier for Congress to deceive the people into falsely thinking that the definition for "United States" per 8 U.S.C. §1101(a)(38) includes the Constitutional Union states.
36. The term "United States", as defined in 8 C.F.R. §215.1(e), will be referred to as "United States**" herein.
37. The nationals of the United States** are identified in 8 U.S.C. §1101(a)(22).
38. 8 U.S.C. §1401 and 8 U.S.C. §1408 contain the rules for obtaining the nationality of United States** at birth. These sections of code all fall in Title 8, Chapter 12; hence, the definition of "United States" per 8 C.F.R. §215.1(e) applies to these sections of code.

> ***8 U.S.C. §1401*** *The following shall be* ***nationals and citizens of the United States at birth****:*
>
> *(a) a person* ***born in the United States****, and* ***subject to the jurisdiction thereof****;*
>
> *(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, that the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;*
>
> *(c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;*
>
> . . .
>
> _____
>
> *8 U.S.C. §1101(a)(29)*
>
> *The term "****outlying possessions of the United States****" means American Samoa and Swains Island.*
>
> _____

8 U.S.C. §1408

*Unless otherwise provided in section 1401 of this title, the following shall be **nationals, but not citizens, of the United States at birth**:*

*(1) A person **born in an outlying possession** of the United States on or after the date of formal acquisition of such possession;*

(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;

. . .

_____

8 U.S.C. §1101(a)(22)

*The term "**national of the United States**" means*

(A) a citizen of the United States, or

(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

39. The phrase "nationals and citizens of the United States at birth", as used in 8 U.S.C. §1401, describes not one status, but two: the political status of "nationals of United States**" and the civil status of "citizens of United States**".
40. The phrase "at birth", as used in 8 U.S.C. §1401, is not part of the named statuses assigned in 8 U.S.C. §1401, but rather it is used merely to designate that the conditions contained in the sub-sections of 8 U.S.C. §1401 are the conditions for obtaining the assigned statuses **at the time of one's birth**. After one's birth, a person may gain or lose the statuses described in 8 U.S.C. §1401.
41. As used in the context of 8 U.S.C. §1401, the word "citizen" is a civil status and means a domiciliary.
42. The phrase "born in the United States", as used 8 U.S.C. §1401(a), means born on any territory of the United States**, which territory is described in 8 C.F.R. §215.1(e) and includes only federal territory but excludes all constitutional Union states.
43. The phrase "**subject to the jurisdiction thereof**", as used 8 U.S.C. §1401(a), means to be completely **subject to the political jurisdiction** of the United States**. SEDM has always asserted that this phrase means subjected to their **legislative jurisdiction**. Can SEDM prove that the phrase "**subject to the jurisdiction thereof",** as used 8 U.S.C. §1401(a), means subject to the **legislative and NOT political jurisdiction**? I am asserting that it means political jurisdiction, the same as in the 14th Amendment, for following two reasons. In the Supreme Court ruling of U.S. v. Wong Kim Ark, citizenship by birth is described as "**the ancient and fundamental rule of citizenship by birth within the territory, IN ALLEGIANCE**". This ruling is specifically addressing 14th Amendment citizenship. But the fact that the by birth is method of acquiring nationality is described as **"the ancient and fundamental rule"** makes it sound like this is the universally accepted to mean the same thing, which is "to be completely subject to the political jurisdiction" since in involves allegiance. Also, the Department of State Foreign Affairs Manual (F.A.M.), Volume 7, appears to confirm that the common law of Jus Soli (the law of the soil) for acquiring nationality at birth is embodied in both the 14th Amendment and the statutes (8 U.S.C. §1401). This would imply phrase "**subject to the jurisdiction thereof**", as used 8 U.S.C. §1401(a), must be interpreted to mean the same as it does in the 14th Amendment, which is completely subject to the political jurisdiction. Please comment on this important issue.

*"The foregoing considerations and authorities irresistibly lead us to these conclusions: the Fourteenth Amendment affirms the **ancient and fundamental rule** of **citizenship by birth within the territory, in the allegiance and under the protection of the country**, including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes."*
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

_____

Department of State
Foreign Affairs Manual
7 F.A.M. §1111 Introduction

> *a. U.S. citizenship may be acquired either at birth or through naturalization subsequent to birth. U.S. laws governing the acquisition of citizenship at birth embody two legal principles:*
>
> *(1) **Jus soli (the law of the soil)** - **a rule of common law** under which the place of a person's birth determines citizenship. In addition to common law, **this principle is embodied in the 14th Amendment to the U.S. Constitution** and the various U.S. citizenship and nationality statutes.*
>
> *(2) **Jus sanguinis (the law of the bloodline)** - **a concept of Roman or civil law** under which a person's citizenship is determined by the citizenship of one or both parents. This rule, frequently called "citizenship by descent" or "derivative citizenship", **is not embodied in the U.S. Constitution, but such citizenship is granted through statute**. As U.S. laws have changed, the requirements for conferring and retaining derivative citizenship have also changed.*
> *[7 Foreign Affairs Manual (F.A.M.), Section 1111]*

44. The phrase "subject to the jurisdiction thereof", as used 8 U.S.C. §1401(a), is intended to exclude from its operation children born on U.S. Territory that do NOT have exclusively allegiance to the United States** (the outlying U.S. possessions).
45. There are eight different conditions, at the time of birth, listed in 8 U.S.C. §1401 that one can obtain the statuses of "national of the United States**" and "citizen of the United States**".
46. The persons identified at 8 U.S.C. §1101(a)(22)(A) have the same statuses of "national of the United States**" and "citizen of the United States**" which are described in 8 U.S.C. §1401. However, after birth, a person may acquire or lose the statuses described in 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) describes the set of persons who currently hold the two statuses described in 8 U.S.C. §1401.
47. The above items which were applied to 8 U.S.C. §1401 may also be applied to 8 U.S.C. §1408 with some minor changes. The civil status described in 8 U.S.C. §1408 is "non-citizen of the United States**", and there are only 4 conditions at birth under 8 U.S.C. §1408 that a person acquires the statuses of "national of the United States**" and "non-citizen of the United States**".
48. The persons identified at 8 U.S.C. §1101(a)(22)(B) have the same statuses of "national of the United States**" and "non-citizen of the United States**" which are described in 8 U.S.C. §1408. However, after birth, a person may acquire or lose the statuses described in 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B) describes the set of persons who currently hold the two statuses described in 8 U.S.C. §1408.
49. The "outlying possessions" per 8 U.S.C. §1101(a)(29) are included in the definition of "United States** per 8 C.F.R. §215.1(e) and those born in the "outlying possession" are "nationals of the United States**" **BUT NOT** "citizens of the United States**" per 8 U.S.C. §1408. Also, the "outlying possessions" are the only inhabited territory of the United States** which are not organized under an Organic "Act of Congress". The only conclusion that can be drawn from this is that the "outlying possessions" must be a dependent nation of the "United States** organized under its own laws for governing its own internal affairs, and having its own domiciliary citizens. Those born in the "outlying possessions would therefore have allegiance to both the United States** AND the "outlying possession and hence, would be excluded from operation of 8 U.S.C. §1401 by the "subject to the jurisdiction of thereof" clause of 8 U.S.C. §1401.
50. There are two regions within the United States** in which a person may establish their domicile: 1) the "outlying possessions" and 2) the United States**, excluding the "outlying possessions".
51. The fact that both the Constitution and Title 8, Chapter 12 contains rules for establishing who are the nationals for United States*** and United States** respectively, would indicate that both United States*** and United States** are nation-states with a body politic and not just territorial sub-divisions of the United States*.
52. The fact that the geographical definition of "United States" in the context of the Constitution is different from that in the context of Title 8, Chapter 12 tells us that the United States*** is a state that is distinct and mutually different from United States**, and therefore the nationals of United States***, known as Constitutional "citizen of the United States[***]", is different from the "nationals of the United States[**]" per 8 U.S.C. §1101(a)(22).
53. The fact that the rules for determining nationals at birth of the United States*** are different from the rules for determining nationals at birth of the United States** confirms that the United States*** is a nation-state that is distinct and mutually different from United States** and therefore the nationals of United States***, known as Constitutional "citizen of the United States[***]", is different from the "nationals of the United States[**]" per 8 U.S.C. §1101(a)(22). The below Slaughterhouse case citing confirmed this when it clarified that those born in the District of Columbia, though within the United States** are not Constitutional "citizens of the United States***":

> *It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the **Union**[the topic is 14th Amendment citizenship]. **Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States[**], were not citizens** **[Constitutional "citizens of the United States***"].***
> *[Slaughterhouse Cases, 83 U.S. (16 Wall.) 36]*

54. The different rules for establishing nationality at birth between United States*** and United States** that I have been discussing above are concisely confirmed and expressed in the U.S. Consular Affairs Manual, Volume 7. Nationality of United States** may be acquired at birth either by the common law of Jus Soli (the law of the soil) or by the Roman/civil law of Jus Sanguinis (the law of bloodline). Nationality of United States*** may be acquired at birth ONLY by the common law Jus Soli (the law of the soil).

> *Department of State*
> *Foreign Affairs Manual*
> *7 F.A.M. §1111 Introduction*
>
> *a. U.S. citizenship may be acquired either at birth or through naturalization subsequent to birth. U.S. laws governing the acquisition of citizenship at birth embody two legal principles:*
>
> *(1) **Jus soli (the law of the soil)** - **a rule of common law** under which the place of a person's birth determines citizenship. In addition to common law, **this principle is embodied in the 14th Amendment to the U.S. Constitution** and the various U.S. citizenship and nationality statutes.*
>
> *(2) **Jus sanguinis (the law of the bloodline)** - **a concept of Roman or civil law** under which a person's citizenship is determined by the citizenship of one or both parents. This rule, frequently called "citizenship by descent" or "derivative citizenship", **is not embodied in the U.S. Constitution, but such citizenship is granted through statute**. As U.S. laws have changed, the requirements for conferring and retaining derivative citizenship have also changed.*
> *[7 Foreign Affairs Manual (F.A.M.), Section 1111]*

55. During the colonial period, the 13 colonies formed a confederate union under the Article of Confederation called the "United States of America" and which was a perpetual Union that continues to exist today. The United States of America is a body corporate **AND politic**.
56. The United States of America is a "federal state" with a constitutional confederation form of government. Under the Articles of Confederation, each member state/colony governed all of its local matters themselves and all international matters were handled by the central confederation government. **No internal/domestic sovereign powers what-so-ever were granted to the confederation government.**

> ***composite state. A state that comprises an aggregate or group of constituent states**.*
>
> ***federal state. A composite state in which the sovereignty of the entire state is divided between the central or federal government and the local governments of the several constituent states**; a union of states in which the control of the external relations of all the member states has been surrendered to a central government so that **the only state that exists for international purposes is the one formed by the union.** Cf. **confederation of states under CONFEDERATION**.*
>
> *[Black's Law Dictionary, 7 edition, 1999]*

57. As a result of the separation from Great Britain by the colonies, acting as a unit, **the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America**. The Union became the sole possessor of international sovereign power within the nation. The nation body politic of the United States of America held all international sovereign powers of the nation and the Union states, taken individually, held no international sovereign powers.

> *As a result of the **separation from Great Britain by the colonies**, acting as a unit, the powers of **external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America**.*
> *[United States v. Curtiss-Wright Export Corp., 299 U.S. 304]*

58. The body politic of the United States of America is the collective people from all of the Union states. These people, organized under the confederation central government, are called the "United States of America".
59. Through the U.S. Constitution, the people of the United States of America re-organized themselves under a federal central government. Though the people were re-organized under a federal central government, the Union that existed prior to the Constitution is the same Union that presently exists. External/international sovereign power continues to be held solely by the Union and is unchanged except that the people have qualified its exercise via the U.S. Constitution. These same people, organized under the federal central government, are called the "United States***".

> ***The Union existed before the Constitution**, which was ordained and established, among other things, to form "a more perfect Union." Prior to that event, it is clear that **the Union, declared by the Articles of Confederation to be "perpetual," was the sole possessor of external sovereignty**, **and in the Union it remained without change** **save** insofar as the Constitution, in express terms, **qualified its exercise**. The Framers' Convention was called, and exerted its powers upon the irrefutable postulate that, **though the states were several, their people, in respect of foreign affairs, were one.***
> *[United States v. Curtiss-Wright Export Corp., 299 U.S. 304]*

60. The United States*** is also a "federal state" with a constitutional republic federal form of government. Under U.S. Constitution, each member state governs all of its local matters themselves EXCEPT for those few enumerated powers delegated to the federal central government via the U.S. Constitution. All international matters are handled by the federal government.
61. The member states of the Union under the U.S. Constitution are the same member states of the Union under the Articles of Confederation. No territory of the United States government is included in the Union.

> *"'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. The result of that examination is a conviction that **the members of the American confederacy only are the states contemplated in the Constitution** , . . . and excludes from the term the signification attached to it by writers on the law of nations.' This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L. ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395 , 41 L. ed. 1049, 17 Sup. Ct. Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L.Ed. 44, in which **an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.**'"*
> *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

62. The people/national body politic of the United States of America is the same people/national body politic of the United States***. Therefore, the nation-state of United States of America is the same as nation-state as United States*** and United States*** is the sole possessor of international sovereign power within the Union.

> ***"Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-member of the nation[of the United States***] created by its adoption. He was one of the persons associating together to form the nation[of the United States***],** *and was, consequently, one of its original citizens.*
> *[Minor v. Happersett, 88 U.S. 162 (1874)]*

> *"We start with first principles. **The Constitution creates the Federal Government of enumerated powers.** See U.S. Const., Art. I, 8. As James Madison wrote, "**[t]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.**" The Federalist No. 45, pp 292-293 (C Rossiter ed. 1961). **This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties.**" Gregory v. Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and independence of the coordinate branched of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front."*
> *[U.S. v. Lopez, 514 U.S. 549 (1995)]*

63. The below cited Supreme Court ruling of The Chinese Exclusion Case refers to the federal government of the United States*** as the government of the Union and confirms United States*** is a nation which does possess external/international sovereign powers.

> *While under our **Constitution and form of government** [United States***] the great mass of local matters is controlled by local authorities, the United States[***], **in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations,** the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. **The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states**, and admit subjects of other nations to citizenship are all sovereign powers, **restricted in their exercise only by the Constitution** **[Only the federal government of the United States*** is restricted by the Constitution, there it is the federal government of the United States*** which this ruling clarifies possesses international sovereign power to declare war]** itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations. As said by this Court in the case of Cohens v. Virginia, 6 Wheat. 264, 19 U.S. 413, speaking by the same great Chief Justice:*

*"That the United States [***] form, for many, and for most important purposes, a single nation, has not yet been denied. **In war, we are one people. In making peace**, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one, and the government which is alone capable of controlling and managing their interests in all these respects **is the government of the union** **[The government of the Union is the federal government of the United States***. United States*** possesses international sovereign power to conduct war].** It is their government, and in that character they have no other. America has chosen to be in many respects, and to many purposes, a nation, and for all these purposes her government is complete; to all these objects, it is competent. The people have declared that in the exercise of all powers given for these objects, it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory. The Constitution and laws of a state, so far as they are repugnant to the Constitution and laws of the United States, are absolutely void. These states are constituent parts of the United States. They are members of one great empire -- for some purposes sovereign, for some purposes subordinate."*
[The Chinese Exclusion Case, 130 U.S. 581 (1889)]

*The **control of local matters being left to local authorities**, and **national matters being entrusted to the government of the union** **[The government of the Union is the federal government of the United States***. United States*** possesses international sovereign power govern national matters with other foreign sovereigns]**, the problem of free institutions existing over a widely extended country, having different climates and varied interests, has been happily solved. **For local interests, the several states of the union exist, but for national purposes, embracing our relations with foreign nations, we are but one people, one nation, one power."***
[The Chinese Exclusion Case, 130 U.S. 581 (1889)]

64. Finally by the very definition of a federal government given in Black's Law Dictionary, we see that only the central government of the Union possesses external sovereign power while the member states possess internal sovereign power to govern their internal domestic matters. This definition also makes the distinction between a confederation and federal central government in that in a confederation government, the member states only possess internal sovereign power and are therefore fully sovereign. While in a federal government, the member states have delegated some internal sovereign power to the federal government and therefore, strictly speaking, are only "quasi" sovereign. Therefore, the central federal government possess some domestic/internal sovereign power over the member states in addition to international powers to interact with other foreign sovereign. But the domestic sovereign powers possessed by the central government is limited to only those few and enumerated powers delegated by the member states to the federal government in the U.S. Constitution. These internal sovereign powers of the central federal government over the member states are referred to as "Subject Matter Jurisdiction" over the Union states.

***FEDERAL GOVERNMENT.** The system of government administered in a state formed by the union or confederation of several independent or quasi independent states; also the composite state so formed.*

*In strict usage, there is a distinction between a confederation and a federal government. The former term denotes a league or permanent alliance between **several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations.** In this case, the component states are the units, with respect to the confederation, and the central government acts upon them, not upon the Individual citizens.*

*In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive them of **quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal,**-while the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all, in their collective capacity, as citizens of the nation. The distinction is expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaut;" the former denoting a league or confederation of states, and the latter a federal government, or state formed by means of a league or confederation.*
[Black's Law Dictionary, Revised 4th edition, 1968, p. 1176]

65. A central federal government was created by the U.S. Constitution and jurisdiction over some small portion of land within the member Union states was ceded to the federal government to serve as the "seat of the government" and for "forts and magazines".
66. Congress was granted exclusive legislative jurisdiction over all federal land via Article I, Section 8, Clause 17 and Article IV, Section 3, Clause 2 of the U.S. Constitution, independent of the Constitutional restrictions placed on the federal government.

"The Congress shall have Power [. . .]

*To exercise **exclusive Legislation in all Cases whatsoever, over such District** (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the **Seat of the Government** of the United States, and to **exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;**-- And"*
[United States Constitution, Article 1, Section 8, Clause 17]

*"The **Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States**; and nothing in this Constitution shall be so constructed as to Prejudice any Claims of the United States, or of any particular State."*
[United States Constitution, Article 4, Section 3, Clause 2]

67. Congress organized the federal lands under a legislative democratic form a government, creating the new nation-state of United States** under the national government of the United States**.
68. United States** possesses only internal sovereign power and is fully sovereign in governing its internal domestic matters.
69. United States** possesses NO international sovereign power.
70. In the United States***, the People of United States*** are sovereign relative to the state and federal governments which serve them.
71. In the United States**, the national government is sovereign relative to people of the United States**.
72. Within any nation-state, sovereignty can never be shared; there can be only one sovereign within a nation-state. Therefore, United States** must be a nation-state that is distinct and mutually exclusive from the nation-state of United States***.
73. Although there is only one Whitehouse and one cast of actors which occupy the Whitehouse, the United States government actually functions as two different governments:
    73.1. As the national government for the United States**, it governs the people of the nation United States** and is maintained by Congress independently of the U.S. Constitution.
    73.2. As the federal government of the United States***, it governs the member states of the Union and is maintained by the U.S. Constitution with all of its restrictions.

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

[. . .]

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

[. . .]

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

NATIONAL GOVERNMENT. The government of a whole nation**, as distinguished from that of a local or territorial division of the nation, and also **as distinguished from that of a league or confederation.

***"A national government is a government of the people of a single state or nation**, united as a community by what is termed the 'social compact, and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government.*

***A federal government is distinguished from a national government**, by its being **the government of a community of independent and - sovereign states, united by compact.**" Piqua Branch Bank v. Knoup, 6 Ohio.St. 393.*
[Black's Law Dictionary, Revised 4th edition, 1968, p. 1176]

74. To summarize, within the society of United States* there are two sovereign nation-states each with its own territory, body politic, government, and laws. United States** possesses no international sovereign power and relies on the

United States*** for its international needs, including the issue of passports to its nationals. Only United States*** possesses international sovereign power within the society of United States*. The People of the United States*** are the same People of the United States of America.

75. The United States of America passport is a multi-function document that may be used by "nationals" of the United States of America per 8 U.S.C. §1101(a)(21) and "nationals of the United States**" per 8 U.S.C. §1101(a)(22).
76. As in Title 8, Chapter 12, crafty, deceptive, multiple meaning "words of art" have been used in the perjury statement United States of America passport application to hide the multi-function aspect of the passport and to deceive everyone into thinking that the "United States of America" that appears on the passport cover is society United States*.

> *"I am a **citizen or non-citizen national of the United States** and have not, since acquiring U.S. citizenship or nationality, performed . . . "*
> *[Department of State Form DS-11 Passport Application, Perjury Statement]*

76.1. In the case of a "national" of the United States of America, and in the context of the perjury statement, the word "citizen" is a **political status** and the term "United States" means the Constitutional "United States***" and these people would therefore be a Constitutional "citizens of the United States***" per the perjury statement, owing allegiance to the United States***.

76.2. In the case of a "citizen of the United States**" per 8 U.S.C. §1101(a)(22)(A), and in the context of the perjury statement, the word "citizen" is a **civil status** and the term "United States" means the statutory "United States**" per 8 C.F.R. §215.1(e) and these people would therefore be statutory "citizens of the United States**" per the perjury statement, which is an indirect way of saying they are "nationals of the United States** per 8 U.S.C. §1101(a)(22)(A), owing allegiance to the statutory "United States**" per 8 C.F.R. §215.1(e).

76.3. In the case of a "national of the United States**" per 8 U.S.C. §1101(a)(22)(B), and in the context of the perjury statement, the term "United States" means the statutory "United States**" per 8 C.F.R. §215.1(e) and these people would therefore be statutory "non-citizens nationals of the United States**" per the perjury statement or "nationals of the United States**" per 8 U.S.C. §1101(a)(22)(B), owing allegiance to the statutory "United States**" per 8 C.F.R. §215.1(e).

77. As in Title 8, Chapter 12, crafty, deceptive "words of art" have been used in 22 U.S.C. §212 in order to hide the multi-function aspect of the passport and to deceive everyone into falsely thinking that the "United States of America" that appears on the passport cover is society United States*. "Nationals" of the United States of America per 8 U.S.C. §1101(a)(21) owe allegiance to the "United States***" while "nationals of the United States**" per 8 U.S.C. §1101(a)(22) owe allegiance to the "United States**". Therefore, both types of nationals owe allegiance to a "United States" and would qualify to be granted a United States of America passport per 22 U.S.C. §212. But 22 U.S.C. §212 is worded to deceive people into thinking that there is just one "United States" that you can owe allegiance to, and therefore, it must be the society of United States*.

> *22 U.S.C. §212 No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States*

17.3.2 REBUTTAL

1. Thanks for that EXCELLENT summary of what we know so far and for your extreme diligence in researching this most important matter.
2. You have correctly summarized the gist of each of our positions. We have no disagreements with your summary of our position but we do disagree with your position, as pointed out in the next item.
3. As far as responding to the disagreement we have with your summary of YOUR position, here is an itemized list:

STATEMENT: 5. national of the United States** who are domiciled within United States**, but NOT within the outlying possessions are statutory citizen of the United States per 8 U.S.C. §1101(a)(22)(A) and 8 U.S.C. §1401.

RESPONSE: AGREED.

STATEMENT: 6. "national of the United States**" who are not domiciled within United States**, American Samoa excluded, are non-citizen nationals of the United States** per 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1408.

RESPONSE: AGREED

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STATEMENT: 7. The United States*** has a constitution republic form of government in which the People born in a Constitutional Union states are sovereign and NOT the governments that serve the People. The government of the United States*** is the Federal government of the Union. United States*** consists of the collective states united by and under the U.S. Constitution and excludes all federal land. United States*** is also known as the United States of America, and is so named in the Articles of Confederation and in the preamble to the U.S. Constitution.

RESPONSE: AGREED

STATEMENT: 8. Anyone born in a Constitution Union state is a Constitutional citizen of the United States per 14th Amendment and a national of the United States of America per 8 U.S.C. §1101(a)(21) but NOT a national of the United States** per 8 U.S.C. §1101(a)(22).

RESPONSE: AGREED.

STATEMENT: 9. nationals of the United States of America who are NOT domiciled within the United States** are non-resident non-persons relative to the United States**.

RESPONSE: AGREED.

STATEMENT: 10. nationals of the United States of America who ARE domiciled within the United States** are resident aliens per 26 U.S.C. §7701(b)(1)(A).

RESPONSE: DISAGREED. They are "citizens of the United States**" per 8 U.S.C. §1101(a)(22)(A).

4. Now our response to the long list of statements you pose. The only "question" we found in your enumerated list was the following, and we agree with all the other statements you make:

Q43. The phrase "subject to the jurisdiction thereof", as used 8 U.S.C. §1401(a), means to be completely subject to the political jurisdiction of the United States**. SEDM has always asserted that this phrase means subjected to their legislative jurisdiction. Can SEDM prove that the phrase "subject to the jurisdiction thereof", as used 8 U.S.C. §1401(a), means subject to the legislative and NOT political jurisdiction? I am asserting that it means political jurisdiction, the same as in the 14th Amendment, for following two reasons. In the Supreme Court ruling of U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898), citizenship by birth is described as "the ancient and fundamental rule of citizenship by birth within the territory, IN ALLEGIANCE". This ruling is specifically addressing 14th Amendment citizenship. But the fact that the by birth is method of acquiring nationality is described as "the ancient and fundamental rule" makes it sound like this is the universally accepted to mean the same thing, which is "to be completely subject to the political jurisdiction" since in involves allegiance. Also, the Department of State Foreign Affairs Manual (F.A.M.), Volume 7, appears to confirm that the common law of Jus Soli (the law of the soil) for acquiring nationality at birth is embodied in both the 14th Amendment and the statutes (8 U.S.C. §1401). This would imply phrase "subject to the jurisdiction thereof", as used 8 U.S.C. §1401(a), must be interpreted to mean the same as it does in the 14th Amendment, which is completely subject to the political jurisdiction. Please comment on this important issue.

A43. You raise a valid point. We don't have any evidence at this time, but if we discover it, we will provide it. Here is a start:

> *7 FAM 1131.1-1 Federal Statutes*
> *(CT:CON-349; 12-13-2010)*
>
> *a. **Acquisition of U.S. citizenship by birth abroad to a U.S. citizen parent is governed by Federal statutes. Only insofar as Congress has provided in such statutes, does the United States follow the traditionally Roman law principle of "jus sanguinis"** under which citizenship is acquired by descent (see 7 FAM 1111 a(2)).*
>
> *b. Section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) gives the Secretary of State the responsibility for the administration and enforcement of all nationality laws relating to "the determination of nationality of a person not in the United States."*
> *[SOURCE:]http://www.state.gov/documents/organization/86757.pdf]*

7 FAM 1122 PUERTO RICO
7 FAM 1122.1 Current Law
(TL:CON-66; 10-10-96)

a. Puerto Rico comes within the definition of "United States" given in Section 101(a)(38) INA. A person born in Puerto Rico acquires U.S. citizenship in ***the same way as one born in any of the 50 States****. Section 301(a) INA (8 U.S.C. §1401(a)) provides:*
-SEC 301. The following shall be nationals and citizens of the United States at birth
-a person born in the United States, and subject to the jurisdiction thereof

The above points to the idea that:

4.1. 8 U.S.C. §§1401 and 1408 are the ONLY method of acquiring citizenship when abroad, and hence, that there is no "common law" or constitutional method. This would point to the fact that the ONLY thing "subject to THE jurisdiction" can mean in the context of 8 U.S.C. §1401 is the POLITICAL jurisdiction and that the "citizen" talked about in 8 U.S.C. §1401 is a CONSTITUTIONAL citizen.

4.2. Puerto Rico, although a territory, comes within the definition of "United States" for the purposes of Title 8 and the INA.

4.3. The 50 states ALSO come within the meaning of "United States", even though not directly expressed in anywhere in Title 8 or the supporting regulations, as you pointed out.

If we have claimed that "subject to THE jurisdiction" in 8 U.S.C. §1401(a) means subject to the LEGISLATIVE jurisdiction, we would like to know where it does that so we can fix it. Furthermore, if in fact "subject to the jurisdiction" means subject to the POLITICAL jurisdiction in 8 U.S.C. §1401, then there is no conflict or problem at all in Title 8, so long as:

4.3.1. We exclude STATUTORY citizens under any title OTHER than Title 8.
4.3.2. We exclude any CIVIL status under any other title of the U.S. Code.
4.3.3. We ensure that the "citizen" portion of "national and citizen of the United States at birth" within 8 U.S.C. §1401 is abandoned insofar as it relates to "citizen" status under any other title of the U.S. Code.
4.3.4. We make all the above clear whenever any government asks us about our citizenship, as we pointed out that our members must always do.

In fact, the *USA Passport Application Attachment*, Form #06.007, provided on this site does all the above and is completely consistent with the above.

In summary:

1. "citizen of the United States" as used in 8 U.S.C. §1421 means a POLITICAL status and not a CIVIL status.
2. "political"/CONSTITUTIONAL status does not change with domicile, but CIVIL status DOES.
3. "citizen" as used in every OTHER title of the U.S. Code means a CIVIL status and NOT a political status.
4. The false presumption that a person is a "citizen" under the Internal Revenue Code results from a failure to distinguish a POLITCAL status from a CIVIL status.
5. None of the authorities provided attempt to distinguish between "United States**" and "United States***". All references are to "United States**". Thus, 8 U.S.C. §1101(a)(22), (a)(22)(A), and (a)(22)(B) all mean "United States**".
6. The distinctions you are trying to make are irrelevant and needlessly over-complicate the issues.
7. In Cook v. Tait, 265 U.S. 47 (1924), Former President Taft acting then as a Chief Justice of the U.S. Supreme Court ADDED to the confusion between CIVIL and POLITICAL status by deliberately REFUSING to distinguish WHICH "citizen of the United States" that cook was. Thus, he:
   7.1. ILLEGALLY extended income taxes to POLITICAL citizens everywhere.
   7.2. Perpetuated the FALSE presumption that CIVIL and POLITICAL citizens are equivalent.
   7.3. Created a WORLDWIDE TAX and made every American into essentially a dog on a leash until they expatriate. Being a "national" was the leash according to him, but that simply can't be the case because DOMICILE and not NATIONALITY is the only proper origin of tax liability.
   7.4. Removed DISCRETION and CONSENT from the taxation process, because being a CIVIL citizen is discretionary, whereas being a POLITICAL citizen is NOT.
8. We would not argue any of the minute points in your disagreement in any court of law. You have needlessly overcomplicated the issues and they would go way over the head of most readers, jurors, and even judges. We instead would stick entirely to the points in this summary and use the following to challenge any tax assessment or collection as it relates to nationality and/or domicile:

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

If you would like a succinct summary of where the government fraud lies on this subject, see:

Non-Resident Non-Person Position, Form #05.020, Section 7.4 through 7.4.5
http://sedm.org/Forms/FormIndex.htm

18. CONCLUSIONS AND SUMMARY

1. The main point of confusion and disagreement over citizenship within the freedom community originates mainly from confusion over the context of words.
2. Since CONTEXT is the last legal skill that develops after thorough legal training, most freedom fighters never reach the point where they even recognize the confusion and instead needlessly waste valuable political and personal energy arguing about the wrong things, thus allowing a corrupt terrorist government to prevail in its unconstitutional PLUNDER of the people.
3. There are TWO contexts for both geographical terms and citizenship terms:
   3.1. CONSTITUTIONAL.
   3.2. STATUTORY.
4. The CONSTITUTIONAL context determines one's POLITICAL status under the constitution.
   4.1. It originates exclusively from birth or naturalization.
   4.2. It is NOT affected by residence or domicile.
   4.3. Within the CONSTITUTIONAL context, the geographical "United States***" is limited to the states of the Union and excludes federal territories and possessions.
   4.4. The Fourteenth Amendment is the CONSTITITIONAL context, and hence, only relates to the geographical states of the Union and excludes federal territory.
5. The STATUTORY context determines one's CIVIL status under the statutes of the government power.
   5.1. It originates from CIVIL domicile in a specific municipal locale.
   5.2. Domicile governs the CIVIL choice of law rules under Federal Rule of Civil Procedure 17.
   5.3. Domicile is a VOLUNTARY choice and cannot be compelled.
   5.4. Within the STATUTORY context for enactments of the national government, the geographical "United States**" is limited EXCLUSIVELY to federal territory.
6. Domicile is the origin of one's tax liability. Hence, all obligations, including tax obligations, which originate from it, are voluntary. One can "unvolunteer" by changing their domicile.
7. Title 8 of the U.S. Code describes the POLITICAL context and not the CIVIL or STATUTORY context for citizenship terms. The following statuses are POLITICAL and not CIVIL statuses:
   7.1. "national and citizen of the United States" under 8 U.S.C. §1401.
   7.2. "non-citizen national of the United States" under 8 U.S.C. §§1408 and 1452.
8. All other titles of the U.S. Code, and especially the following invoke the CIVIL or STATUTORY context and EXCLUDE the political context for citizenship terms:
   8.1. Title 26, the Internal Revenue Code.
   8.2. Title 42, the Social Security Act.
9. The purpose of the Separation of Powers Doctrine is to perpetuate absolute separation of legislative powers between the states and the national government.
10. The primary method of breaking down the separation of legislative powers between the national government and the states is to confuse the context of geographical and citizenship terms documented in this memorandum. This permits federal franchises to illegally and unconstitutionally be offered and enforce in the states of the Union. This is done by:
    10.1. PRESUMING that ALL of the four contexts for "United States" are equivalent.
    10.2. PRESUMING that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal law and NOT a "national and citizen of the United States** at birth" under 8 U.S.C. §1401.

    Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
    FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
    DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyANational.pdf

    10.3. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT.

Department of State

Foreign Affairs Manual
7 FAM 1100
ACQUISITION AND RETENSION OF U.S. CITIZENSHIP AND NATIONALITY

7 FAM 1111 INTRODUCTION

*b. National vs. Citizen: **While most people and countries use the terms "citizenship" and "nationality" interchangeably, U.S. law differentiates between the two**. Under current law all U.S. citizens are also U.S. nationals, but not all U.S. nationals are U.S. citizens. The term "national of the United States", as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship.*

[7 Foreign Affairs Manual (F.A.M.), Section 1111, Department of State, 2-22-2013;
SOURCE: http://www.state.gov/m/a/dir/regs/fam/07fam/index.htm]

See:

> *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002
> FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
> DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf

10.4. Using the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.

10.5. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

10.6. Confusing the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:

> *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002
> FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
> DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf

10.7. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. See:

> *Legal Deception, Propaganda, and Fraud*, Form #05.014
> FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
> DIRECT LINK: http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf

10.8. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.

10.9. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The IRS does this with ALL of their publications and it is FRAUD. See:

> *Reasonable Belief About Income Tax Liability*, Form #05.007
> FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
> DIRECT LINK: http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf

10.10. Confusing a STATUTORY citizen under Titles 26 and 42 with a CONSTITUTIONAL/POLITICAL citizen under Title 8.

10.11. Punishing, sanctioning, and terrorizing anyone who exposes the malicious confusion and the unconstitutional presumptions and violation of due process that it produces, protects, and reinforces.

11. Even the U.S. Supreme Court, starting with former President Taft as Chief Justice (author of the Sixteenth Amendment who also got it FRAUDULENTLY ratified) has been complicit in creating and protecting the confusion between STATUTORY and CONSTITUTIONAL contexts for geographical and citizenship terms in order to unlawfully and unconstitutionally extend federal jurisdiction to places it does not exist. They have done this because they love YOUR money more than they love YOU. See:

> *Non-Resident Non-Person Position*, Form #05.020, Sections 4 through 4.6
> http://sedm.org/Forms/FormIndex.htm

12. Whenever you fill out government forms, it is CRUCIAL that you define the CONTEXT and meaning of every citizenship, geographical, and CIVIL status term appearing on the form. Otherwise, you as a state citizen will be improperly mistaken for someone that the national government has jurisdiction over. Forms that accomplish this include the following:

12.1. *Tax Form Attachment*, Form #04.201.
http://sedm.org/Forms/FormIndex.htm
12.2. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001.
http://sedm.org/Forms/FormIndex.htm
12.3. *Citizenship, Domicile, and Tax Status Options*, Form #10.003.
http://sedm.org/Forms/FormIndex.htm

13. Remember: One cannot lawfully have a CIVIL/STATUTORY status in a place without a domicile in that place. If a CIVIL/STATUTORY status is enforced against them without their consent, a violation of the First and Fifth Amendments has occurred. See:

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

14. Anyone who attempts to presume or enforce any CIVIL/STATUTORY status found in laws of the national government against a nonresident domiciled in a constitutional state is:
    14.1. Engaging in acts of international terrorism.
    14.2. Criminally kidnapping your CIVIL legal identity and transporting it to a legislatively foreign jurisdiction, which Mark Twain calls "the District of Criminals".
    14.3. Violating the Separation of Powers Doctrine.
    14.4. Acting in a LEGISLATIVE capacity as a judge or prosecutor, by adding things to definitions that do not expressly appear.
    14.5. Violating the ONLY mandate found in the Constitution at Article 4, Section 4 to protect the states from INVASION by a legislatively foreign power, meaning the national government.
    14.6. Implementing the equivalent of a "protection racket" where you must essentially BRIBE them with illegal withholdings to get them to simply leave you alone. The right to be left alone by government is FREE and they can't charge you for it.

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

    14.7. Causing you to criminally impersonate a public officer in violation of 18 U.S.C. §912. All civil statuses to which public rights attach are public offices in the government. That is the ONLY way they can reach you through legislation, in fact. In the cites below "agency" means "office" and "execute" includes "obey or be subject to".

> *"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them."*
> *[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]*

> *"All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation **by individual agency, either through the medium of public officers, or contracts made with [private] individuals.**"*
> *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

19. RESOURCES FOR FURTHER STUDY AND REBUTTAL

If you liked the content of this whitepaper, thousands of additional pages of research and evidence are available that supports absolutely everything revealed here. You are encouraged to read and rebut the supporting research and evidence found below:

1. *Treatise on American Citizenship*, John Wise, 1906:
   http://famguardian.org/Publications/TreatiseOnCitizenship/citiztoc.htm
2. *A Treatise on the Law of Domicil*, M.W. Jacobs, 1887, Little Brown and Company:
   HTML: http://books.google.com/books?id=MFQvAAAAIAAJ&printsec=titlepage
   PDF: http://famguardian.org/Publications/TreatOnLawOfDomicile/A_Treatise_on_the_Law_of_Domicil__Nation.pdf
3. *Non-Resident Non-Person Position*, Form #05.020. Describes the tax status of a "state national", which is that of a "nonresident alien". Available at:
   http://sedm.org/Forms/FormIndex.htm

4. *Why Domicile and Becoming a "Taxpayer" Require Your Consent*:
   HTML: http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisForTaxation.htm
   PDF, Form #05.002: http://sedm.org/Forms/05-MemLaw/Domicile.pdf
5. *Tax Deposition Questions*, Form #03.016, Section 14: Citizenship:
   http://sedm.org/Forms/FormIndex.htm
6. *Great IRS Hoax*, Form #11.302, Sections 4.11 through 4.11.13 on citizenship, available for free downloading at:
   http://sedm.org/Forms/FormIndex.htm
7. *Legal Basis for the Term "Nonresident alien"*, Form #05.036
   http://sedm.org/Forms/FormIndex.htm
8. *Sovereignty Forms and Instructions Online*, Form #10.004: Instructions, Step 3.13, entitled "IMPORTANT!: Correct Government Records documenting your Citizenship status", available at:
   http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm
9. *Family Guardian Forums, Forum 6.1: Citizenship, Domicile, and Nationality*:
   http://famguardian.org/forums/index.php?showforum=6
10. *Getting a USA Passport as a "state national"*, Form #10.012:
    http://sedm.org/Forms/FormIndex.htm
11. *You're Not a STATUTORY "citizen" Under the Internal Revenue Code, Family Guardian Fellowship*:
    http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm
12. *You're Not a STATUTORY "resident" Under the Internal Revenue Code, Family Guardian Fellowship*:
    http://famguardian.org/Subjects/Taxes/Citizenship/Resident.htm

It may also interest you to know that at least one other famous freedom researcher takes the same position as us that state citizens are STATUTORY "non-resident non-persons and nationals but not citizens". We have spoken with him and it appears that he independently reached the same conclusions as us after 25 years of research and without the benefit of our materials. You can read his research at:

1. *From Sovereign to Serf*, Roger Sayles
   http://sovereign2serf.wordpress.com/
2. *A Passport for Edward Snowden*, Roger Sayles
   http://auspassport4ed.com/

We encourage your rebuttal and well-researched feedback on the issues discussed in this whitepaper. The truth is all we seek and we are certainly not beyond modifying our position if you can support your rebuttal with court admissible legal evidence.

God bless you!

20. QUESTIONS THAT READERS, GRAND JURORS, AND PETIT JURORS SHOULD BE ASKING THE GOVERNMENT

> *"Test all things; hold fast what is good. Abstain from every form of evil."*
> *[1 Thess. 5:21-22, Bible, NKJV]*

Lastly, we will close this pamphlet with a list of questions aimed at those who still challenge our position on being a "national" or "state national". If you are going to lock horns with us or throw rocks, please start your rebuttal by answering the following questions or your inquiry will be ignored. Remember Abraham Lincoln's famous saying:

> *"He has a right to criticize who has a heart to help."*

If you are a Christian, please ensure that you consider and apply the following requirements of God's law in all your answers:

> *"You shall have no other gods [including political rulers, governments, or earthly laws] before Me [or My commandments]."*
> *[Exodus 20:3, Bible, NKJV]*

> *"Do you not know that friendship with the world is enmity with God? **Whoever therefore wants to be a friend ["citizen", "resident", "taxpayer", "inhabitant", or "subject" under a king or political ruler] of the world [or any man-made kingdom other than God's Kingdom] makes himself an enemy of God.** "*
> *[James 4:4, Bible, NKJV]*

*"Above all, **you must live as citizens of heaven [INSTEAD of citizens of earth. You can only be a citizen of ONE place at a time because you can only have a domicile in one place at a time]**, conducting yourselves in a manner worthy of the Good News about Christ. Then, whether I come and see you again or only hear about you, I will know that you are standing together with one spirit and one purpose, fighting together for the faith, which is the Good News."*
[Philippians 1:27, Bible, NLT]

*"**Therefore, my brethren, you also have become dead to the law [man's law] through the body of Christ [by shifting your legal domicile to the God's Kingdom]**, that you may be married to another [Christ]—to Him who was raised from the dead, that we should bear fruit [as agents, fiduciaries, and trustees] to God. For when we were in the flesh, the sinful passions which were aroused by the law were at work in our members to bear fruit to death. But now we have been delivered from the law, having died to what we were held by, so that we should serve in the newness of the Spirit [and newness of the law, God's law] and not in the oldness of the letter."*
[Rom. 7:4-6, Bible, NKJV]

*"**Do not walk in the statutes [PAGAN civil laws] of your fathers [the heathens], nor observe their judgments, nor defile yourselves with their idols. I am the LORD your God: Walk in My statutes, keep My judgments, and do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD your God."***
[Ezekial 20:10-20, Bible, NKJV]

*"**You shall make no covenant with them [foreigners], nor with their [pagan government] gods [or judges]**. They shall not dwell in your land [and you shall not dwell in theirs **by becoming a "resident" in the process of contracting with them**], lest they make you sin against Me [God]. For if you serve their gods [under **contract or agreement or franchise**], it will surely be a snare to you."*
[Exodus 23:32-33, Bible, NKJV]

20.1 Admissions

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to Federal Rule of Civil Procedure 8(b)(6), failure to deny within 10 days constitutes an admission to each question. Pursuant to 26 U.S.C. §6065, all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

Reasonable Belief About Income Tax Liability, Form #05.007 http://sedm.org/Forms/FormIndex.htm

Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person against whom you are attempting to unlawfully enforce federal law.

1. Admit that a STATUTORY "national and citizen of the United States at birth" defined in 8 U.S.C. §1401 is NOT equivalent to a CONSTITUTIONAL "citizen of the United States" found in the Fourteenth Amendment.

Under constitutional challenge here, primarily on Fifth Amendment due process grounds, but also on Fourteenth Amendment grounds, is § 301 (b) of the Immigration and Nationality Act of June 27, 1952, 66 Stat. 236, 8 U.S.C. §1401(b).

Section 301 (a) of the Act, 8 U.S.C. §1401(a), defines those persons who "shall be nationals and citizens of the United States at birth." Paragraph (7) of § 301 (a) includes in that definition a person born abroad "of parents one of whom is an alien, and the other a citizen of the United States" who has met specified conditions of residence in this country. Section 301 (b), however, provides that one who is a citizen at birth under § 301 (a) (7) shall lose his citizenship unless, after age 14 and before age 28, he shall come to the United States and be physically present here continuously for at least five years. We quote the statute in the margin.[1]

817 **The plan thus adopted by Congress with respect to a person of this classification was to bestow citizenship at birth but to take it away upon the person's failure to comply with a post-age-14 and pre-age-28 residential requirement. It is this deprival of citizenship, once bestowed, that is under attack here.*

[. . .]

The application of these respective statutes to a person in plaintiff Bellei's position produces the following results:

*1. **Not until 1934 would that person have had any conceivable claim to United States citizenship.** For more than a century and a half no statute was of assistance. Maternal citizenship afforded no benefit. One may observe, too, that if Mr. Bellei had been born in 1933, instead of in 1939, he would have no claim even today. Montana v. Kennedy, supra.*

*2. **Despite the recognition of the maternal root by the 1934 amendment, in effect at the time of plaintiff's birth, and despite the continuing liberalization of the succeeding statutes, the plaintiff still would not be entitled to full citizenship because, although his mother met the condition for her residence in the United States, the plaintiff never did fulfill the residential condition imposed for him by any of the statutes.***

[...]

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei.** The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: "All persons born or naturalized in the United States . . . are citizens of the United States . . . ," the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those "born or naturalized in the United States." **Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreign-born child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the 839*839 great purposes the Fourteenth Amendment was adopted to bring about.

While conceding that Bellei is an American citizen, the majority states: "He simply is not a Fourteenth-Amendment-first-sentence citizen." Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution.
[Rogers v. Bellei, 401 U.S. 815 (1971)]

_____

*"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. **No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress.** It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. **It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens.**"*
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

YOUR ANSWER (circle one): Admit/Deny

2. Admit that the "citizen" identified in 26 U.S.C. §911 and defined in 26 C.F.R. §1.1-1(c) is a STATUTORY "national and citizen of the United States** at birth" as defined in 8 U.S.C. §1401 and NOT a CONSTITUTIONAL "citizen of the United States" as defined in the Fourteenth Amendment.

26 C.F.R. §1.1-1(c): Income Tax on individuals

(c) Who is a citizen.

Every person born or naturalized in the [federal] United States and subject to its [exclusive federal jurisdiction under Article 1, Section 8, Clause 17 of the Constitution] jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1401-1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489), Schneider v. Rusk, (1964) 377 U.S. 163, and Rev. Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.

[T.D. 6500, 25 FR 11402, Nov. 26, 1960, as amended by T.D. 7332, 39 FR 44216, Dec. 23, 1974]

YOUR ANSWER (circle one): Admit/Deny

3. Admit that geographical term "United States" as used in the CONSTITUTION is NOT the same as "United States" as used in 26 C.F.R. §1.1-1(c) or 8 U.S.C. §1401 above.

26 U.S.C. §7701 Definitions
TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]
Sec. 7701. - Definitions

(a)(9) United States

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

(a)(10) State

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

TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
CHAPTER 4 - THE STATES
Sec. 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

"The term 'United States' may be used in any one of several senses. [Definition 1, abbreviated "United States"] It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. [Definition 2, abbreviated "United States**" or "federal United States" or "federal zone"] It may designate the territory over which the sovereignty of the United States extends, or [Definition 3, abbreviated "United States***"] it may be the collective name of the states which are united by and under the Constitution." [Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

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*"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, **if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution.**"*
[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

YOUR ANSWER (circle one): Admit/Deny

4. Admit that the O'Donoghue case above implies that there is only ONE geographical meaning of "United States" in the Constitution. Otherwise they would have said "within ONE of the meanings of the Constitution" instead of "THE meaning of the Constitution".

YOUR ANSWER (circle one): Admit/Deny

5. Admit that CONSTITUTIONAL "States" and STATUTORY "States" are NOT equivalent and mutually exclusive.

*"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L. ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word 'state.' in that connection, was used simply to denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. **The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution , . . . and excludes from the term the signification attached to it by writers on the law of nations.' This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L. ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395 , 41 L. ed. 1049, 17 Sup. Ct. Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L. ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.'** In Scott v. Jones, 5 How. 343, 12 L. ed. 181, and in Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L. ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress."*
[Downes v. Bidwell, 182 U.S. 244 (1901)]

YOUR ANSWER (circle one): Admit/Deny

6. Admit that all law is territorial in nature.

> ***"The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R., 12 Ch.Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch.*** *In the case of the present statute, the improbability of the United States attempting to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.*
> *[American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358]*

YOUR ANSWER (circle one): Admit/Deny

7. Admit that the United States Constitution establishes two separate and distinct political and legal communities, each with its own distinct types of "citizens", courts, and jurisdictions: 1. States of the Union under the Constitution; 2. Federal territory not under the jurisdiction of any Constitutional state.

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

> ***"I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism..***
>
> ***[. . .]***
>
> *"The idea prevails with some, indeed it has found expression in arguments at the bar, that* ***we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to..***
>
> ***[. . .]***
>
> ***It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution.****"*
> *[Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting]*

YOUR ANSWER (circle one): Admit/Deny

8. Admit that the separation between the two jurisdictions established by the Constitution is the basis for the protection of Constitutional rights and is called the Separation of Powers Doctrine:

> *"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961).* ***This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties." Gregory v. Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.****" Ibid.*
> *[U.S. v. Lopez, 514 U.S. 549 (1995)]*

_____

See also:

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

9. Admit that states of the Union are "foreign states" for the purposes of legislative jurisdiction and therefore not within the civil legislative or territorial jurisdiction of the national government:

> *"**The States between each other are sovereign and independent**. They are distinct and separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue to be nations, with all their rights, and under all their national obligations, and with all the rights of nations in every particular**; except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute."*
> *[Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519; 10 L.Ed. 274 (1839)]*
>
> _____
>
> *"Foreign States: Nations outside of the United States**...Term may also refer to another state; i.e. a sister state. The term 'foreign nations', ...should be construed to mean all nations and states other than that in which the action is brought; and hence, one state of the Union is foreign to another, in that sense."*
> *[Black's Law Dictionary, Sixth Edition, p. 648]*
>
> _____
>
> *"§1. Definitions, Nature, and Distinctions*
>
> ***"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States, and does not necessarily include all the territorial possessions of the United States, but may include only the portions thereof which are organized and exercise governmental functions under act of congress."***
>
> *"While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which the United States exercises dominion, the word 'territory,' when used to designate a political organization, has a distinctive, fixed, and legal meaning under the political institutions of the United States, and the term 'territory' or 'territories' does not necessarily include only a portion or the portions thereof which are organized and exercise government functions under acts of congress. The term 'territories' has been defined to be political subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a description of a definite area of land but of a political unit governing and being governed as such. The question whether a particular subdivision or entity is a territory is not determined by the particular form of government with which it is, more or less temporarily, invested.*
>
> ***"Territories' or 'territory' as including 'state' or 'states."* While the term 'territories of the' United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a foreign state.**
>
> ***"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."***
> *[86 Corpus Juris Secundum (C.J.S.), Territories, §1: Definitions, Nature, and Distinctions (2003)]*

YOUR ANSWER:_____

10. Admit that the U.S. government enjoys no civil statutory or legal jurisdiction within the bounds of a Constitutional state of the Union except within federal enclaves:

> *"It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**"*
> *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

YOUR ANSWER:_____

11. Admit that a "national" is statutorily defined as a person who owes allegiance to a "state":

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.*
> *Sec. 1101. - Definitions*
>
> *(a) Definitions*
>
> *(21) The term "national" means a person owing permanent allegiance to a state.*

YOUR ANSWER:_____

12. Admit that the lower case term "state" as used in 8 U.S.C. §1101(a)(21) above means a legislatively foreign state, and that it would be capitalized if it were a domestic "State" mentioned in 4 U.S.C. §110(d), and which is a federal territory or possession.

> *TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES*
> ***CHAPTER 4 - THE STATES***
> *Sec. 110. Same; definitions*
>
> *(d) The term "State" includes any **Territory** or possession of the United States.*
>
> _____
>
> *"Whenever you are reading a particular law, including the U.S. Constitution, or a statute, the Sovereign referenced in that law, who is usually the author of the law, is referenced in the law with the first letter of its name capitalized. For instance, in the U.S. Constitution the phrase "We the People", "State", and "Citizen" are all capitalized, because these were the sovereign entities who were writing the document residing in the States. This document formed the federal government and gave it its authority. Subsequently, the federal government wrote statutes to implement the intent of the Constitution, and it became the Sovereign, but only in the context of those territories and lands ceded to it by the union states. When that federal government then refers in statutes to federal "States", for instance in 26 U.S.C. §7701(a)(10) or 4 U.S.C. §110(d), then these federal "States" are Sovereigns because they are part of the territory controlled by the Sovereign who wrote the statute, so they are capitalized. Foreign states referenced in the federal statutes then must be in lower case. The sovereign 50 union states, for example, must be in lower case in federal statutes because of this convention because they are foreign states. Capitalization is therefore always relative to who is writing the document, which is usually the Sovereign and is therefore capitalized. The exact same convention is used in the Bible, where all appellations of God are capitalized because they are sovereigns: "Jesus" ", "God", "Him", "His", "Father". These words aren't capitalized because they are proper names, but because the entity described is a sovereign or an agent or part of the sovereign. The only exception to this capitalization rule is in state revenue laws, where the state legislators use the same capitalization as the Internal Revenue Code for "State" in referring to federal enclaves within their territory because they want to scam money out of you. In state revenue laws, for instance in the California Revenue and Taxation Code (R&TC), sections 17018 and 6017, "State" means a federal State within the boundaries of California and described as part of the Buck Act of 1940 found in 4 U.S.C. §§105-113. See the following URL to see what we mean:*
>
> *http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17001-17039.1"*
>
> *[SOURCE: Geographical Definitions and Conventions, Form #11.215*
> *http://sedm.org/SampleLetters/DefinitionsAndConventions.htm]*

YOUR ANSWER:_____

13. Admit that the U.S. Supreme Court has identified three geographical definitions of the term "United States".

> *"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the collective name of the states which are united by and under the Constitution."*
> *[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*
>
> **Table 29: Meanings assigned to "United States" by the U.S. Supreme Court in Hooven & Allison v. Evatt**

#	*U.S. Supreme Court Definition of "United States" in Hooven*	*Context in which usually used*	*Referred to in this article as*	*Interpretation*
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International law	"United States*"	"These united States," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The several States which is the united States of America." Referring to the 50 sovereign States, which are united under the Constitution of the United States of America. The federal areas within these states are not included in this definition because the Congress does not have exclusive legislative authority over any of the 50 sovereign States within the Union of States. Rights are retained by the States in the 9th and 10th Amendments, and you are a "Citizen of these united States." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

YOUR ANSWER (circle one): Admit/Deny

14. Admit that under maxims of the common law, any attempt to use a word such as "United States" either independently or in connection with the phrase "U.S. citizen", or "citizen of the United States" WITHOUT defining WHICH SPECIFIC "United States" is implied in the Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945) should be interpreted as a deliberate attempt to DECEIVE the hearer and commit constructive fraud.

> *"Dolosus versatur generalibus.* **A deceiver deals in generals.** *2 Co. 34."*
>
> *"Fraus latet in generalibus.* **Fraud lies hid in general expressions.***"*
>
> *Generale nihil certum implicat.* **A general expression implies nothing certain.** *2 Co. 34.*
>
> *Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque.* **Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right.** *10 Co. 78.*
> *[*Bouvier's Maxims of Law, 1856*]*

15. Admit that the only jurisdiction above which encompasses ONLY "territory" of the United States is definition 2 above, which is abbreviated as "United States**" in the table.

YOUR ANSWER (circle one): Admit/Deny

16. Admit that because there are three geographical definitions of the term "United States", then there must also be at least three distinct and different types of "citizens of the United States".

YOUR ANSWER (circle one): Admit/Deny

17. Admit that in addition to the geographical context for the term "United States", the term can ALSO be used to represent "United States" as a corporation and a legal person RATHER than simply a geographic place:

> *TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.*
> *TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE*
> *PART VI - PARTICULAR PROCEEDINGS*
> *CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE*
> *SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS*
>
> *Sec. 3002. Definitions*
> *(15) "United States" means -*
> *(A) a Federal corporation;*
> *(B) an agency, department, commission, board, or other entity of the United States; or*
> *(C) an instrumentality of the United States.*

YOUR ANSWER (circle one): Admit/Deny

18. Admit that a "citizen of the United States" domiciled within Puerto Rico, which is federal territory under 4 U.S.C. §110(d), is a statutory "national and citizen of the United States** at birth" as defined in 8 U.S.C. §1401 and is not protected or described in or by the Constitution, unless of course Congress has EXPRESSLY extended a specific provision of the Constitution by legislative act to Puerto Rico.

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

YOUR ANSWER (circle one): Admit/Deny

19. Admit that a "citizen of the United States" domiciled within Puerto Rico, which is federal territory under 4 U.S.C. §110(d), is "subject to ITS jurisdiction" as referred to in 26 C.F.R. §1.1-1(c) rather than "subject to THE jurisdiction" as referred to in the Fourteenth Amendment.

> *United States Constitution*
> *Fourteenth Amendment*
>
> *Section 1. All persons born or naturalized in the [federal] United States,* ***and subject to THE [political] jurisdiction*** *thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*
>
> _____
>
> *26 C.F.R. §1.1-1(c):*
>
> *(c) Who is a [statutory] citizen.*
>
> ***Every person born or naturalized in the United States[**] and subject to ITS [that is, LEGISLATIVE] jurisdiction is a [statutory and not constitutional] citizen.*** *For other rules governing the acquisition of citizenship, see Chapters 1 and 2 of Title III of the Immigration and Nationality Act (8 U.S.C. §1401-1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489), Schneider v. Rusk, (1964) 377 U.S. 163, and Rev. Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of*

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avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.

YOUR ANSWER (circle one): Admit/Deny

20. Admit that one can be "subject to **THE POLITICAL** jurisdiction" while NOT being "subject to **ITS LEGISLTIVE** jurisdiction" of a specific nation by having a civil domicile outside the territory of that jurisdiction and in a legislatively "foreign state", which could be either a foreign country or a state of the Union.

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

YOUR ANSWER (circle one): Admit/Deny

21. Admit that it is possible to be a statutory "nonresident alien" under 26 U.S.C. §7701(b)(1)(B) and a Constitutional "citizen" under the Fourteenth Amendment AT THE SAME TIME, if one is domiciled in a constitutional state of the Union and the term "United States" as used below refers to federal territory ONLY AND if the party with that status lawfully occupies a public office in the national but not state government.

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101*
> *§ 1101. Definitions*
>
> *(a) As used in this chapter—*
>
> *(3) The term "alien" means any person not a citizen or national of the United States[**].*

YOUR ANSWER:_____

22. Admit that all federal legislation, excepting the following subject matters, is limited to federal territory, federal property, and those domiciled on federal territory and therefore protected by federal law:

18.1 Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.
18.2 Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution..
18.3 Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.
18.4 Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.
18.5 Jurisdiction over naturalization and exportation of Constitutional aliens.
18.6 Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581. and 18 U.S.C. §1589(3).

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

YOUR ANSWER (circle one): Admit/Deny

23. Admit that a ***statutory*** "citizen of the United States" as defined in 8 U.S.C. §1401 and a ***constitutional*** "citizen of the United States" as defined in section 1 of the Fourteenth Amendment are mutually exclusive types of citizens and that a person CANNOT be BOTH types of citizens at the same time.

YOUR ANSWER (circle one): Admit/Deny

24. Admit that the following definition describes federal territory that is not within the exclusive jurisdiction of any state of the Union.

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. [Aliens and Nationality]*
> *Sec. 1101. - Definitions*
>
> *(a)(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands **of** the United States.*

YOUR ANSWER (circle one): Admit/Deny

25. Admit that the definition of "continental United States" below does not pertain to the above but ALSO adds areas under the exclusive jurisdiction of states of the Union, and that this addition was necessary because jurisdiction over constitutional but not statutory aliens is enjoyed by the federal government EVERYWHERE in the American Union.

> *TITLE 8--ALIENS AND NATIONALITY CHAPTER I--IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE*
> *PART 215--CONTROLS OF **ALIENS** DEPARTING FROM THE UNITED STATES[**]*
>
> *Section 215.1: Definitions*
>
> *(f) The term continental United States[**] means the District of Columbia and the several **States**, except Alaska and Hawaii.*
>
> ---
>
> *While under our constitution and form of government the great mass of local matters is controlled by local authorities, t**he United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory.** The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations. As said by this court in the case of Cohens v. Virginia, 6 Wheat. 264, 413, speaking by the same great chief justice: '**That the United States form, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one; and the government which is alone capable of controlling and managing their interests in all these respects is the government of the Union**. It is their government, and in that character they have no other. America has chosen to [130 U.S. 581, 605] be in many respects, and to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is competent. **The people have declared that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory."***
>
> *[. . .]*
>
> *"**The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the United States as a part of those sovereign powers delegated by the constitution**, the right to its exercise at any time when, in the judgment of the government, the interests of the country require it, cannot be granted away or restrained on behalf of any one. **The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties.** They cannot be abandoned or surrendered. **Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract.**"*
> *[Chae Chan Ping v. U.S., 130 U.S. 581 (1889)]*

YOUR ANSWER (circle one): Admit/Deny

26. Admit that a Constitutional "citizen of the United States" born within or naturalized while domiciled within a constitutional state of the Union is defined as a "national" under 8 U.S.C. §1101(a)(21):

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.
Sec. 1101. - Definitions

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

YOUR ANSWER (circle one): Admit/Deny

27. Admit that neither the "federal government" nor the "national government" have civil legislative jurisdiction within a state of the Union, according to the U.S. Supreme Court.

*"It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, **possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation.**"*
[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

YOUR ANSWER (circle one): Admit/Deny

28. Admit that because neither the "federal government" nor the "national government" have civil legislative jurisdiction within a state of the Union, then no statute or "legislation" that it might write can prescribe the status or condition, including the citizenship status, of those born within the exclusive jurisdiction of a state of the Union.

*"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First 'that **every nation possesses an exclusive sovereignty and jurisdiction within its own territory**'; secondly, '**that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.**' The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent." Story on Conflict of Laws §23."*
[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

YOUR ANSWER (circle one): Admit/Deny

29. Admit that the "national government" and the "federal government" legislate for two distinctly different and mutually exclusive territorial jurisdictions.

"It is clear that Congress as a legislative body, exercises two species of legislative power: the one, limited as to its objects but extending all over the Union; the other, an absolute, exclusive legislative power over the District of Columbia."
[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]

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*"**NATIONAL GOVERNMENT**. The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.*

*"A national government is a government of the people of a single state or nation, united as a community by what is termed the "social compact," and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. **A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.**" Piqua Branch Bank v. Knoup, 6 Ohio.St. 393."*
[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176]

***"FEDERAL GOVERNMENT**. The system of government administered in a state formed by the union or confederation of **several independent or quasi independent states**; also the composite state so formed.*

*In strict usage, there is a distinction between a confederation and a federal government. **The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation, and the central government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal,-while the administration of national***

affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all. in their collective capacity, as citizens of the nation. *The distinction is expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaut;" the former denoting a league or confederation of states, and the latter a federal government, or state formed by means of a league or confederation.*
[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

YOUR ANSWER (circle one): Admit/Deny

30. Admit that the "national government" legislates ONLY for federal territory, domiciliaries, and property and not for any component of the states of the Union, and that it does so under the authority of Article 4, Section 3, Clause 2 of the Constitution, and that the U.S. Supreme Court calls this jurisdiction the "national domain".

*"A person arbitrarily or forcibly held against his will for the purpose of compelling him to render personal services in discharge of a debt is in a condition of peonage. It was not claimed in that case that peonage was sanctioned by or could be maintained under the Constitution or laws either of Florida or Georgia. The argument there on behalf of the accused was, in part, that the 13th Amendment was directed solely against the states and their laws, and that its provisions could not be made applicable to individuals whose illegal conduct was not authorized, permitted, or sanctioned by some act, resolution, order, regulation, or usage of the state. That argument was rejected by every member of this court, and we all agreed that Congress had power, under the 13th Amendment, not only to forbid the existence of peonage, but to make it an offense against the United States for any person to hold, arrest, return, or cause to be held, arrested or returned, or who in any manner aided in the arrest or return, of another person, to a condition of peonage. After quoting the above sentences from the opinion in the Civil Rights Cases, Mr. Justice Brewer, speaking for the court, said: 'Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the 13th Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude, except as a punishment for crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. *34* ***This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends****. We entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the republic, wherever his residence may be.'*
[Hodges v. U.S., 203 U.S. 1, 27 S.Ct. 6 (U.S. 1906)]

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*"It is contended that we should dismiss this action on the ground that the Attorney General has not been granted power either to file or to maintain it. It is *27 not denied that Congress has given a very broad authority to the Attorney General to institute and conduct litigation in order to establish and safeguard government rights and properties.[76] The argument is that Congress has for a long period of years acted in such a way as to manifest a clear policy to the effect that the states, not the Federal Government, have legal title to the land under the three-mile belt.* ***Although Congress has not expressly declared such a policy, we are asked to imply it from certain conduct of Congress and other governmental agencies charged with responsibilities concerning the national domain****. And, in effect, we are urged to infer that Congress has by implication amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain court proceedings in order to safeguard national interests.*

An Act passed by Congress and signed by the President could, of course, limit the power previously granted the Attorney General to prosecute claims for the Government. ***For Article IV, s 3, Cl. 2 of the Constitution vests in Congress 'Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.' We have said that the constitutional power of Congress in this respect is without limitation. United States v. City and County of San Francisco, 310 U.S. 16, 29, 30, 60 S.Ct. 749, 756, 757, 84 L.Ed. 1050. Thus neither the courts nor the executive agencies, could proceed contrary to an Act of Congress in this congressional area of national power****.*
[U.S. v. State of Cal., 332 U.S. 19, 67 S.Ct. 1658 (U.S. 1947)]

YOUR ANSWER (circle one): Admit/Deny

31. Admit that persons neither domiciled on federal territory nor participating in federal franchises are NOT part of the "national domain" or the "national government" as defined earlier.

[76] 5 U.S.C. §§291, 309, 5 U.S.C.A. §§291, 309; United States v. San Jacinto Tin Co., 125 U.S. 273, 279, 284, 8 S.Ct. 850, 854, 856, 31 L.Ed. 747; Kern River Co. v. United States, 257 U.S. 147, 154, 155, 42 S.Ct. 60, 62, 63, 66 L.Ed. 175; Sanitary District of Chicago v. United States, 266 U.S. 405, 425, 426, 45 S.Ct. 176, 178, 179, 69 L.Ed. 352; see also In re Debs, 158 U.S. 564, 584, 15 S.Ct. 900, 906, 39 L.Ed. 1092; United States v. State of Oregon, 295 U.S. 1, 24, 55 S.Ct. 610, 619, 79 L.Ed. 1267; United States v. State of Wyoming, 323 U.S. 669, 65 S.Ct. 34, 89 L.Ed. 543; 331 U.S. 440, 67 S.Ct. 1319.

YOUR ANSWER (circle one): Admit/Deny

32. Admit that any attempt to "presume" or conclude that a person or his private property is part of the "national domain" who in fact is not part of said domain constitutes an act of eminent domain in which *private property* is being unlawfully converted to a "public use" in criminal violation of 18 U.S.C. §654 if the owner of the property did not consent.

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

YOUR ANSWER (circle one): Admit/Deny

33. Admit that the distinctions between the "national government" and the "federal government" is a product of the separation of powers doctrine, which was put there by the framers of the constitution for the express purpose of protecting our rights and liberties.

> *"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961).* ***This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties****." Gregory v. Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Ibid. "*
> *[U.S. v. Lopez, 514 U.S. 549 (1995)]*

YOUR ANSWER (circle one): Admit/Deny

34. Admit that those in the legal profession or the government who refuse to acknowledge all of the implications of the separation of powers doctrine are engaged in a willful oppression of the rights and liberties of those persons in states of the Union who are protected by it.

See: http://famguardian.org/Subjects/LawAndGovt/Articles/SeparationOfPowersDoctrine.htm

YOUR ANSWER (circle one): Admit/Deny

35. Admit that a judge or public servant who refuses to recognize all of the implications of the separation of powers doctrine is a de facto usurper and tyrant who is acting as a private individual and not an officer of the government.

> ***"… the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name."***

> *"This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self- government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the state to declare and decree that he is the state; to say 'L'Etat, c'est moi.'* ***Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too,***

with the sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the state? The doctrine is not to be tolerated. The whole frame and scheme of the political institutions of this country, state and federal, protest against it. Their continued existence is not compatible with it. It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double progeny of the same evil birth."
[Poindexter v. Greenhow, 114 U.S. 270; 5 S.Ct. 903 (1885)]

YOUR ANSWER (circle one): Admit/Deny

36. Admit that a judge or public servant who refuses to recognize all of the implications of the separation of powers doctrine upon his authority is violating his/her oath of office and acting not as a judge, but a private individual who has surrendered judicial and sovereign immunity and agreed to accept personal responsibility for his usurpations.

"An officer who acts in violation of the Constitution ceases to represent the government."
[Brookfield Const. Co. v. Stewart, 284 F.Supp. 94]

"In another, not unrelated context, Chief Justice Marshall's exposition in Cohens v. Virginia, 6 Wheat, 264 (1821) TA \l "Cohens v. Virginia, 6 Wheat, 264 (1821)" \s "Cohens v. Virginia, 6 Wheat, 264 (1821)" \c 1 , could well have been the explanation of the Rule of Necessity; he wrote that a court "must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. ***We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution****. Questions may occur which we would gladly avoid; but we cannot avoid them." Id., at 404 (emphasis added)*
[U.S. v. Will, 449 U.S. 200 (1980)]

"In such case the judge has lost his judicial function, has become a mere private person, and is liable as a trespasser for damages resulting from his unauthorized acts."

"Judge's honesty of purpose and sincere belief that he was acting in discharge of his official duty was not available as defense in action."

"Where there is no jurisdiction there is no judge; the proceeding is as nothing. Such has been the law from the days of the Marshalsea, 10 Coke 68; also Bradley v. Fisher, 13 Wall 335,351."
[Manning v. Ketcham, 58 F.2d. 948]

YOUR ANSWER (circle one): Admit/Deny

37. Admit that Subtitle A of the Internal Revenue Code only applies to ONE of the three definitions of "United States" indicated above, in which the "United States" is defined as the District of Columbia pursuant to 26 U.S.C. §7701(a)(9) and (a)(10).

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

(a)(9) United States

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

(a)(10) State

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

YOUR ANSWER (circle one): Admit/Deny

38. Admit that when a statutory definition of a word is provided, that definition *supersedes* and *replaces*, and NOT *enlarges*, the common or ordinary meaning of the word.

> *"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed in other legislation, has no pejorative connotation. As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it."*
> *[Meese v. Keene, 481 U.S. 465, 484 (1987)]*

YOUR ANSWER:_____

39. Admit that the things or classes of things described in a statutory definition *exclude* all things not specifically and EXPRESSLY identified *somewhere* within the statute or other related sections of the Title:

> *"As a rule, **`a definition which declares what a term "means" . . . excludes any meaning that is not stated'"***
> *[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]*

> *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."*
> *[Black's Law Dictionary, Sixth Edition, p. 581]*

YOUR ANSWER:_____

40. Admit that no judge has the authority to enlarge or expand a definition to include things not explicitly stated in the statute itself because judges are not part of the legislative branch of the government.

> *"In the interpretation of **statutes levying taxes**, it is the established rule **not to** extend their provisions by implication beyond the clear import of the language used, or to enlarge their operations so as to embrace matters not specifically pointed out. In case of doubt they are construed most strongly against the government and in favor of the citizen."*
> *[Gould v. Gould, 245 U.S. 151 (1917)]*

YOUR ANSWER:_____

41. Admit that a judge who extends the meaning of a term beyond that clearly stated in the statute itself is effectively "legislating from the bench", exceeding his or her delegated authority, and destroying the separation of powers which was put there for the protection of natural or Constitutional rights.

> *"But, allowing the people to make constitutions and unmake them, allowing their representatives to make laws and unmake them, and without our interference as to their principles or policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as empowered by the State or the Union, commence their functions and may decide on the rights which conflicting parties can legally set up under them, rather than about their formation itself. **Our power begins after theirs ends. Constitutions and laws precede the judiciary, and we act only under and after them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is the law, jus dicere, we speak or construe what is the constitution, after both are made, but we make, or revise, or control neither."***
> *[Luther v. Borden, 48 U.S. 1 (1849)]*

YOUR ANSWER:_____

42. Admit that the ordinary or common definition of a word appearing within a revenue statute may only be implied when there is no governing statutory definition.

> ***"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a***

rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated'"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). *That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."*
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

YOUR ANSWER:_____

43. Admit that when the word "include" is used within a statutory definition in its context of meaning "in addition to", the other things that it ***adds*** to must also be specified in another section of the statutes as well or the statute is void for vagueness.

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated'"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). *That is to say, the statute, read "as a whole [all sections considered TOGETHER]," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."*
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

YOUR ANSWER:_____

44. Admit that the First Amendment recognizes a natural right to both politically and legally associate, and a right to be free of compelled association with any political or legal group.

"The right to associate or not to associate with others solely on the basis of individual choice, not being absolute, may conflict with a societal interest in requiring one to associate with others, or to prohibit one from associating with others, in order to accomplish what the state deems to be the common good. ***The Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association, has nevertheless established certain basic rules which will cover many situations involving forced or prohibited associations.*** *Thus, where a sufficiently compelling state interest, outside the political spectrum, can be accomplished only by requiring individuals to associate together for the common good, then such forced association is constitutional.* [77] ***But the Supreme Court has made it clear that compelling an individual to become a member of an organization with political aspects, or compelling an individual to become a member of an organization which financially supports, in more than an insignificant way, political personages or goals which the individual does not wish to support, is an infringement of the individual's constitutional right to freedom of association.*** [78] *The First Amendment prevents the government, except in the most compelling circumstances, from wielding its power to interfere with its employees' freedom to believe and associate, or to not believe and not associate; it is not merely a tenure provision that protects public employees from actual or constructive discharge.* [79] *Thus, First*

[77] 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.

[78] 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).

[79] 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.

Amendment principles prohibit a state from compelling any individual to associate with a political party, as a condition of retaining public employment. [80] The First Amendment protects nonpolicymaking public employees from discrimination based on their political beliefs or affiliation. [81] But the First Amendment protects the right of political party members to advocate that a specific person be elected or appointed to a particular office and that a specific person be hired to perform a governmental function. [82] In the First Amendment context, the political patronage exception to the First Amendment protection for public employees is to be construed broadly, so as presumptively to encompass positions placed by legislature outside of "merit" civil service. Positions specifically named in relevant federal, state, county, or municipal laws to which discretionary authority with respect to enforcement of that law or carrying out of some other policy of political concern is granted, such as a secretary of state given statutory authority over various state corporation law practices, fall within the political patronage exception to First Amendment protection of public employees. [83] However, a supposed interest in ensuring effective government and efficient government employees, political affiliation or loyalty, or high salaries paid to the employees in question should not be counted as indicative of positions that require a particular party affiliation. [84]"
[American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999)]

YOUR ANSWER:_____

45. Admit that the product of choosing one's political and legal associations is the status they declare on government forms using such words as "citizen", "resident", "inhabitant", and that any of the following activities by any government or officer of the government to recognize that status is a direct interference with the First Amendment right to politically and legally associate and constitutes a tort.

41.1 Refusing to recognize or give "force of law" to the status one declares on a government form.
41.2 Calling one's choice of status, such as "nonresident", frivolous, without merit, or false without evidence signed under penalty of perjury by the accuser.
41.3 Not providing ALL the possible choices on a government form, such as omitting the following statuses: "nontaxpayer", "nonresident", "transient foreigner".
41.4 Forcing the applicant to choose from a filtered list of status options that does represent all possible choices and saying they won't accept the form unless you choose only from the options presented. For instance, one is a nonresident and not an "individual" and yet the form only provides "individual" and "resident" as choices.
41.5 Refusing to accept government forms submitted to them that have attachments that provide legal definitions of the statuses indicated on the form, or which add status options deliberately omitted from the form.

YOUR ANSWER:_____

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.

[80] 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).

[81] 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).

[82] 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).

[83] 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).

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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.

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

46. Admit that implicit in the First Amendment right of freedom to associate or disassociate is the right to CHOOSE what LEGAL group one wishes to join, and that domicile, or what the courts call "animus manendi" is the method of making that choice of LEGAL association.

YOUR ANSWER:_____

47. Admit that "taxes" cause those paying them to subsidize "political personages" as described in the Am.Jur quote above.

YOUR ANSWER:_____

48. Admit that domicile and statutory "U.S. citizen" status (8 U.S.C. §1401) that associates with it, and not nationality, is what determines whether "taxes" are owed.

> *"**Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes**. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, **the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter.** Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located."*
> *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]*

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

> ***"The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding to the value of such property**, or in the creation and maintenance of public conveniences in which he shares -- such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. **If the taxing power be in no position to render these services, or otherwise to benefit the person or property taxed, and such property be wholly within the taxing power of another state, to which it may be said to owe an allegiance, and to which it looks for protection, the taxation of such property within the domicil of the owner partakes rather of the nature of an extortion than a tax**, and has been repeatedly held by this Court to be beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v. Jackson, 7 Wall. 262; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank, 19 Wall. 490, 499; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358. In Chicago &c. R. Co. v. Chicago, 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v. Boston, 158 Mass. 509, 519."*
> *[Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]*

YOUR ANSWER:_____

49. Admit that one cannot be a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 without a domicile on federal territory subject to the exclusive jurisdiction of Congress under Article 1, Section 8, Clause 17 of the United States Constitution.

YOUR ANSWER:_____

50. Admit that if one starts out as a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 and changes their domicile to be outside of the "United States" as defined in 26 U.S.C. §7701(a)(9) and (a)(10), such as a constitutional state of the Union, then they cease to be a statutory "U.S. citizen" and instead become a "nonresident" under the Internal Revenue Code.

YOUR ANSWER:_____

51. Admit that there is such a thing as a "nonresident" under the Internal Revenue Code who is NEITHER a "person" (26 U.S.C. §7701(c)), "individual" (26 C.F.R. §1.1441-1(c)(3)), "nonresident alien" (26 U.S.C. §7701(b)(1)(B)), nor "nonresident alien individual" (26 C.F.R. §1.1441-1(c)(3)(ii)).

YOUR ANSWER:_____

52. Admit that one can be "not subject", legislatively "foreign", and beyond the jurisdiction of the Internal Revenue Code WITHOUT being a statutorily "exempt individual" under 26 U.S.C. §7701(b)(5).

> *"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national Government] and not to non-taxpayers [state national domiciled in states of the Union without the exclusive jurisdiction of the national Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law."*
> *[Economy Plumbing & Heating v. U.S. , 470 F.2d, 585 (1972)]*

YOUR ANSWER:_____

53. Admit that any attempt to compel a HUMAN being standing on land protected by the Constitution to complete any tax form in a way that associates them with ANY specific civil status under the Internal Revenue Code is a violation of the First Amendment right of freedom from compelled association and also criminal witness tampering (18 U.S.C. §1512) if the form on which the status appears was signed under penalty of perjury and the person doing the compelling was a government officer or withholding agent.

YOUR ANSWER:_____

54. Admit that either refusing to hire or threatening to fire a person who refuses to assume or consent to a civil status under the tax code constitutes one or more types of coercion that would trigger the violations of rights in the previous question.

YOUR ANSWER:_____

55. Admit that any attempt to interfere with the identification or prosecution of the crimes identified in the previous step, INCLUDING an attempt to object by saying "Objection: Calls for a legal conclusion", is an evasion of the fiduciary duty of public officers, licensed attorneys, and all "officers of the court" to protect PRIVATE rights.

> *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.* [85] ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.*** [86] ***That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.*** [87] ***and owes a fiduciary duty to the public.*** [88] ***It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.*** [89] ***Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual [PRIVATE] rights is against public policy.***[90]*"*
> *[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]*

YOUR ANSWER:_____

---

[85] State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

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

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

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

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

[90] Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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56. Admit that NO FEDERAL TAX FORM recognizes or offers the status of "nontaxpayer" or "non-resident non-person", and therefore, that NOT ALL AVAILABLE civil statuses are described or offer on tax forms.

YOUR ANSWER:_____

57. Admit that it is perjury under penalty of perjury and possibly fraud for a "non-resident non-person" and/or a "nontaxpayer" to indicate ANY AVAILABLE civil status on any government tax form if the two statuses of "non-resident non-person" or "nontaxpayer" are not available as a status option on any tax form.

YOUR ANSWER:_____

58. Admit that you cannot be a jurist or a voter in most jurisdictions unless you have a domicile in a place, and that if income tax liability attaches to ones choice of domicile, then income taxes in effect behave as "poll taxes".

YOUR ANSWER:_____

59. Admit that those without a domicile within a specific jurisdiction cannot serve as jurists and voters in that jurisdiction.

YOUR ANSWER:_____

60. Admit that those without a domicile within a specific jurisdiction and who cannot therefore serve as jurists or voters in that jurisdiction are ineligible to serve as an officer of the state and therefore a statutory "citizen" such as that described in 8 U.S.C. §1401.

> *8. Citizen defined*
>
> ***Citizenship implies membership in a political society**, the relation of allegiance and protection, **identification with the state, and a participation in its functions**, and while a temporary absence may suspend the relation between a state and its citizen, his identification with the state remains where he intends to return. Pannill v. Roanoke Times Co., W.D.Va.1918, 252 F. 910. Aliens, Immigration, And Citizenship 678*
> *[8 U.S.C.A. §1401 (2009), p. 18]*

YOUR ANSWER:_____

61. Admit that one can be physically present within a country they were born within WITHOUT being a member of the body politic or the "State".

> *"**State**. **A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic** exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moralitis, C.C.A.Md., 136 F.2d. 129, 130. **In its largest sense, a "state" is a body politic or a society of men.** Beagle v. Motor Vehicle Acc. Indemnification Corp., 44 Misc.2d. 636, 254 N.Y.S.2d. 763, 765. **A body of people occupying a definite territory and politically organized under one government.** State ex re. Maisano v. Mitchell, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. Restatement, Second, Conflicts, §3. Term may refer either to body politic of a nation (e.g. United States) or to an individual government unit of such nation (e.g. California).*
>
> *[…]*
>
> ***The people of a state, in their collective capacity**, considered as the party wronged by a criminal deed; the public; as in the title of a cause, "The State vs. A.B."*
> *[Black's Law Dictionary, Sixth Edition, p. 1407]*

YOUR ANSWER:_____

62. Admit that the act of simply being born is not an act of EXPRESS CONSENT to become a member of or join any political community, including a "State".

YOUR ANSWER:_____

63. Admit that in order to be a "citizen of the United States" under the Fourteenth Amendment, one must be a human being and not artificial entity CONSENSUALLY DOMICILED in a CONSTITUTIONAL but not STATUTORTY "State".

> *That newly arrived citizens "have two political capacities, one state and one federal," adds special force to their claim that they have the same rights as others who share their citizenship.17* ***Neither mere rationality nor some intermediate standard of review should be used to judge the constitutionality of a state rule that discriminates against some of its citizens because they have been domiciled in the State for less than a year****. The appropriate standard may be more categorical than that articulated in Shapiro, see supra, at 8 9, but it is surely no less strict.*
>
> *[. . .]*
>
> ***A bona fide residence requirement simply requires that the person does establish residence before demanding the services that are restricted to residents****." The Martinez Court explained that "residence" requires "both physical presence and an intention to remain [domicile]," see id., at 330, and approved a Texas law that restricted eligibility for tuition-free education to families who met this minimum definition of residence, id., at 332 333.*
>
> *While the physical presence element of a bona fide residence is easy to police, the subjective intent element is not. It is simply unworkable and futile to require States to inquire into each new resident's subjective intent to remain. Hence, States employ objective criteria such as durational residence requirements to test a new resident's resolve to remain before these new citizens can enjoy certain in-state benefits. Recognizing the practical appeal of such criteria, this Court has repeatedly sanctioned the State's use of durational residence requirements before new residents receive in-state tuition rates at state universities. Starns v. Malkerson, 401 U.S. 985 (1971), summarily aff'g 326 F. Supp. 234 (Minn. 1970) (upholding 1-year residence requirement for in-state tuition); Sturgis v. Washington, 414 U.S. 1057, summarily aff'g 368 F. Supp. 38 (WD Wash. 1973) (same). The Court has declared: "The State can establish such reasonable criteria for in-state status as to make virtually certain that students who are not, in fact, bona fide residents of the State, but have come there solely for educational purposes, cannot take advantage of the in-state rates." See Vlandis v. Kline, 412 U.S. 441, 453 454 (1973). The Court has done the same in upholding a 1-year residence requirement for eligibility to obtain a divorce in state courts, see Sosna v. Iowa, 419 U.S. 393, 406 409 (1975), and in upholding political party registration restrictions that amounted to a durational residency requirement for voting in primary elections, see Rosario v. Rockefeller, 410 U.S. 752, 760 762 (1973).*
> *[Saenz v Roe, 526 U.S. 473, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999)]*

YOUR ANSWER:_____

64. Admit that those human beings who are born or naturalized in the COUNTRY "United States*" but who did not CONSENSUALLY acquired a civil DOMICILE within a constitutional state are "non-resident non-persons" but not Fourteenth Amendment "citizens of the United States" because they do not "reside" in the CONSTITUTIONAL state as used in that amendment.

YOUR ANSWER:_____

65. Admit that ALL JUST POWERS of the government derive from the EXPRESS CONSENT of those CIVILLLY governed, per the Declaration of Independence.

> *"We hold these truths to be self-evident, that* ***all men are created equal, that they are endowed by their Creator with certain unalienable Rights****, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -"*
> *[Declaration of Independence]*
>
> *"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred [even WITH consent]."*
> *[Black's Law Dictionary, Fourth Edition, p. 1693]*

YOUR ANSWER:_____

66. Admit that those who DO NOT expressly consent to a civil domicile or register to vote or serve on jury duty are NOT among those "CIVILLY governed" per the Declaration of Independence.

YOUR ANSWER:_____

67. Admit that those who REFUSE to expressly consent to a civil domicile or register to vote or serve on jury duty have not only a RIGHT, but a DUTY, to do so per the Declaration of Independence when any government becomes abusive.

*"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, **it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.**"*
[Declaration of Independence, 1776;
SOURCE: http://www.archives.gov/exhibits/charters/declaration_transcript.html]

YOUR ANSWER:_____

68. Admit that the Declaration of Independence is ORGANIC LAW of this country passed by the first Congress by their very first enactment in the Statutes At Large and therefore MUST be obeyed by all courts.

See SEDM Exhibit 03.006 and 1 Stat. 1; SOURCE: http://sedm.org/Exhibits/ExhibitIndex.htm

YOUR ANSWER:_____

69. Admit that anyone who interferes with the exercise of the "duty" described in the Declaration of Independence indirectly is promoting VIOLENCE and ANARCHY, because the remedy described is the ONLY peaceful remedy and all other remedies require violence.

YOUR ANSWER:_____

70. Admit that the enforcement of the CRIMINAL law does not require consent or domicile, and therefore, those who effect the disassociation documented in the previous questions are not "anarchists" because they ARE subject to the CRIMINAL law and are NOT exempt from ALL LAW.

YOUR ANSWER:_____

71. Admit that one can be physically present within a country they were born within WITHOUT being a member of the body politic or the "State".

YOUR ANSWER:_____

72. Admit that those who have not CONSENSUALLY joined the "body politic" and therefore the "State" by FIRST selecting a domicile and THEN registering to vote and/or serving on jury duty, even though eligible to register or serve, are not "citizens" within the meaning of any civil statutory law.

YOUR ANSWER:_____

73. Admit that the phrase "voluntarily submitted himself" in the below definition implies the OPPOSITE right to NOT VOLUNTEER and therefore NOT be a citizen WITHOUT abandoning one's nationality and allegiance.

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

_____

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

*"Citizens" are members of a political community who, in their associated capacity, **have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights.** Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.*

The term may include or apply to children of alien parents from in United States, Von Schwerdtner v. Piper, D.C.Md., 23 F.2d. 862, 863; U.S. v. Minoru Yasui, D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, Haaland v. Attorney General of United States, D.C.Md., 42 F.Supp. 13, 22; Indians, United States v. Hester, C.C.A.Okl., 137 F.2d. 145, 147; National Banks, American Surety Co. v. Bank of California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States nor a state is a citizen for purposes of diversity jurisdiction. Jizemerjian v. Dept of Air Force, 457 F.Supp. 820. On the other hand, municipalities and other local governments are deemed to be citizens. Rieser v. District of Columbia, 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth Amendment. D.D.B. Realty Corp. v. Merrill, 232 F.Supp. 629, 637.

Under diversity statute [28 U.S.C. §1332], which mirrors U.S. Const, Article III's diversity clause, a person is a "citizen of a state" if he or she is a citizen of the United States and a domiciliary of a state of the United States. Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116.
[Black's Law Dictionary, Sixth Edition, p. 244]

YOUR ANSWER:_____

74. Admit that it is a violation of Constitutional rights and the Unconstitutional Conditions Doctrine of the U.S. Supreme Court to use any franchise, privilege, or "benefit" (INCLUDING driver licensing, Social Security, marriage licenses, attorney licenses) as a means to COMPEL or coerce anyone to become a STATUTORY "citizen".

"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence [by converting them into statutory "privileges"/franchises],' Gomillion v. Lightfoot, 364 U.S. 339, 345."
[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]

See also: Government Instituted Slavery Using Franchises, Form #05.030, Section 26.2;
http://sedm.org/Forms/FormIndex.htm

YOUR ANSWER:_____

20.2 Interrogatories

7. After this article was published starting in 2001, people began using it to apply for passports as a "state nationals" using Department of State Form DS-11. This included the authors. In 2006, the Department of State changed the DS-11 form to recognize the existence of "non-citizen nationals"! They changed the perjury statement to add a reference to "non-citizen national". To wit:

*"I declare under penalty of perjury that I am a United States citizen (**or non-citizen national**) and have not, since acquiring United States citizenship (**or U.S. nationality**), performed any of the acts listed under "Acts or Conditions" on this application form (unless explanatory statement is attached). I declare under penalty of perjury that the statements made on this application are true and correct."*
[Department of State Form DS-11;
SOURCE: http://famguardian.org/TaxFreedom/Forms/Emancipation/DS-0011.pdf]

Those who are "state nationals" can now simply check "NO" in answer to whether their parents are "U.S. citizens" in Block 21 and sign the form and MUST be presumed to be a state nationals by the recipient of the form. This corroborating behavior of the government raises the following questions:

7.1. Why would the Department of State Form DS-11 change their passport application form to accommodate the research in this pamphlet if we are wrong?
7.2. Why does the Department of State *continue* to approve passport applications that indicate that the application is a "non-citizen national", including the DS-11 application of the author?

8. "Expatriation" is defined in *Perkins v. Elg*, 307 U.S. 325 (1939) as:

"Expatriation is the voluntary renunciation or abandonment of nationality and allegiance."
[Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]

How can you abandon your nationality as a "national" or "state national" with the Secretary of the State of the United States** under 8 U.S.C. §1481 if you didn't have it to begin with?

9. Naturalization is defined in 8 U.S.C. §1101(a)(23) as:

> *TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.*
> *Sec. 1101. - Definitions*
>
> *(a)(23) The term "naturalization" means the conferring of **nationality** [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a state upon a person after birth, by any means whatsoever. "*

How can you say a person isn't a "national" after they were naturalized, and if they are, what type of "national" do they become? As a "national" born outside of exclusive federal legislative jurisdiction and the "United States**", do they meet the requirements of 8 U.S.C. §1452 and if not, why not?

10. The Supreme Court declared that the term "United States***" used in the Constitution is not a "nation", but a "society" in *Chisholm v. Georgia*:

> *"By that law **the several States and Governments spread over our globe, are considered as forming a society, not a NATION**. It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States[***], and the legitimate result of that valuable instrument. "*
> *[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1794)]*

What exactly does it mean to be a "national of the United States***" within the meaning of the Constitution and not federal law?

11. The early U.S. Congress in 1796 enacted a law found in the Statutes at Large at 1 Stat. 477 in which they referred to people born within states of the Union simultaneously as both "American citizens" and "citizens of the United States **of America**". This was shortly after the Constitution had been ratified that created the "United States". They deliberately didn't use the phrase "citizens of the United States" that describes a statutory citizen found in 8 U.S.C. §1401. See:

1 Stat. 477, SEDM Exhibit #01.004 http://sedm.org/Exhibits/ExhibitIndex.htm

This is the same "United States of America" used in the Articles of Confederation that have never been repealed and which the U.S. Supreme Court referred to as the collective states of the Union rather than the federal government created by the Constitution.

> ***As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the colonies were a unit in foreign affairs, acting through a common agency-namely, the Continental Congress, composed of delegates from the thirteen colonies**. That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change; but sovereignty survives. A political society cannot endure [299 U.S. 304, 317] without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See Penhallow v. Doane, 3 Dall. 54, 80, 81, Fed.Cas. No. 10925. That fact was given practical application almost at once. The treaty of peace, made on September 3, 1783, was concluded between his Brittanic Majesty and the 'United States of America.' 8 Stat., European Treaties, 80.*
>
> *The Union existed before the Constitution, which was ordained and established among other things to form 'a more perfect Union.' Prior to that event, it is clear that **the Union, declared by the Articles of Confederation to be 'perpetual,' was the sole possessor of external sovereignty, and in the Union it remained without change save in so far as the Constitution in express terms qualified its exercise. The Framers' Convention was called and exerted its powers upon the irrefutable postulate that though the states were several their people in respect of foreign affairs were one.** Compare The Chinese Exclusion Case, 130 U.S. 581, 604 , 606 S., 9 S.Ct. 623. In that convention, the entire absence of state power to deal with those affairs was thus forcefully stated by Rufus King:*
> *[United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936)]*

Why can't I lawfully be the "citizen of the United States **of America**" described in this enactment and would this be a *constitutional* citizen or a *statutory* citizen? If I can't, when was this type of citizenship outlawed?

12. If a "national" is defined in 8 U.S.C. §1101(a)(21) simply as a person who owes "allegiance", then why can't a person who is domiciled in a state of the Union have allegiance to the confederation of states called the "United States***", which the Supreme Court said above was a "society" and not a "nation". And what would you call that "society", if it wasn't a "nation"? We call that society a "federation" which is served by a "federal government". The Supreme Court said in *Hooven and Allison v. Evatt* that there are ***three*** definitions of the term "United States" and ***one*** of those definitions includes the following, which is what I claim to be a "national" of:

> *"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."*
> *[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

13. How come I can't have allegiance to the "society" or "federation" called "United States*** ***of America***" and define that "society" as being the collective states of the Union, and ***exclude*** from that definition the municipal government of the "United States**" in the District of Columbia? My allegiance is to the MASTER, which is the Sovereign People as individuals domiciled within the states of the Union who are collectively called the "United States*** ***of America***", rather than their SERVANT, who is the municipal government of the District of Columbia called the "United States**". By having this kind of allegiance to the people instead of their public servants, I am fulfilling the second great commandment found in the Bible to love and protect my neighbor, aren't I?

13.1. Why would God want me as a Christian to have allegiance to a WORTHLESS thing called a government or its agents, rather than to my fellow Sovereign Neighbor?

> *"Behold, the nations [and governments and politicians of the nations] are as a drop in the bucket, and are counted as the small dust on the scales."*
> *[Isaiah 40:15, Bible, NKJV]*

> *"**All nations [and governments] before Him [God] are as nothing**, and they are counted by Him **less than nothing and worthless**."*
> *[Isaiah 40:17, Bible, NKJV]*

> *"**He [God] brings the princes [and Presidents] to nothing; He makes the judges of the earth useless.**"*
> *[Isaiah 40:23, Bible, NKJV]*

> *"Indeed **they [the governments and the men who make them up in relation to God] are all worthless; their works are nothing**; their molded images [and their bureaus and agencies and usurious "codes" that are not law] are wind [and vanity] and confusion."*
> *[Isaiah 41:29, Bible, NKJV]*

> *"Arise, O Lord,*
> ***Do not let man [or governments made up of men] prevail;***
> ***Let the nations be judged [and disciplined] in Your sight.***
> ***Put them in fear [with your wrath and the timeless principles of your perfect and Glorious Law], O Lord,***
> ***That the nations may know themselves to be but men."***
> *[Psalm 9:19-20, Bible, NKJV]*

13.2. The SERVANT, which is the municipal government of the District of Columbia and the public SERVANTS who make it up, ***cannot*** be greater than the MASTER, who is the Sovereign People it was created to SERVE in the states of the Union . Any other kind of allegiance is treason to the Constitution and idolatry towards political rulers, isn't it?

13.3. Isn't idolatry towards political rulers inconsistent with the Christian faith, which requires our EXCLUSIVE allegiance to God?

> *"Away with you , Satan! For it is written, 'You shall worship the Lord your God, and Him **ONLY** [NOT the government!] you shall serve.'"*
> *[Jesus in Matt. 4:10, Bible, NKJV]*

13.4. Remember, the Supreme Court said in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945) that there are THREE definitions of the term "United States". The First Amendment to the United States*** Constitution guarantees me a right of free speech. Doesn't that right BEGIN, not END, with me being able to define the precise meaning of the words I use on government forms that ask about my citizenship so as to avoid leaving their meaning to presumption or conjecture or some judge or bureaucrat? Isn't it a conflict of interest in violation of 18 U.S.C. §208 for a judge or bureaucrat to be advising me on the meaning of words that describe my relationship to the

government, if telling the truth would reduce his retirement benefits or pay? And why would I want to trust or believe any government form or publication that addressed citizenship issues to accurately portray the truth about citizenship because of such a conflict of interest?

14. Why can't or won't the federal government recognize that very specific type of allegiance described in the preceding question and characterize it as that of a "national but not citizen" as Title 8 of the United States[**] Code requires? Could it be that the love of money and power and jurisdiction exceeds their love for justice and respect for the rule of law in this country? The Supreme Court said the federal government MUST be willing to acknowledge this type of allegiance when it said:

> ***"It is logical that, while the child remains or resides in territory of the foreign State [a state of the Union, in this case] claiming him as a national, the United States[**] should respect its claim to allegiance."***
> *[Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)*

15. The federal government has exclusive legislative jurisdiction over the following issues:
    15.1. "naturalization", under Article 1, Section 8, Clause 4 of the U.S. Constitution.
    15.2. The citizenship status of persons born in its own territories or possessions.

However, the federal government has *no* legislative power to determine citizenship by birth of persons born inside states of the Union, because the Constitution does not confer upon them that legislative power. All the cases and authorities that detractors of our position like to cite relate ONLY to the above subject matters, which are all governed exclusively by federal law, and federal legislation does not apply within states of the Union for this subject matter under the Constitution. Please therefore show us a case that involves a person born in state of the Union and *not* on a territory or possession in which the person claimed to be a "national" and not a "citizen" under 8 U.S.C. §1101(a)(21), and show us where the court said they *weren't*. You absolutely won't find such a case, because it is not only an impossibility, but an absurdity!

Affirmation:

I declare under penalty of perjury as required under 26 U.S.C. §6065 that the answers provided by me to the foregoing questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these answers are completely consistent with each other and with my understanding of both the Constitution of the United States, Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual (I.R.M.), and the rulings of the U.S. Supreme Court but not necessarily lower federal courts.

Name (print):_____

Signature:_____

Date:_____

Witness name (print):_____

Witness Signature:_____

Witness Date:_____

APPENDIX A: CITIZENSHIP DIAGRAMS

The following pages present simplified diagrams of citizenship, nationality, and domicile and how they relate to each other. They are useful as a learning tool for those who prefer to learn visually rather than using text.

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Citizenship, Nationality, and Tax Status

The following diagrams are provided to more clearly illustrate the difference between citizenship in terms of nationality and citizenship in terms of domicile, and how not knowing the difference greatly affects your legal standing with regard to the Federal government and the Internal Revenue Service.

What people colloquially regard as „citizenship" is statutorily regarded as nationality – membership in a nation. However, in law, the term „citizenship" can and is frequently used to connote „domicile" – a term used to reflect the intended final or permanent residence of a person within or without the boundaries of a given territory of a nation – domicile is a political choice such as religious or political party affiliation.

Because the term „citizenship" is so broadly used colloquially with regard to one's nationality, a misapplication of law can, and frequently does occur when „citizenship" is used to connote domicile within the boundaries of the United States of America. This misunderstanding is not a problem when regarding citizens under the jurisdiction of a national government, as their political status as well as their civil status is for all practical purposes one-in-the-same. However, in a federal government such as that of the *~~United States,~~"* there are two major territorial subdivisions within the nation, each of which is regarded separately under Organic Law, and consequently under federal statutes. The confusion is exacerbated by the fact that each of the major territorial subdivisions of the nation is referred to as the *~~United States,~~"* and each falls within the nation known as the United States of America – colloquially called the *~~United States.~~"*

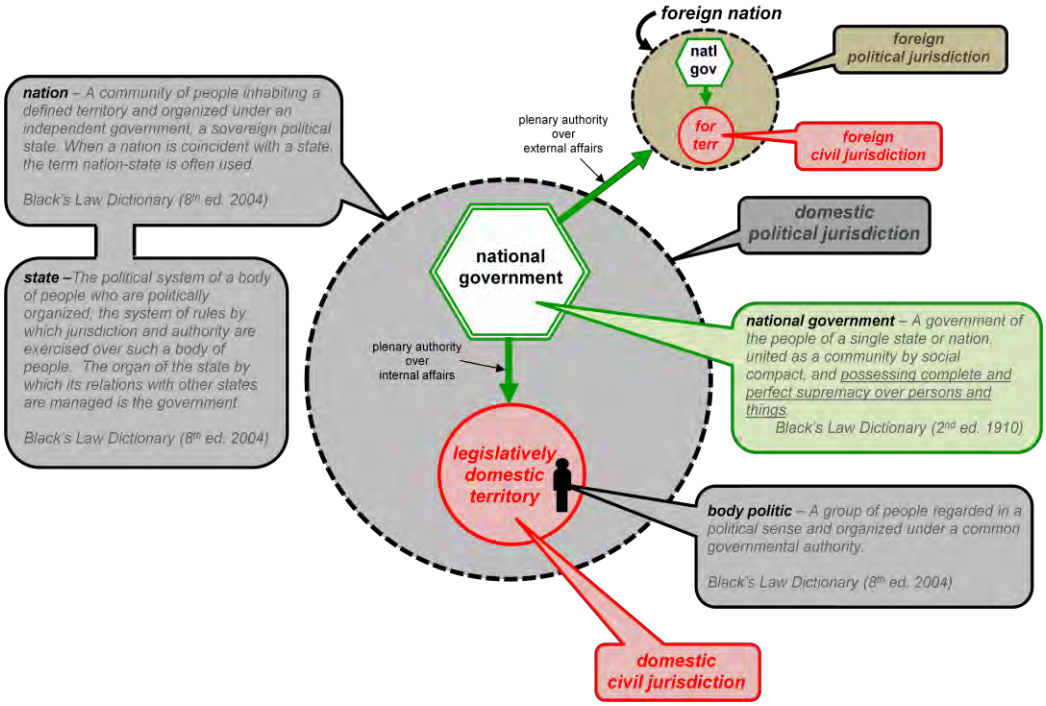
The root of the potential confusion is quite easily understood. The nation is called the *~~United States,~~"* and each of its two major territorial subdivisions is called the *~~United States.~~"* Citizenship in terms of membership in the nation called the *~~United States~~"* is obtained through the "citizenship clause" of the Fourteenth Amendment, and statutorily regarded as nationality – this commutes one's political status. Citizenship in terms of domicile within or without the boundaries of one of the major territorial subdivisions of the nation commutes one's civil status. Context, whether it is nationality or domicile, as well as which *~~United States~~"* is to be regarded for the purposes of establishing each respectively is of paramount importance, as this establishes both political status and civil status. Nationality and domicile must not be conjoined as being one-in-the-same, but regarded separately under federal law if one does not wish to surrender critical rights and legal status.

The practical effect of all of this obfuscation is the creation of a system by the United States government which allows for the total usurpation of constitutional protections through „voluntary compliance" mechanisms in the form of a private contract nexus with the government. In the course of such a contract, an American National will declare a federal domicile, and thus be subject to the exclusive jurisdiction of Congress and no longer protected by the Bill of Rights and other provisions in the Constitution which are designed to protect Americans in the 50 States. The most important being the levy of an unapportioned direct tax on the property of Americans, which is still restricted in the 50 States, unrestricted gun ownership and carriage, and the regulation of "civil rights" versus „unalienable rights" which exist naturally in the 50 States and are not privileges granted by Congress. Additionally, the addictive and destructive nature of the social welfare state serves to only make the „beneficiaries" more dependent on their once servant government, it does not "promote the general welfare," but rather provides the general welfare, and in the long run serves to destroy the liberty and private property rights of the citizenry. This is by design and the system benefits those who designed it.

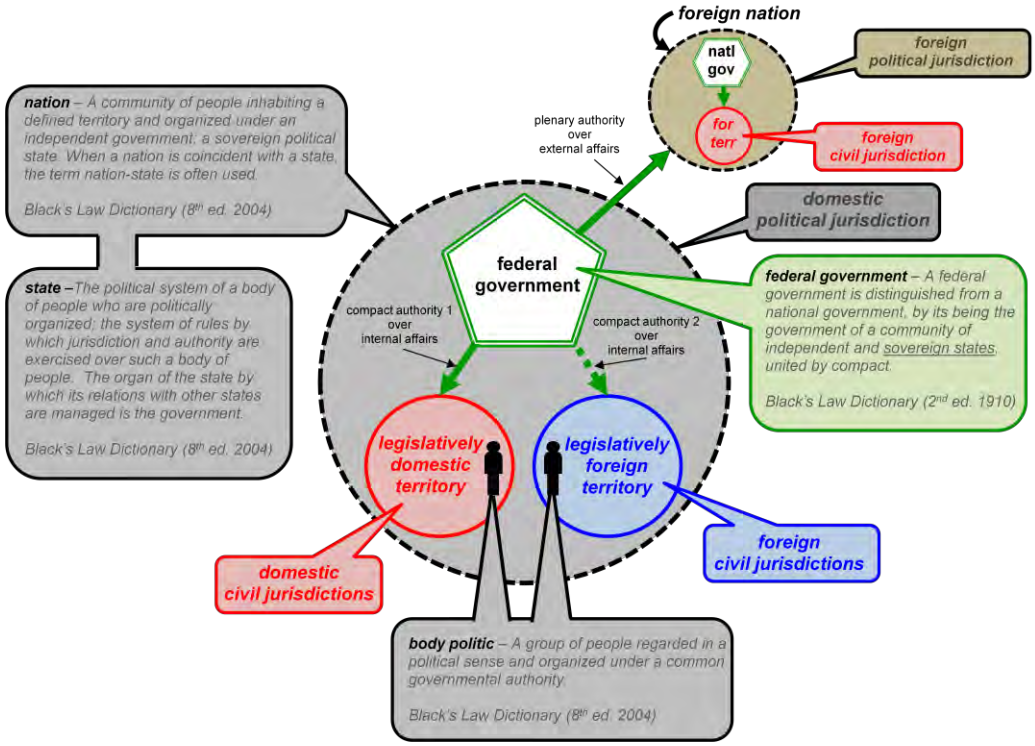
Please be certain – the methods of the United States government are constitutional and legal. This includes the most recently passed healthcare law. The healthcare law is constitutional because it is something that is volunteered for. If an American volunteers away his or her statutorily foreign *~~nonresident alien~~"* tax status by affirming oneself as a *~~U.S. Citizen~~"* during a Social Security Number application, subsequent submission of a W-4 in the private-sector, and subsequent Form 1040 tax filing, the mandates of the socialized healthcare law become mandatory. Most volunteered for socialized medicine when they were born and obtained an SSN – they just didn't know it because they don't understand the system.

Take heart America – there is a remedy! Proper understanding is the first step to reversing the damage. You have to understand where you have been deceived before you can obtain your remedy.

Typical Foreign Nation – National Government



The American Nation – Federal Government

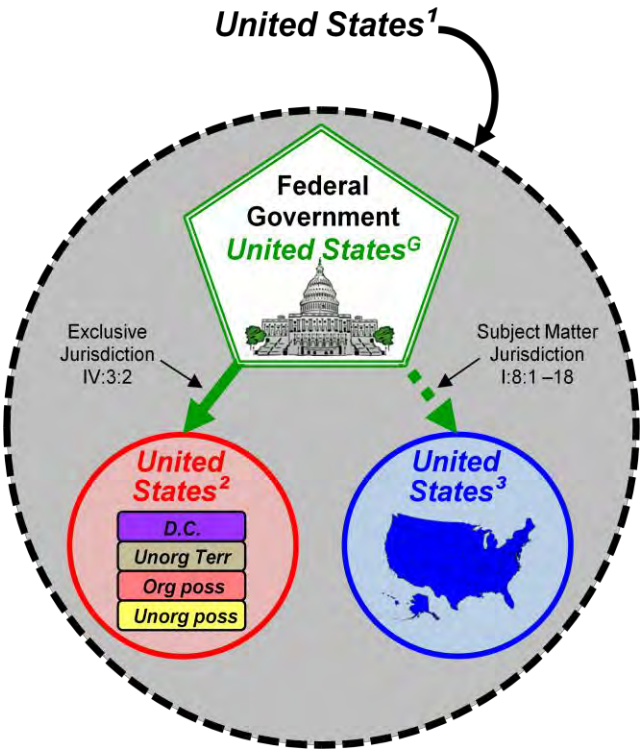


The Several Meanings of the Term "United States"

> *"The term 'United States' may be used in any one of several senses.* ***(1)*** *It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations.* ***(2)*** *It may designate the territory over which the sovereignty of the United States* ***(G)*** *extends, or* ***(3)*** *it may be the collective name of the states which are united by and under the Constitution." [**Designations Added**]*
>
> *[Hooven & Allison Co. v. Evatt, 324 U.S. 652, (1945)]*

From the above Supreme Court ruling, one can see the term *"United States"* has several meanings, which have been designated *(1), (2), (3)* and *(G)*. The term *"United States"* can mean ***(1)*** the Nation, ***(2)*** the Federal territories over which the Federal Government's sovereignty extends, and ***(3)*** the 50 Union states united by and under the Constitution. The term *"United States"* can also mean ***(G),*** the Federal government itself. These meanings are annotated as follows:

United States[1] – The United States of America – the Nation (political sense)
United States[2] – D.C., Federal Territory and possessions – (geographical sense)
United States[3] – The 50 Union states – (geographical sense)
United States[G] – The Federal government – (corporate sense)



The Nation referred to as the ***United States[1]*** is a political entity comprised of the people (national body-politic), their government, and territory. The territory of the ***United States[1]*** is divided into two major subdivisions – the ***United States[2]*** and the ***United States[3]***. The ***United States[2]*** comprises the District of Columbia, Federal Territory and possessions. The ***United States[3]*** comprises the 50 sovereign Union states. The Federal Government – ***United States[G]*** – exercises exclusive, territorial jurisdiction over the ***United States[2]*** pursuant to art. IV, §3, cl. 2 of the Constitution, and specified and enumerated subject matter jurisdiction in the ***United States[3]*** pursuant to art. I, §8, cls. 1 – 18. This aspect of the *Separation of Powers Doctrine* was created by design in order to secure the freedoms of Americans.

United States[2], A Closer Look

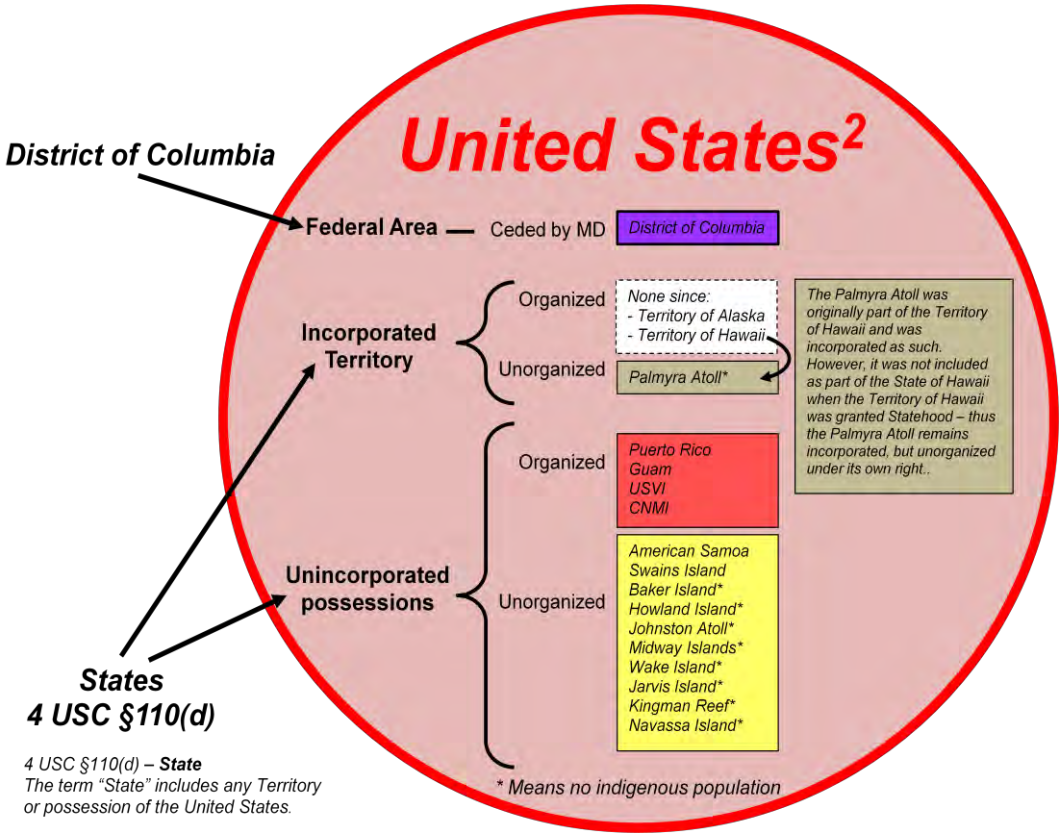
The following diagram illustrates a closer look at the territorial subdivision of the United States of America – ***United States[1]***, where an *"Act of Congress"* is locally applicable – ***United States[2]***. The authority for the governance of this territorial subdivision is granted to the Federal government under art. IV, §3, cl.2 and art. I, §8, cl. 17 of the United States Constitution.

Article IV, Section 3, Clause 2

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

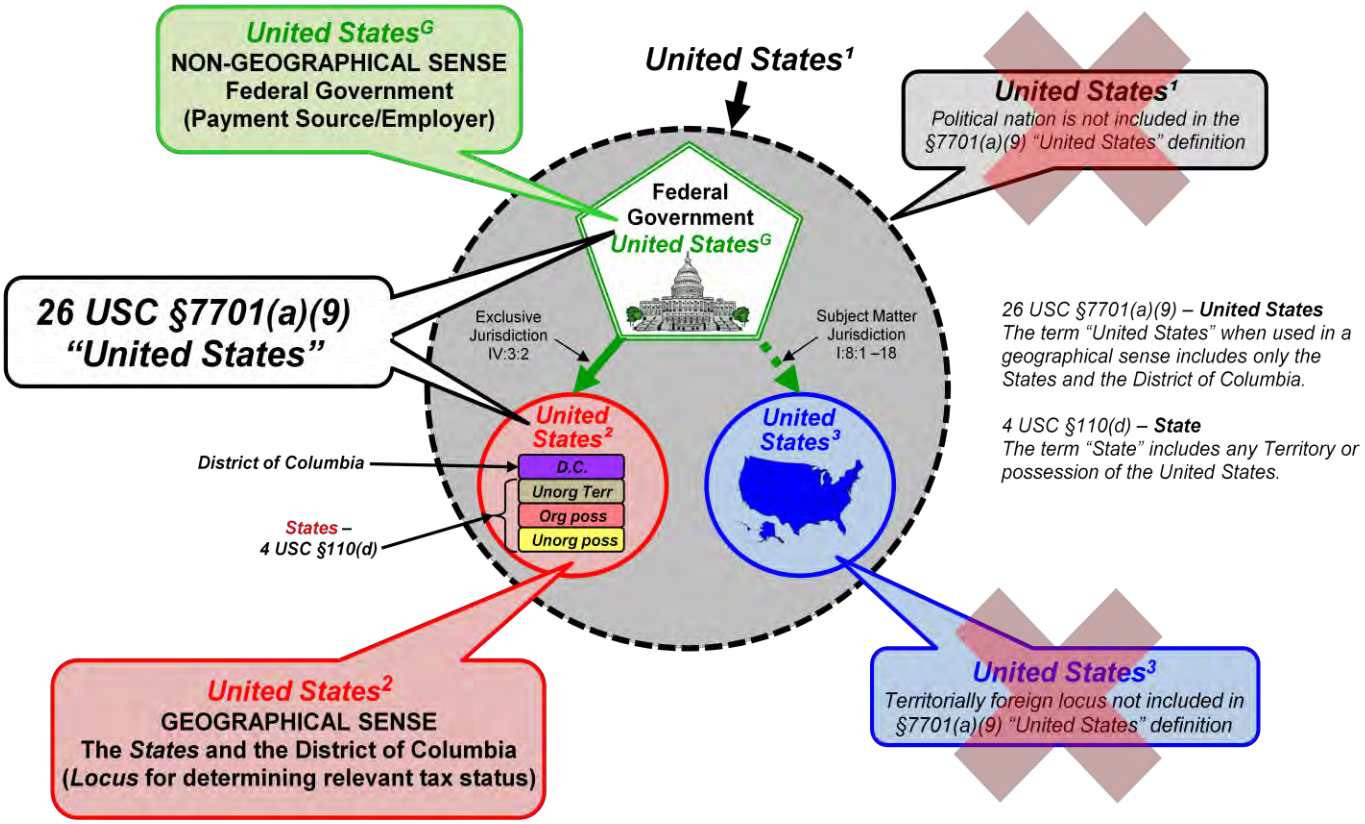
Article I, Section 8, Clause 17

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;"



Incorporated Territory = Full constitutional provisions extended to the Federal possession/territory.
Unincorporated possession = Full constitutional provisions ***not*** extended to the Federal possession/territory.
Organized = Organized under an Organic *"Act of Congress."*
Unorganized = ***Not*** organized under an Organic *"Act of Congress."*

The "United States" of 26 USC §7701(a)(9)



~~"In~~ ***the constitution and laws of the United States the word 'citizen' is generally, if not always, used in a political sense, to designate one who has the rights and privileges of a citizen of a state or of the United States****. It is so used in section 1 of article 14 of the amendments of the constitution, which provides that 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside,' and that 'no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.' **But it is also sometimes used in popular [legal] language to indicate the same thing as resident, inhabitant, or person**."*

[Baldwin v. Franks, 120 U.S. 678 (1887)]

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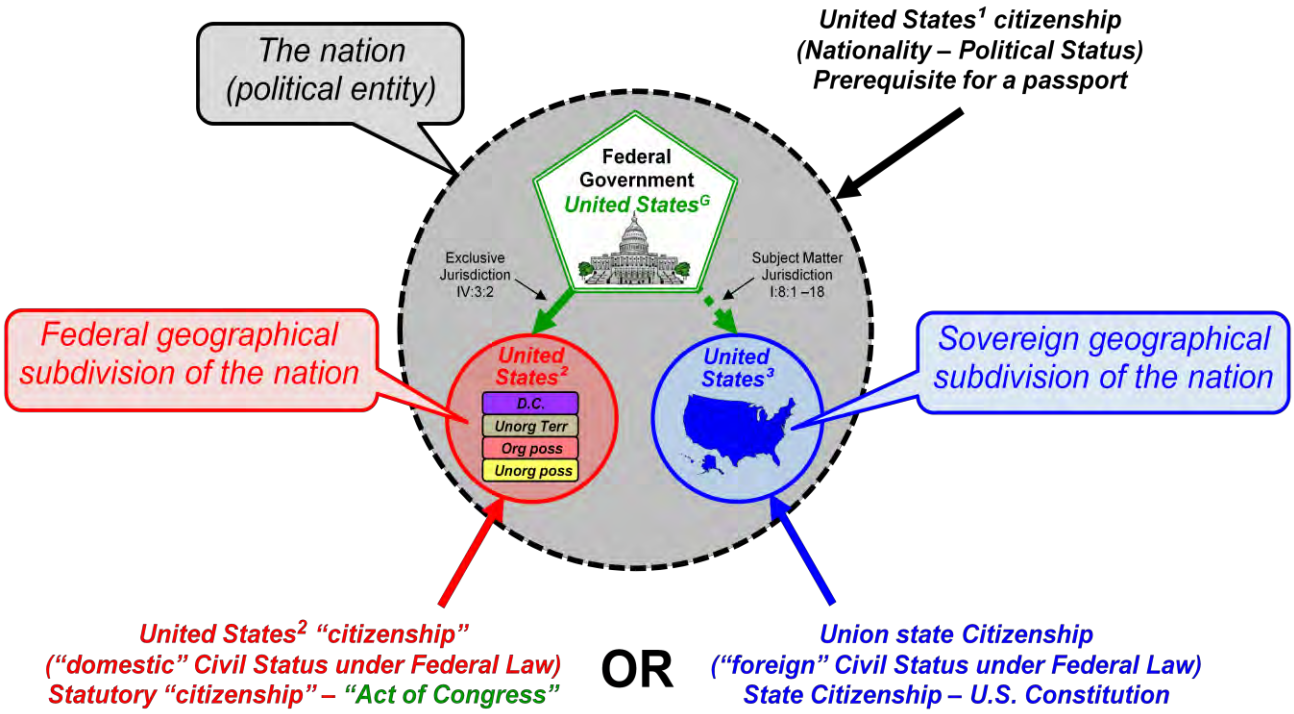
domicile*. A person's legal home. That place where a man has his true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith, 206 Pa.Super. 310m 213 A.2d 94. Generally, physical presence within a state and the intention to make it one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which he intends to return even though he may actually reside elsewhere. A person may have more than one residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges**. The established, fixed, permanent, or ordinary dwelling place or place of residence of a person, as distinguished form his temporary and transient, though actual, place of residence. It is his legal residence, as distinguished from his temporary place of abode; or his home, as distinguished from a place to which business or pleasure may temporarily call him. See also Abode; Residence. **"Citizenship," "habitancy," and "residence" are severally words which in particular cases may mean precisely the same as "domicile," while in other uses may have different meanings**. "Residence" signifies living in particular locality while "domicile" means living in that locality with intent to make it a fixed and permanent home. Schreiner v. Schreiner, Tex.Civ.App., 502 S.W.2d 840, 843. For purpose of federal diversity jurisdiction, "**citizenship" and "domicile" are synonymous**. Hendry v. Masonite Corp., C.A.Miss., 455 F.2d 955.*

Black's Law Dictionary (6th ed. 1990)

~~"It~~ is locality [geographical sense] that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the [political] status of the people who live in it."

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

Citizenship in the Context of Nationality or Citizenship in the Context of Domicile – What is the Difference?



*"There is, however, one clear exception to the statement that there is no national common law. **The interpretation of the constitution of the United States is necessarily influenced by the fact that its provisions are framed in the language of the English common law, and are to be read in the light of its history**.' 124 U.S. 478 , 8 Sup. Ct. 569.*

[…]

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

[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

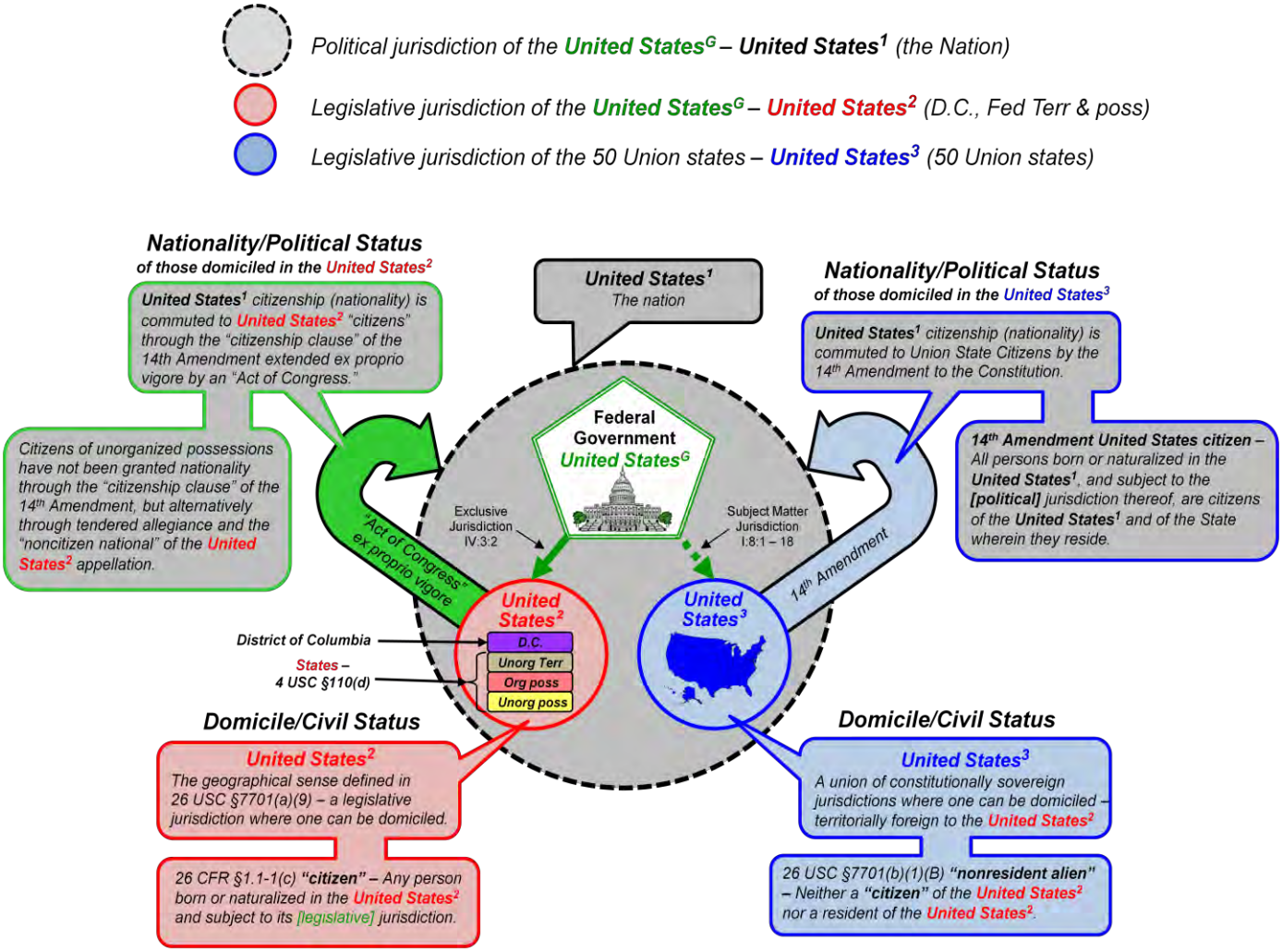
"Are you a U.S. Citizen?" – What's Really Being Asked?

When an American National is confronted with government forms, the question, *~~"~~Are you a U.S. Citizen?"* is often asked. Many presumptively affirm to their great detriment that they are, while not understanding the true context of the question. The confusion is understandable. Black's Law dictionary is accepted as an authoritative secondary source of law and sheds light on the obfuscation.

> ***citizenship*** *– **The status of being a citizen**. There are four ways to acquire citizenship: by birth in the United States, by Birth in U.S. territories, by birth outside the U.S. to U.S. parents, and by naturalization.*
>
> *Black's Law Dictionary (6th ed. 1990)*

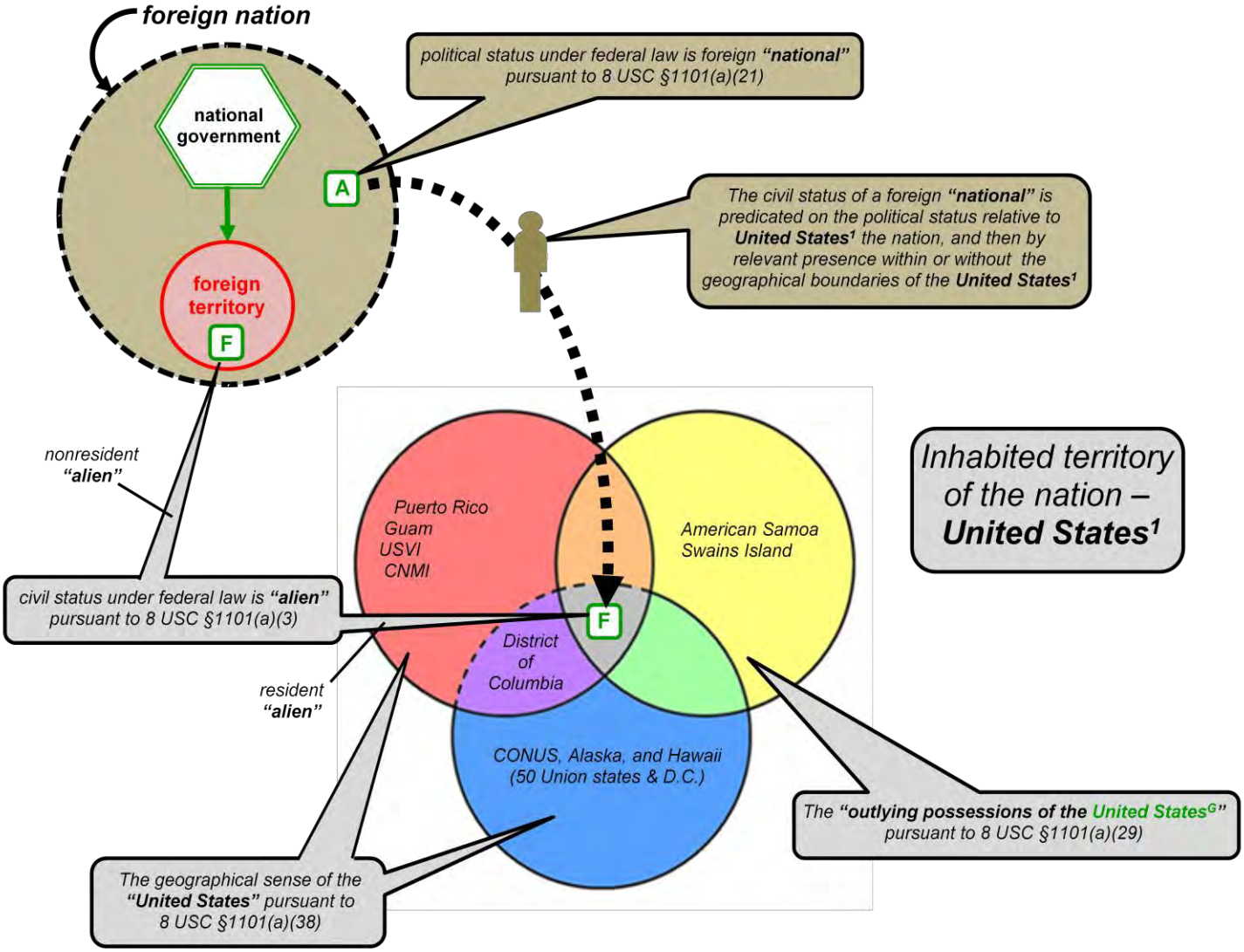
> ***nationality*** *– The relationship between a citizen of a nation and the nation itself, customarily involving allegiance by the citizen and protection by the state; membership in a nation. **This term is often used synonymously with citizenship**.*
>
> *Black's Law Dictionary (8th ed. 2004)*

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



Classification of Foreign Nationals Under Federal Law

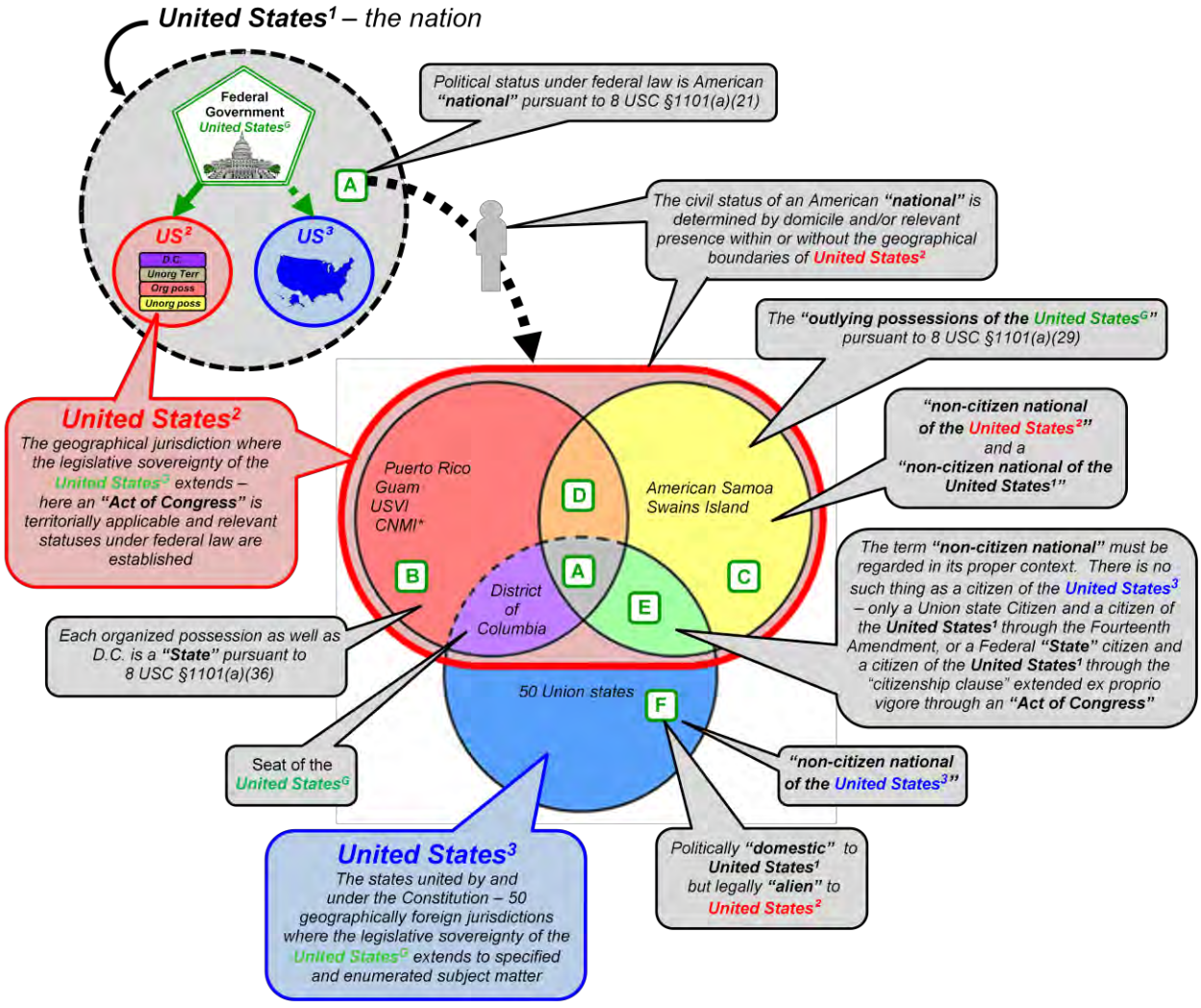
*The statutory term **"national"** describes the political status of a member of a nation. A foreign **"national"** is regarded as a political **"alien"** to the nation of the **United States**[1], but also as a statutory or legal **"alien"** relative to the territory within the **United States**[1]. Congress has always had legislative jurisdiction over a foreign **"national"** anywhere on American soil through Article I, Section 8, Clause 4 of the Constitution – the clause dealing with naturalization which is the conferring of nationality. See also 8 USC §1101(a)(23).*



A *8 USC §1101(a)(21) – **national** – a person owing permanent allegiance to a state*
F *8 USC §1101(a)(3) – alien – means any person **not** a citizen or national of the **United States**[1]*

Classification of American Nationals Under Federal Law

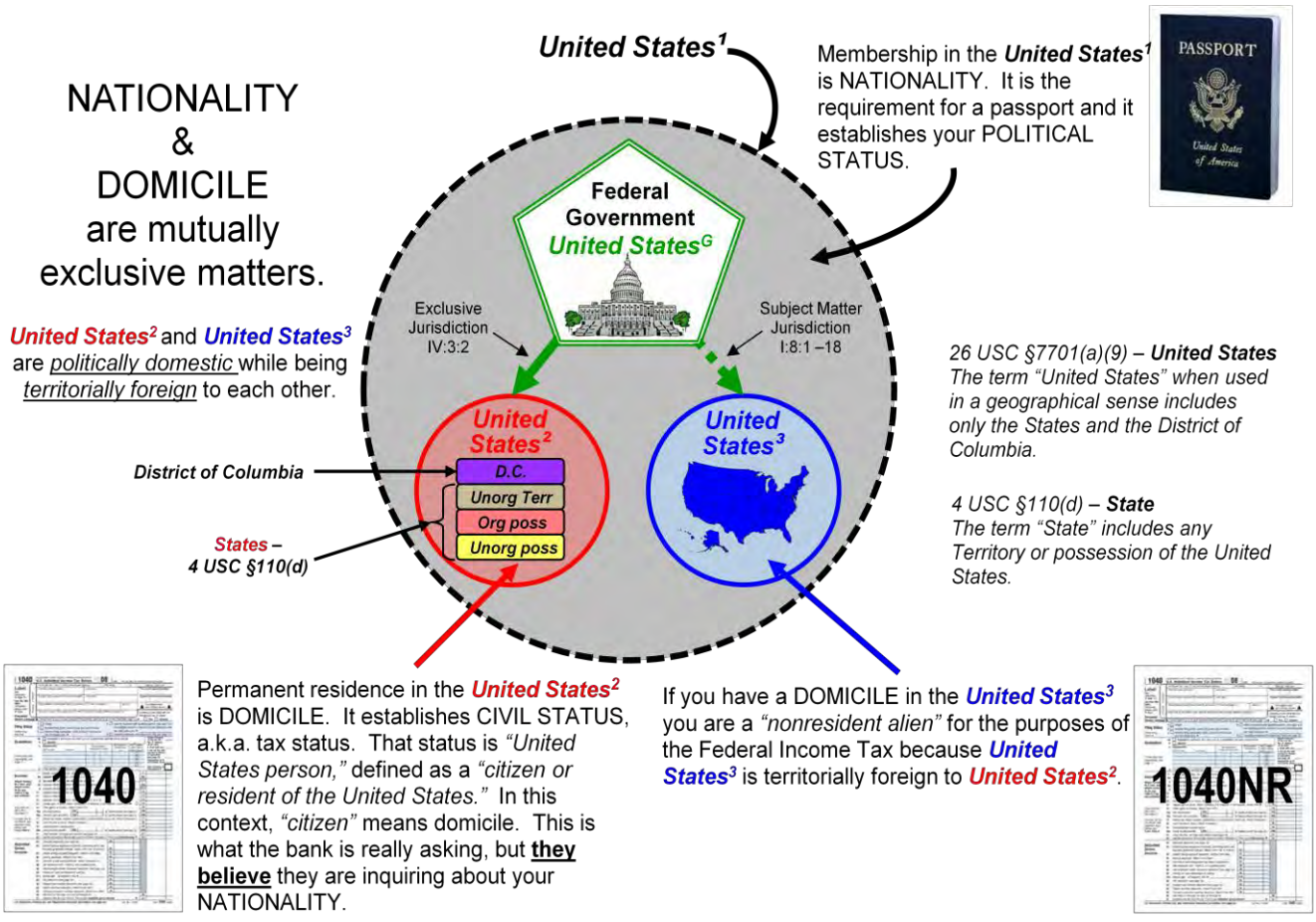
*The civil status of an American **"national"** is determined relative to **United States²** – the territorial division of the **United States¹** where an **"Act of Congress"** and its promulgated statutes are territorially applicable. The statutory terms **"B"** through **"F"** describe statutory civil statuses relative to the **United States²**. A Union state Citizen maintains a civil status of nonresident **"alien"** when domiciled and residing outside of the **United States²**, while a foreign national anywhere within the confines of the **United States¹** is regarded as a resident **"alien."** This American system of Federalism was created by design in order to protect the American People from the potential abuses of a National government.*



A 8 USC §1101(a)(21) – national
B 8 USC §1401 – nationals and citizens of the United States²
C 8 USC §1408 – national but not citizen of the United States²
D 8 USC §1101(a)(22) – national of the United States²
E 8 USC §1452 – non-citizen national
F 8 USC §1101(a)(3) – alien – means any person **not** a citizen or national of the United States²

* – Certain inhabitants of the CNMI can make the same elections as those from American Samoa and Swains Island

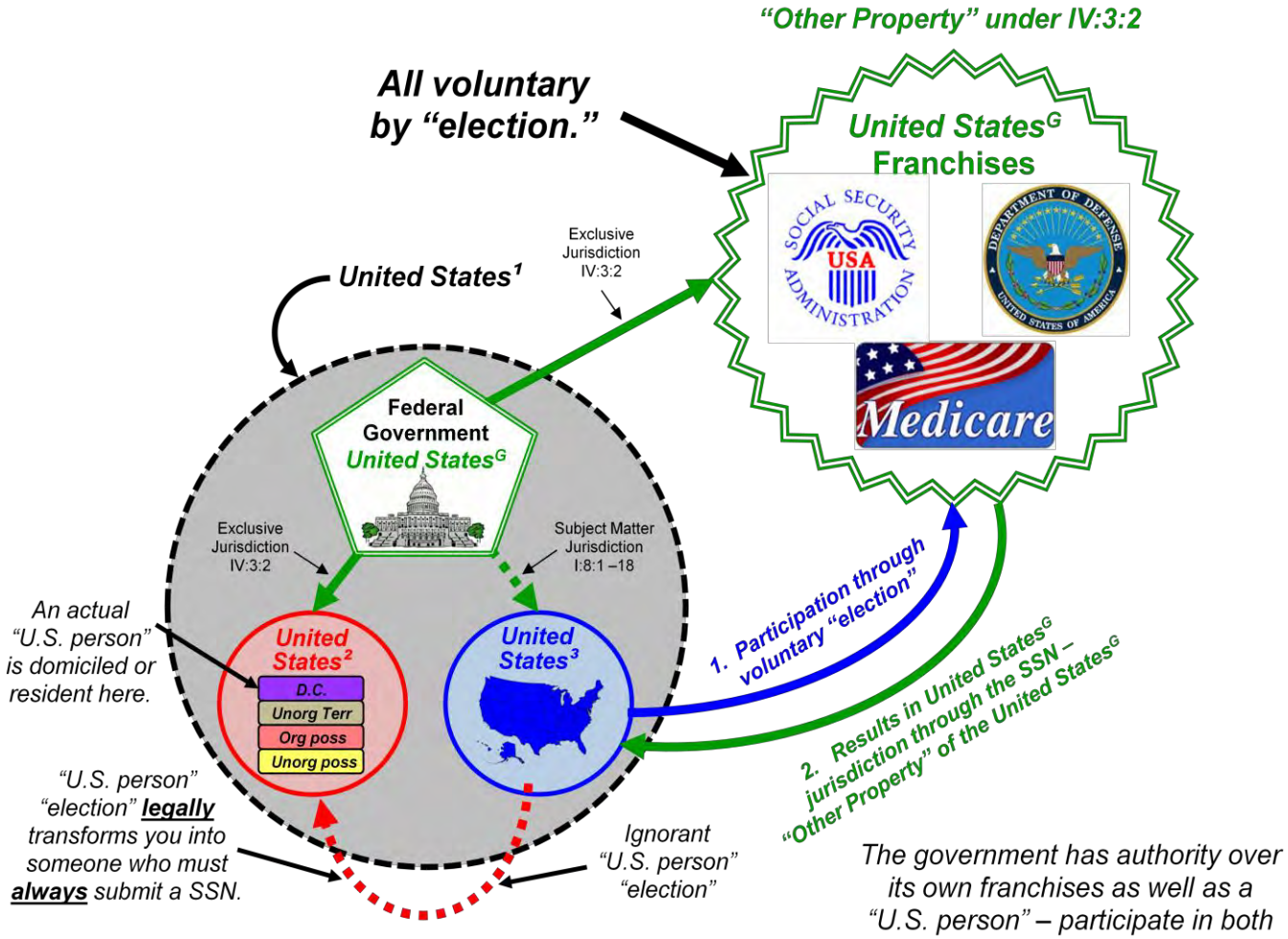
NATIONALITY & DOMICILE Are Exclusive Matters



When you go to the bank and try to claim your true and correct tax status of ~~"nonresident alien,"~~ customer service reps will demand a passport. They are confusing NATIONALITY/POLITICAL STATUS with DOMICILE/CIVIL STATUS. Within a bank's Customer Identification Program ("CIP") in the U.S.A., the customer is already presumed to be an American National, as American banks deal primarily with American Nationals – thus, the passport inquiry can be skipped. However, a politically foreign individual, such as a foreign national, must provide his or her passport in accordance with applicable laws. There is a great deal of information solicited in a typical bank CIP. However, just because information is solicited does not mean it must be given. 31 CFR §103.28 enumerates the requirements for identification. 31 CFR §103.121 enumerates the requirements for completing the CIP – the requirements under each regulatory section are mutually exclusive, just like nationality and domicile. A *request* for identification is not the same as *obtaining* information for CIP purposes. Furthermore, a request for a foreign address would be satisfied with any address within the 50 Union states as well as any place outside of the country. The term foreign is a term relative to the ***United States²*** – not the ***United States¹***.

How Government Obtains Jurisdiction Through "Election"

Americans constantly question how the Federal government (***United States***^{G}) has the right or authority to do the things they do. Every American has the right to contract through their right to freely associate guaranteed by the First Amendment to the United States Constitution – this includes contracting with the ***United States***^{G} for social insurance, *~~employment~~" (not to be confused with work' in the private-sector)* future medical care, educational grants, or federal loans – in short, contracts or franchises. The ***United States***^{G} is a sub-sovereignty created by the will and hand of the American People. However, when an American voluntarily subjugates him or herself to that sub-sovereignty it no longer serves as servant, but as master. A true sovereign does not require social insurance, *~~employment,"~~* or any other „handout" originating from their servant government. However, once those franchises are freely contracted for, no infirmity can be claimed, as the individual has voluntarily subjected him or herself freely through the power of a private contract with the ***United States***^{G}. The situation is additionally exacerbated when a Union state Citizen "elects" a federal domicile by claiming to be a *~~U.S. Citizen.~~"* The *~~U.S. Citizen~~"* "election" coupled with a federal franchise results in a practical total subjugation of property and rights to the ***United States***^{G}.

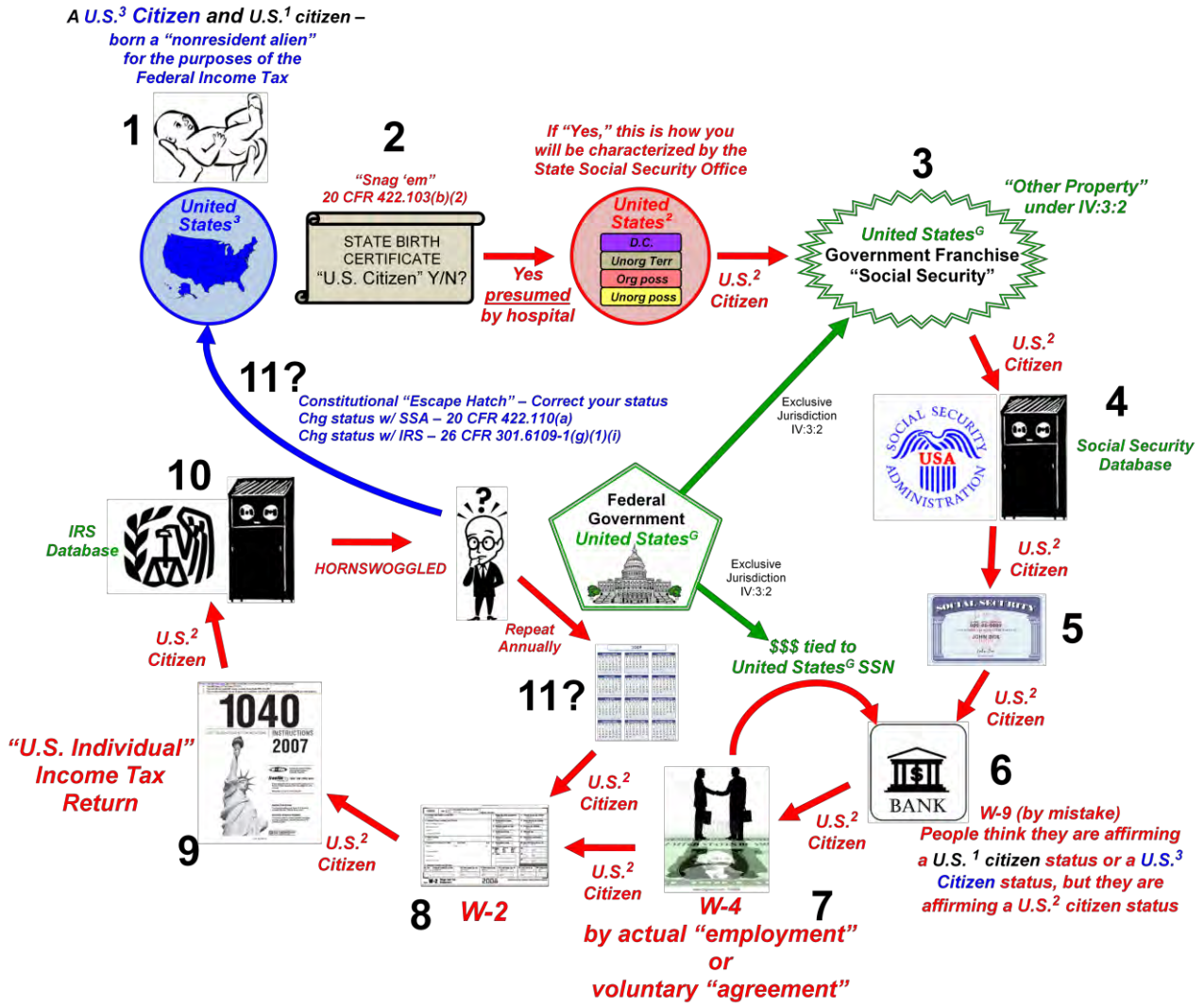


Submission of a W-9 or Bank Signature Card (substitute W-9) constitutes an "election" to establish a "U.S. person" status despite your actual "nonresident alien" status for the purposes of the Federal Income Tax.

The government has authority over its own franchises as well as a "U.S. person" – participate in both through "election" and you have essentially surrendered all benefits of Union state Citizenship protected by the Bill of Rights.

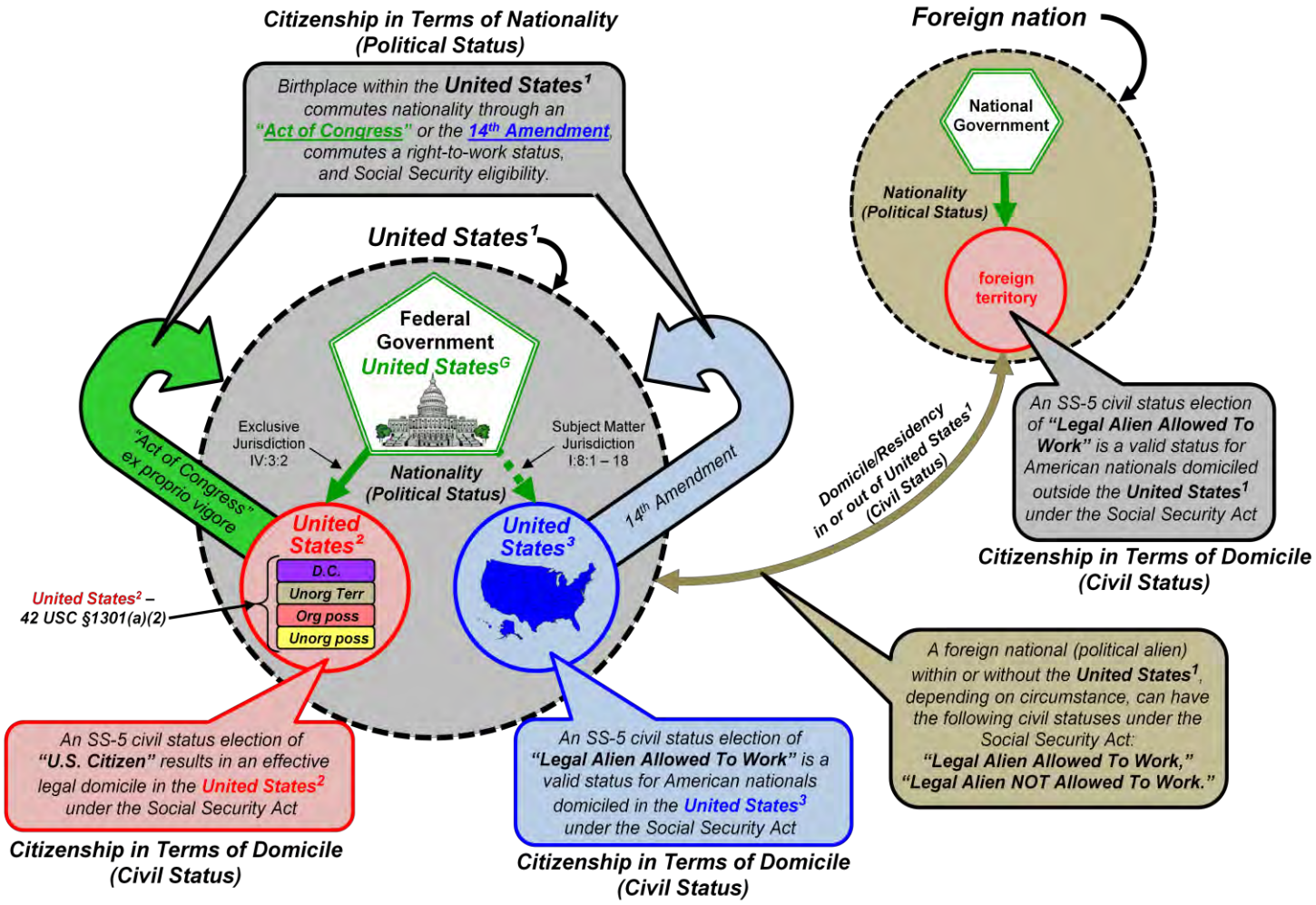
Example of How Ignorant Presumption Coupled with Participation in the Social Security Franchise Results in Your Subjugation to the Federal Government

Below is an example of how Americans subjugate themselves as well as all of their property to the ***United States***^{G}. It all transpires through two voluntary mechanisms – ignorant presumption about what a „U.S. Citizen" is for the purposes of the Social Security franchise, and consequently, the Federal Income Tax, and a voluntary "agreement" to apply for social insurance through the birth registration process – a 100% voluntary ***United States***^{G} franchise. Your "agreement" coupled with your ignorance about your „U.S. Citizenship" indemnifies the Social Security Administration. Your ignorance about this process throughout your life results in you also making a *"U.S. person"* "election" in the course of banking, business, and tax filing. Your additional ignorance about the indirect excise nature of the Federal Income Tax leads you to believe that working and banking is otherwise impossible without a Social Security Number – a myth widely accepted across the nation by not only the People in general, but by those most responsible for doing the "dirty work" for the ***United States***^{G} – the "gatekeeper": HR personnel, DMV clerks, and customer service representatives at financial institutions. The ***United States***^{G} has provided everyone with the remedy to conduct their affairs in accordance with the Constitution – as James Madison says: *"Knowledge is power."*



Birthplace and Political Status / Domicile and Civil Status Within the Context of Blocks #3 and #5 of Form SS-5

When many Americans sign up for Social Security by tendering application SS-5, a great deal of confusion can and does take place. Most Americans are unaware there are two characterizations for a person under law – 1) their birthplace in a nation and their allegiance to the same, which is referred to constitutionally and colloquially as „citizenship," but is statutorily referred to as nationality – this commutes political status, and 2) their permanent residence or domicile upon a geographical location, either within or without their own nation, which is colloquially referred to as „residence," but is more accurately referred to statutorily as a "citizen" – this commutes civil status. See *U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)*. Many ascribe the colloquial meaning to the SS-5 block #5 elections, and wrongly presume a civil status of „U.S. Citizen," even though their physical domicile is located in one of the 50 foreign Union states. The „U.S. Citizen" election transfers your legal domicile (not your physical domicile) for Social Security purposes, and consequently for the purposes of the Federal Income Tax, to the territorial subdivision of the nation where Congress exercises exclusive legislative jurisdiction, and where direct taxes can be levied without apportionment – a protection for State Citizens under the Constitution. See Article I, Section 2, Clause 3 and Article I, Section 9, Clause 4 of the United States Constitution. The transfer of your tax domicile to Federal territory is VERY ADVANTAGEOUS FOR THE GOVERNMENT!!!



State Citizen NOT a „U.S. Citizen" for the Purposes of Social Security

Whenever people come across government forms, the nomenclature 'U.S. Citizen' is often present. This can be very confusing because the Constitution capitalizes the word „Citizen" such as in the phrase „State Citizen" to refer to an inhabitant of a Sovereign State. However, the word „citizen" is used to describe nationality through the Fourteenth Amendment, which is a different citizenship from State Citizenship. United States citizenship is nationality and political status – State Citizenship is inhabitancy or domicile, and thus, civil status. Then we see the nomenclature 'U.S. Citizen' on a form, but it doesn't seem consistent with its apparent statutory equivalent from which the form in question was promulgated.

Forms have legal binding effect, but „in-house" forms and publications should not be relied upon as a basis in-and-of-themselves for making legal conclusions, but rather the code from which they came (if enacted into positive law), or the Statutes at Large if the relevant code was not enacted into positive law. We know the government is in fact a manifestation of the original sovereigns of the country (the People), but in fact has been granted a sovereign status itself for the protection of property and rights . . . and . . . to contract and be contracted with, plead and be impleaded. As the sovereign government of the country, it operates in two capacities -- as the general government for a sovereign nation, and as the legislative authority over a geographical portion of our nation where an Act of Congress is locally applicable – namely ***United States***[2] under Art IV, Sec 3, Cl 2 of the Constitution.

When the term 'U.S. Citizen' is seen on a form, you know the government is acting in its sovereign capacity over that 'Citizen' for the 'U.S.' in question whether it is:

1. A political entity such as the nation (***United States***[1]), or;
2. A geographical entity such as ***United States***[2]

The Form SS-5 Block-5 is titled 'CITIZENSHIP," with 'U.S. Citizen' as the first election available. We know therefore that if this option is selected, the applicant is placing itself under the sovereignty of the government for the purposes of this form and what it provides. The question in this case is, in what manner is the government operating – political or civil?

42 USC §1301(a)(1) defines the terms *"State"* as follows:

> *(a) When used in this chapter—*
> *(1) The term "State", except where otherwise provided, includes the* ***District of Columbia*** *and the* ***Commonwealth of Puerto Rico****, and when used in subchapters IV, V, VII, XI, XIX, and XXI of this chapter includes the* ***Virgin Islands*** *and* ***Guam****. Such term when used in subchapters III, IX, and XII of this chapter also includes the Virgin Islands. Such term when used in subchapter V and in part B of this subchapter of this chapter also includes* ***American Samoa****, the* ***Northern Mariana Islands****, and the* ***Trust Territory of the Pacific Islands****. Such term when used in subchapters XIX and XXI of this chapter also includes the Northern Mariana Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, subchapters I, X, and XIV, and subchapter XVI of this chapter (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972) shall continue to apply, and the term "State" when used in such subchapters (but not in subchapter XVI of this chapter as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when used in subchapter XX of this chapter also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Such term when used in subchapter IV of this chapter also includes American Samoa.*

By the way . . . Chapter 7 is entitled: SOCIAL SECURITY, and the above definition describes ***United States***[2].

Then, 42 USC §1301(a)(2) defines the *"United States"* as follows:

> *(2) The term "United States" when used in a* ***geographical sense*** *means, except where otherwise provided, the States.*

There is the clue. The *"United States"* at issue is a geographical ***United States***[2], NOT a political ***United States***[1] such as the nation. Of course, proponents of statism and socialism will then engage in the

„includes and including" argument which is easy enough to destroy. But in this instance, it is not necessary. Look at how the term *"United States"* is defined in 42 USC §1301(a)(8)(C):

> *(C) The term "United States" **means** (but only for purposes of subparagraphs (A) and (B) of this paragraph) the **fifty States** and the District of Columbia.*

Of course 'means' means they are trying to make it very clear for their purposes, whereas „includes" means they are trying to lead you astray presumptively. Pretty weak if you ask me, but it seems to have led the sheep to the slaughter quite nicely, so I guess it worked.

Now if you examine the subparagraphs (A) and (B) of paragraph (8), you see why the additional *"United States"* definition in (C):

> *(8)*
> *(A) The "Federal percentage" for any State (other than Puerto Rico, the Virgin Islands, and Guam) shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the square of the per capita income of such State bears to the square of the per capita income of the **United States**; except that the Federal percentage shall in no case be less than 50 per centum or more than 65 per centum.*
>
> *(B) The Federal percentage for each State (other than Puerto Rico, the Virgin Islands, and Guam) shall be promulgated by the Secretary between October 1 and November 30 of each year, on the basis of the average per capita income of each State and of the **United States** for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the four quarters in the period beginning October 1 next succeeding such promulgation: Provided, That the Secretary shall promulgate such percentages as soon as possible after August 28, 1958, which promulgation shall be conclusive for each of the eleven quarters in the period beginning October 1, 1958, and ending with the close of June 30, 1961.*

They had to figure out a way to appropriate money off of the backs of the people of the 50 States (***United States***[3]) to the others that are domiciled in a *"State"* pursuant to 42 USC §1301(a)(1). If, the term *"State"* of 42 USC §1301(a)(1) could be presumptively enlarged to ALSO include Texas, California, New York, or Florida for example, there would have been no reason for the definition of *"United States"* in 42 USC §1301(a)(8)(C). But, we see by this very definition, that the fifty States are added for the purposes of calculating a per capita income, thus, they (the fifty States) are added for the purposes of 42 USC §1301(a)(8)(C) and they are therefore NOT ALSO included in the 42 USC §1301(a)(1) definition of *"State."* Thus, the fifty States are NOT within the meaning of *"United States"* defined in a geographical sense in 42 USC §1301(a)(2). Furthermore, the government can refer to the fifty States with a capital "S" because in this case, doing so does not usurp the sovereignty of the 50 States in this particular application -- it's merely a definition. If it did, they would have had to refer to them as the 50 states (lower-case "s").

We can confidently conclude that the geographical *"United States"* of 42 USC §1301(a)(2) is in fact ***United States***[2], and the 'U.S. Citizen' relative to this geographical entity would be someone domiciled there and subject to the legislative sovereignty of the Federal government in this region. If you are not domiciled in the geographical ***United States***[2] of 42 USC §1301(a)(2), but you are a member of the national body-politic within ***United States***[1], then you are a „Legal Alien Allowed To Work" on Form SS-5 whereby an A-Number, I-766, or other federally mandated evidence of a right-to-work status is NOT required as in the case of a foreign national. See Form I-9 – it indicates a U.S. Passport as the primary evidence of a right-to-work status. As an American National domiciled in one of the fifty States, your *"alien"* status is secured by the First Amendment and falls 100% outside of the purview of Congress, and thus, the Social Security Administration. An A-Number or I-766 is not required for you and the Social Security Number Application Program (SSNAP) should be able to process your „Legal Alien Allowed To Work" status by skipping the date field queries requested, which are otherwise for a foreign national. This is no different than skipping the "Passport #" and "country of issuance" queries at the bank when opening a *"nonresident alien"* bank account – it simply does not apply to you because you are an American National and not a foreign national. But it does cause a lot of cognitive dissonance at the bank and the SSA – this is by design.

Why is this important? If an American National would like to stop paying Federal Income Tax on his private-sector payments, keep what is his as private property, and in the process defund the social

welfare state, he must have a status which would indemnify a private-sector payer who has in almost all certainty taken on the legal characterization of an *~~employer~~"* by –

1. Obtaining an EIN by submitting application Form SS-4 and declaring a ***United States***[2] domicile for tax purposes, and;

2. Entering into a voluntary withholding agreement with a similarly characterized person pursuant to 26 USC §3402(p)(3), whereby the payer agrees to be treated AS IF it were an *~~employer~~"* paying *~~wages~~"* to an *~~employee.~~"*

Thus, since the payer has most certainly entered into this type of arrangement for itself with other workers at the company, the characterization exists individually in every instance between the person submitting the W-4 and the company in its individual capacity which will be treated AS IF it were an *~~employer.~~"* Because the company has done this, any person not wishing to be characterized as an *~~employee~~"* receiving *~~wages~~"* from an *~~employer~~"* must not only indemnify himself, but also the payer, as the payer has taken on this characterization voluntarily through agreements with other workers and the SS-4 application itself. The only way to indemnify oneself and the payer is to submit an appropriately modified Form W-8BEN without a SSN.

Before one can legally submit a W-8BEN to a payer, one must legally have the characterization allowing such a submission. If Form SS-5 has been filed whereby the applicant declares a ***United States***[2] domicile through the „U.S. Citizen" election in Block 5, this status will be reflected in the individual"s Social Security Numident Record. This information is further shared and corroborated by the IRS in the course of processing tax returns. Additionally, the most recent tax filing submitted to the IRS by the *~~taxpayer~~"* was in all likelihood a Form 1040 – a form for those domiciled in ***United States***[2]. For this reason, an individual"s SSN will also be reflected in the IRS database as belonging to a domicilary of ***United States***[2], and the W-8BEN submission will be deemed fraudulent and/or frivolous by the IRS if tendered and the submitter legally does not possess that status.

The implementing regulations of the tax code inform the *~~taxpayer~~"* how to correct their status with the IRS. 26 CFR §301.6109-1(g)(1)(i) states the following:

> *(g) Special rules for taxpayer identifying numbers issued to foreign persons—*
> *(1) General rule--(i) Social security number.*
>
> *A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.*

However, as illustrated in the discussion above, before a *~~taxpayer~~"* can obtain this remedy with the IRS, the *~~taxpayer~~"* must first correct his status with the SSA. 20 CFR §422.110(a) states the following:

> *Sec. 422.110 Individual's request for change in record.*
>
> *(a) Form SS-5. If you wish to change the name or other personal identifying information you previously submitted in connection with an application for a social security number card, you must complete and sign a Form SS-5 except as provided in paragraph (b) of this section. You must prove your identity, and you may be required to provide other evidence. (See Sec. 422.107 for evidence requirements.) You may obtain a Form SS-5 from any local Social Security office or from one of the sources noted in Sec. 422.103(b). You may submit a completed request for change in records to any Social Security office, or, if you are outside the U.S.,to the Department of Veterans Affairs Regional Office, Manila, Philippines, or to any U.S. Foreign Service post or U.S. military post. If your request is for a change of name on the card (i.e., verified legal changes to the first name and/or surname), we may issue you a replacement card bearing the same number and the new name. We will grant an exception from the limitations specified in Sec. 422.103(e)(2) for replacement social security number cards representing a change in name or, if you are an alien, a change to a restrictive legend shown on the card. (See Sec. 422.103(e)(3) for the definition of a change to a restrictive legend.)*

The truth of the matter is hidden in plain site. The Congress, through the SSA addresses those who they have legislative sovereignty over – namely, foreign nationals. Of course, as an American

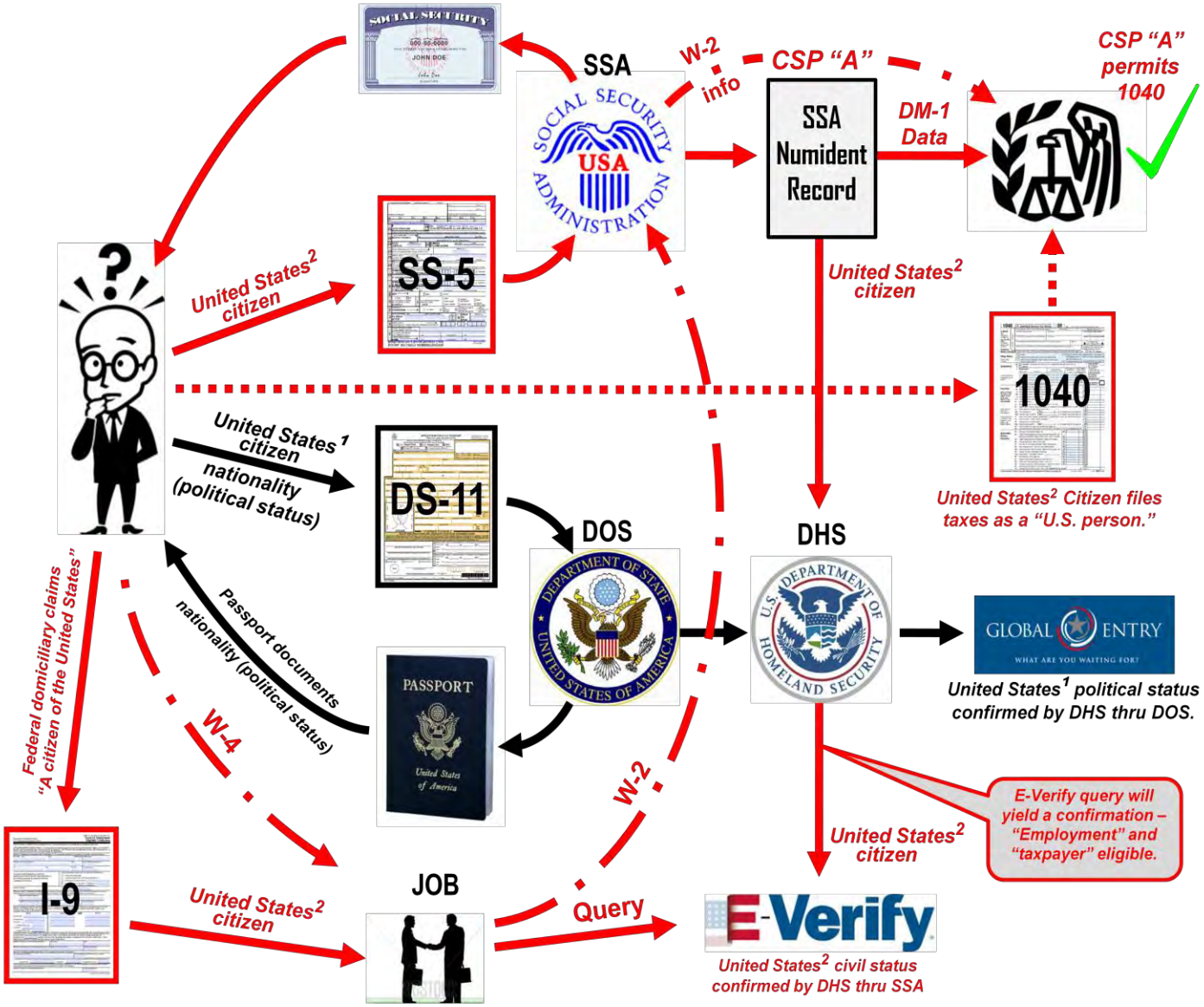
National, you are afforded equal protection of the law, and the above remedy also applies to you when desiring to change your civil status on file with the SSA.

Once a *~~t~~taxpayer"* submits a new SS-5, his Numident Record is updated. This Numident Record is continually referenced by the IRS to process federal income tax returns. Now, when a *~~n~~nonresident alien" ~~t~~taxpayer"* pursues the remedy provided in 26 CFR §301.6109-1(g)(1)(i), the IRS will not flag the return as being fraudulent or frivolous, as the Social Security Numident Record of the *~~t~~taxpayer"* will now indicate „Legal Alien Allowed To Work" and not „U.S. Citizen." This will allow a Form 1040NR to process without being flagged as fraudulent or frivolous. Following the successful correction of status with both the SSA and the IRS as provided for in the above regulatory language, the *~~t~~taxpayer"* now has the ability to legally opt-out of an otherwise mandatory W-4 within the private-sector because his status now reflects that of someone who legally can be a non-*~~t~~taxpayer"* while also providing the evidence to indemnify the company (a modified Form W-8BEN). Furthermore, this *~~a~~alien"* status is on file with the two government entities which control and regulate this very subject matter – the SSA and the IRS.

Every American National who wishes to reclaim the precious tenets of Federalism, and in the process, defund the social welfare state, can legally do so by applying the government's own guidance. „Patriots" can argue all they want about being tricked into the system. Ignorance of the law is no excuse, and if said „patriots" knew who they were to begin with, the above described method of remedy would not have to be accomplished, as the „patriot" would have always remained in his naturally-born sovereign status – that of a *~~n~~nonresident alien"* non-*~~t~~taxpayer."* At some point, the „patriot" submitted himself to the sovereignty of the Federal government either voluntarily through ignorance, or through well-intentioned means such as in *~~s~~service"* to his nation within a *~~d~~department"* as defined in the *Classification Act of 1923* and the *Classication Act of 1949*. However, even if done so with good intentions, an American who in the course of becoming a legitimate *~~t~~taxpayer"* did so while also declaring a ***United States***[2] domicile, he must now take steps to correct that status, and must further do so as a "taxpayer," as the IRS deals only with *~~t~~taxpayers"* and not non-*~~t~~taxpayers."* It is their franchise, therefore they can legitimately make the rules. Americans who value the „Rule of Law" should also follow them.

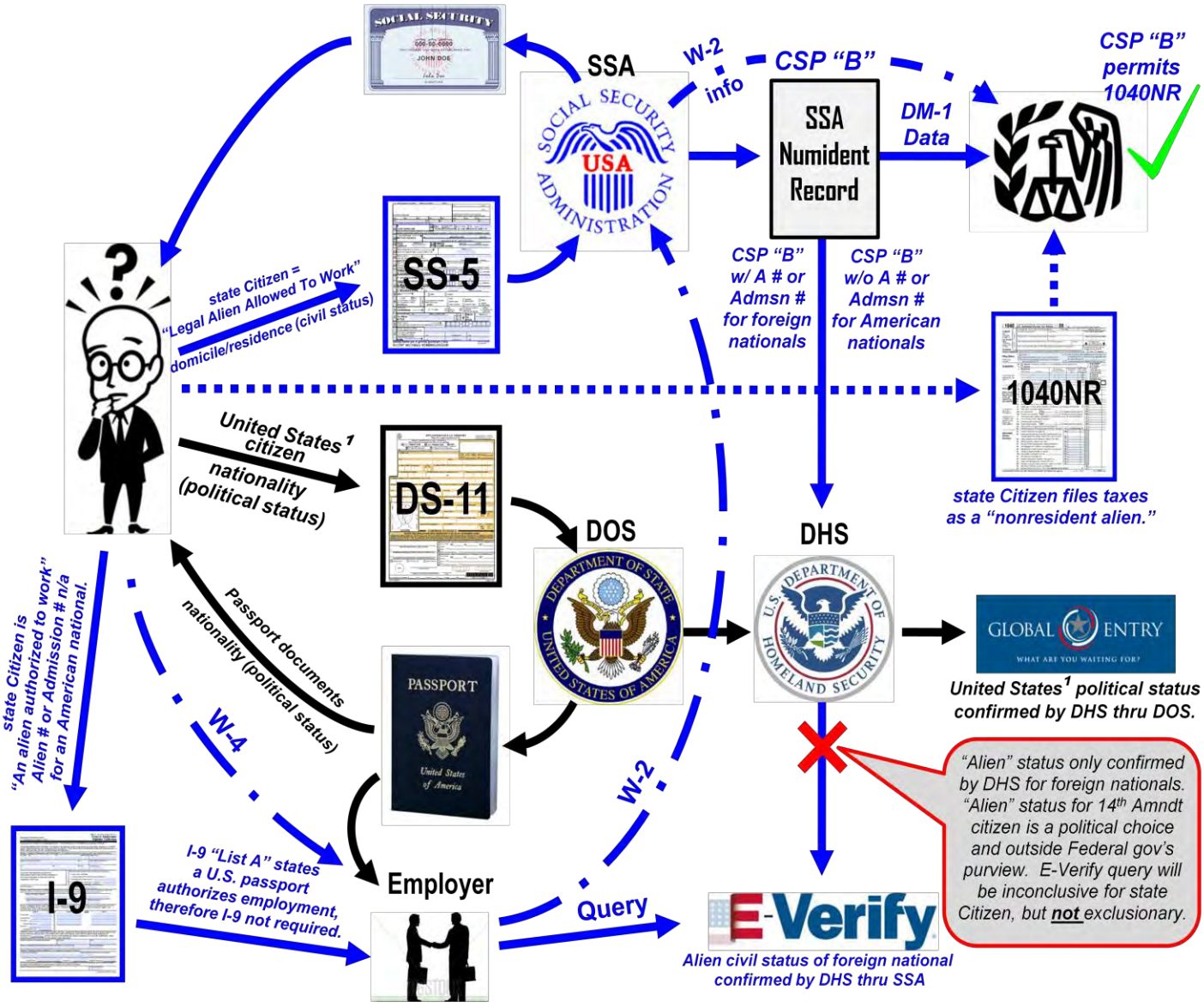
We are all currently in this mess the Federal Reserve has constructed for us. It has taken generations to build. Is what they have done moral? No! Is it legal? Yes! The Founding Fathers told us not to trust our government, and they baited the trap with cheese (legal tender and benefits) and we surrendered our sovereignty through sloth and ignorance. Our reward: A bankrupt nation-state dominated by the military-industrial complex and a parasitic population of which 50% consumes that which the other 50% produces. A good portion of this however, goes to the Federal Reserve in the form of interest payments on the legal tender borrowed by the government from the Federal Reserve who prints it for pennies, and then loans it at face value – a mathematically impossible situation entered into by our government with the privately-owned Fed back in 1913 – the same year the 16th Amendment was ratified. We can best serve our country by realizing who we are, correcting our status to that of a *~~n~~nonresident alien" ~~t~~taxpayer"* in accordance with the law, and then finally using that corrected status to opt out of the federal income tax legally insofar as it is applied in the 50 States, and that is, as an indirect excise tax on income obtained in the course of federal activity. Otherwise, a *~~t~~taxpayer"* deemed domiciled in ***United States***[2] will continually make „donations" under *Tax Class 5* to the United States Treasury through the „voluntary compliance" mechanisms which are in fact legally binding, and have in fact legitimized the government's methods of enforcement against indoctrinated and uneducated Americans. Furthermore, direct taxes do not need to be apportioned in the ***United States***[2] or for those who have claimed a domicile there for the purposes of the federal income tax.

How A "U.S. Citizen" Interfaces Certain Government Systems



When an American national categorizes him or herself as a "U.S. Citizen" for ALL federal purposes, a complex system of gateways and checkpoints becomes activated. The above system works in harmony to establish a Federal tax domicile regardless of actual residence within the external boundaries of one of the 50 sovereign states of the Union. This declared federal tax domicile (a declaration which constitutes political speech) attaches with it certain obligations which create a nexus to otherwise voluntary franchise agreements. The legal obligations which accompany the declared domicile and the activity create a "taxpayer" status for ***all*** receipts, and a total loss of private property rights.

How Union state Citizens Can Interface Certain Government Systems



An American national can maintain the benefits of constitutional state Citizenship by properly characterizing him or herself as a statutory "alien" in matters regarding nationality AND domicile. Thus, a state Citizen is a statutory "alien" under Federal law and has the right to acquire payments tax free within the private-sector. Realize the *E-Verify* program only confirms the statutory "alien" status of a foreign national, as this status is simply a political affiliation for an American national, and falls 100% outside the purview of the Federal government. Knowing this and properly arranging one's affairs to reflect this reality is essential for retaining private property rights.

Federal Statutory Terms and Their Constitutional Equivalent

Terms in Federal Statutes (Authored by Congress)	Language in Constitution (Authored by the People)
United States[1] (political sense)[a]	**United States**[1] (the nation -- 14th Amdt)
United States (geographical sense)[b]	components individually addressed but not collectively
United States[2] (geographical sense)[c]	Territory or other Property of the **United States**[G] (IV:3:2)
the 50 States (capital "S")[d]	**United States**[3] (the 50 States united)
United States[G] (corporate sense)	**United States**[G] (the government -- 14th Amdt)
Nationality -- United States of America[e]	**United States**[1] citizenship (14th Amdt)
American National [f1, f2]	**United States**[1] citizen (14th Amdt)
United States[2] National [g]	not addressed
citizen (domiciliary)[h]	inhabitant
United States[2] citizen[i]	not addressed
state (lower-case "s")[j]	State (capital "S")
State (capital "S")[k]	Territory or other Property of the **United States**[G] (IV:3:2)
alien[l]	State Citizen
alien[m]	not addressed

[a] A political entity comprising relevant geography, its politically organized people, and their general government -- a sovereign nation

[b] Collective geography within the political jurisdiction of United States the nation (50 States, D.C., Federal Territory and possessions)

[c] A geographical entity comprising D.C., Federal Territory and possessions -- here an Act of Congress is locally applicable

[d] Addressed in this manner insofar as Union state sovereignty is not compromised -- a collection of 50 legislatively sovereign entities

[e] See Identification Page in U.S. Passport -- constitutional citizenship -- establishes political status within **United States**[1]

[f1] U.S.A. National/American National -- adjectives "U.S.A." and "American" seldomly used -- a 'U.S. Citizen' colloquially and on Form DS-11 (passport app)

[f2] Only Citizens of the 50 States are American Nationals through the 14th Amdt -- otherwise *ex proprio vigore* through an Act of Congress

[g] American National who obtained nationality *ex proprio vigore* through an Act of Congress

[h] A person subject to a particular legislative jurisdiction

[i] An American National with a domicile in D.C., a Federal Territory or a possession -- statutory citizenship -- a 'U.S. Citizen' on Form SS-5 (SSN app)

[j] A legislatively foreign state -- one of the 50 States or a foreign nation-state as they relate legislatively to Congress

[k] 4 USC §110(d), 8 USC §1101(a)(36), and 26 USC §7701(a)(10) -- Individually/combination of Fed Terr or possession of the United States and/or D.C.

[l] A Citizen of one of the 50 States with a legislatively foreign domicile -- civil status secured by the 1st Amdt and outside of Congressional purview

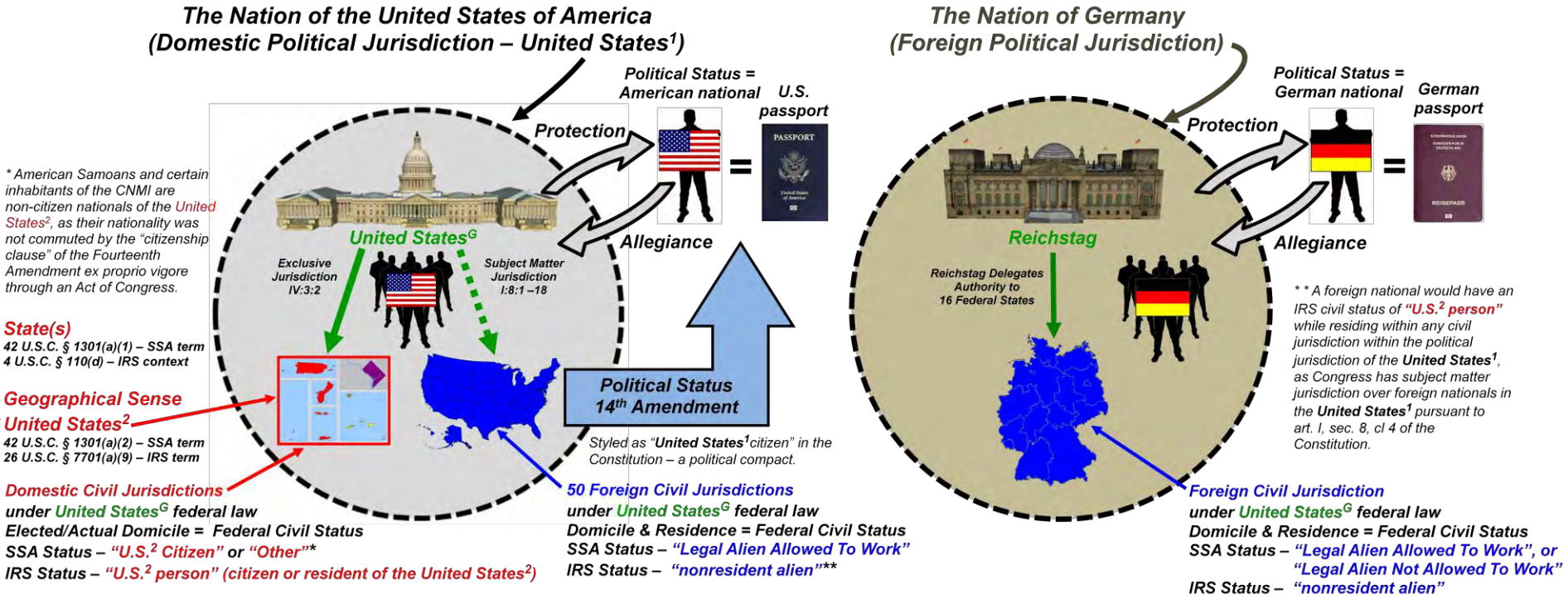
[m] A foreign national -- a civil status within Congressional purview pursuant to Art I, Sec 8, Cl 4 of the United States Constitution

Note: *The appearance of 'U.S. Citizen' on a government form should be construed as non-statutory nomenclature. Capitalization of the word 'Citizen' is an indication of the United States government acting in its sovereign capacity within an applicable context for the 'United States' in either* ***1.*** *its political jurisdiction in matters of nationality and political status within the* ***United States***[1]*, or* ***2.*** *its legislative jurisdiction in matters of geographical sovereignty and statutory civil status within* ***United States***[2]*. When 'U.S. Citizen' is proffered on a government form, the United States government is acting in a sovereign capacity -- it is incumbent upon the applicant to know in which capacity it is acting, whether in a political sense or a civil sense.*

Example 1. *The Department of State's Form DS-11 proffers the entity 'U.S. Citizen' as an option for selection. In this instance the United States government is acting in its sovereign capacity as the general government of the nation for American Nationals who have received their nationality and political status through the "citizenship clause" of the Fourteenth Amendment.* ***Hint:*** *In this instance, the "United States" at issue is a political entity -- the nation (****United States***[1]*).*

Example 2. *The Social Security Administration's Form SS-5 proffers the entity 'U.S. Citizen' as a civil status election within the 'Block 5 -- CITIZENSHIP' section of the form. In this instance the United States government is acting in its sovereign capacity within the legislative jurisdiction where an Act of Congress is locally applicable -- defined as the "United States" pursuant to 42 USC §1301(a)(2).* ***Hint:*** *In this instance, the "United States" at issue is a geographical entity -- a legislative and civil jurisdiction (****United States***[2]*).*

Political and Civil Jurisdiction – Domestic and Foreign



*"**There cannot be a nation without a people**. The very idea of a **political community, such as a nation is**, implies an association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. **He owes it allegiance and is entitled to its protection**. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance." [**emphasis added**]*

Minor v. Happersett, 88 U.S. 162 (1874)

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*"The persons declared to be citizens [in the 14th Amendment to the Constitution] are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' **The evident meaning of these last words is, not merely subject in some respect or degree to the [civil] jurisdiction of the United States, but completely subject to their political jurisdiction, and owing them direct and immediate allegiance**. And the words relate to the time of birth in the one case, as they do to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts; or collectively, as by the force of a treaty by which foreign territory is acquired." [**emphasis added**]*

Elk v. Wilkins, 112 U.S. 94 (1884)

Political and Civil Jurisdiction – Domestic and Foreign cont'd

*"**In the constitution and laws of the United States the word 'citizen' is generally, if not always, used in a political sense, to designate one who has the rights and privileges of a citizen of a state or of the United States**. It is so used in section 1 of article 14 of the amendments of the constitution, which provides that 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside,' and that 'no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.' **But it is also sometimes used in popular language to indicate the same thing as resident, inhabitant, or person**." [**emphasis added**]*

Baldwin v. Franks, 120 U.S. 678 (1887)

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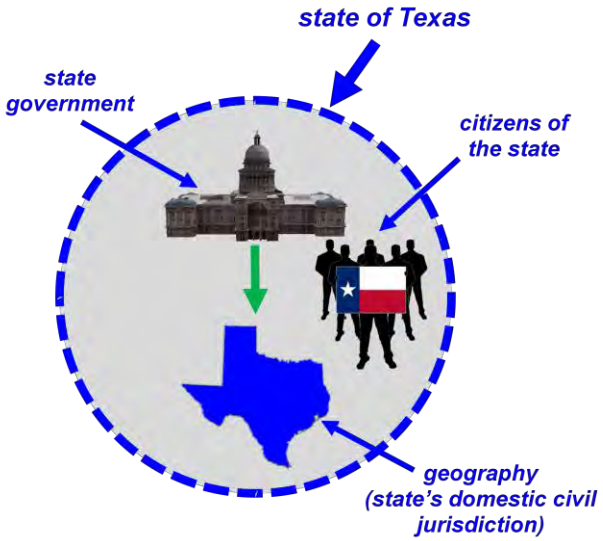
*"The law of England, and of almost all civilized countries, ascribes to each individual at his birth **two distinct legal states or conditions**,-one by virtue of which he becomes the subject of some particular country, binding him by the tie of natural allegiance, and which may be called his **political status**; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the **civil status** or condition of the individual, **and may be quite different from his political status**." [**emphasis added**]*

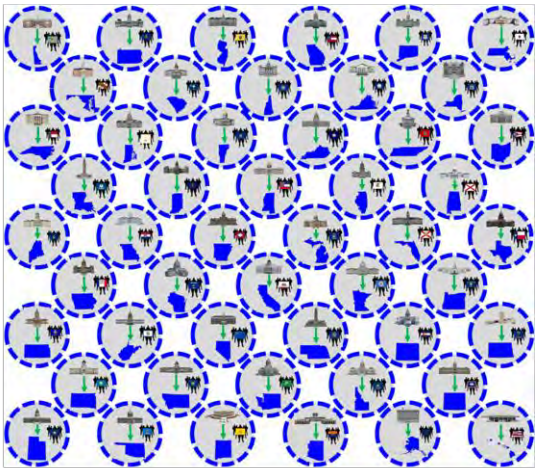
U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)

States – Political Sense versus Geographical Sense

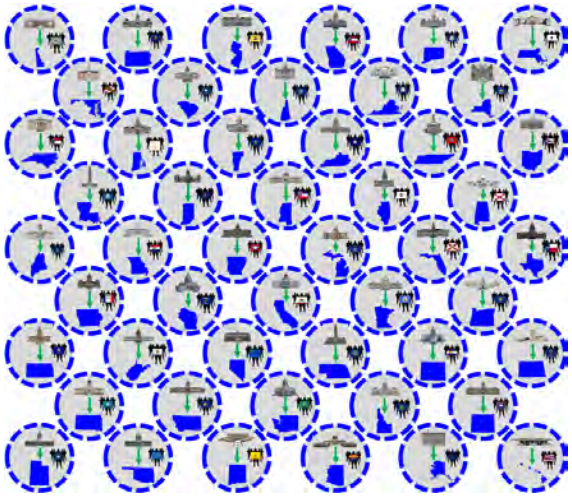
state *–The political system of a body of people who are politically organized; the system of rules by which jurisdiction and authority are exercised over such a body of people. The organ of the state by which its relations with other states are managed is the government.*

Black's Law Dictionary, 8th Edition 2004

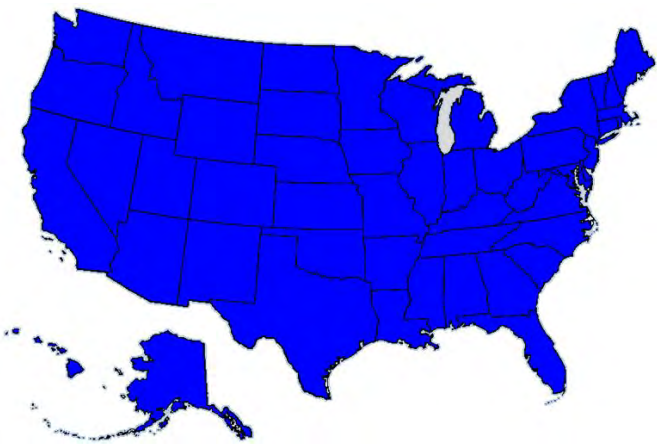




The state of Texas and the 50 states – Bodies Politic



50 Political Subdivisions of the Nation



50 Foreign Civil Jurisdictions

The 50 states – Represented in a Political Sense and in a Geographical Sense

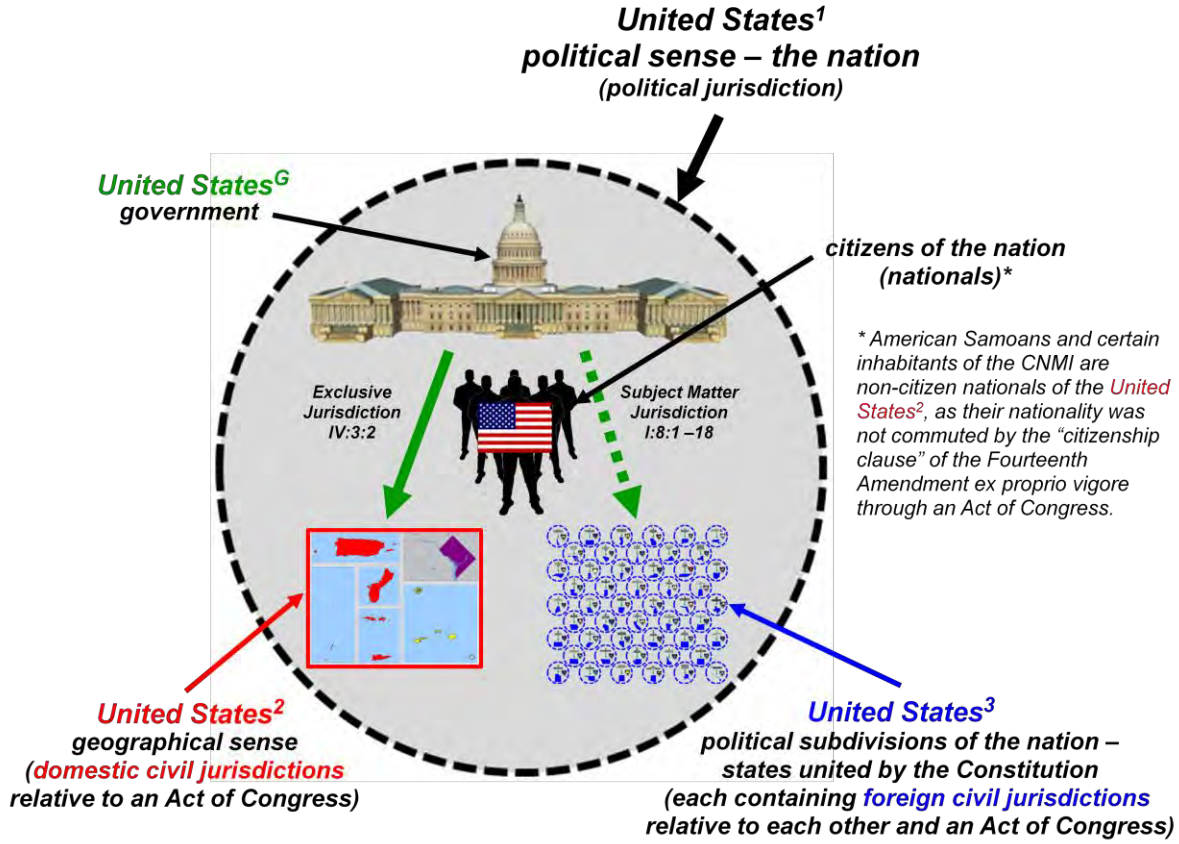
The "United States" and its Several Meanings

> ***nation*** *– A community of people inhabiting a defined territory and organized under an independent government; a sovereign political state. When a nation is coincident with a state, the term nation-state is often used.*
>
> *Black's Law Dictionary, 8th Edition 2004*

> *"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the collective name of the states which are united by and under the Constitution."*
>
> *Hooven & Allison Co. v. Evatt, 324 U.S. 652, (1945)*

There are four meanings addressed in the Hooven & Allison Co. ruling, and they are designated utilizing the following convention for the purposes of this illustration:

United States¹ *– The United States of America – the nation (political sense)*
United States² *– D.C., Federal Territory and possessions – (geographical sense)*
United States³ *– The 50 states – (political subdivisions of the nation)*
United States^G *– The federal government – (corporate sense)*



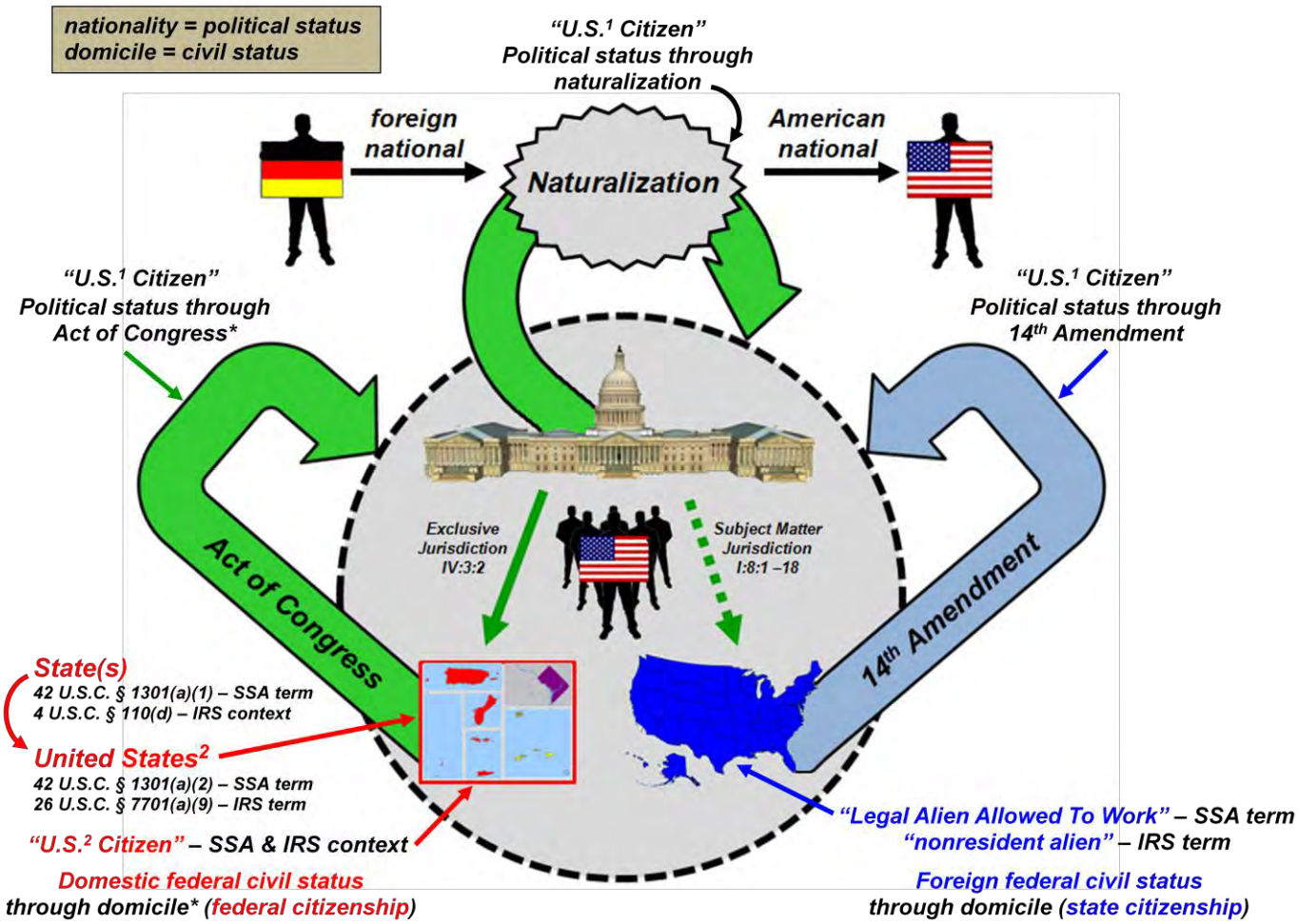
"United States" Citizenship – Political and Civil

nationality *– That quality or character which arises from the fact of a person's belonging to a nation or state.* ***Nationality determines the political status*** *of the individual, especially with reference to allegiance; while* ***domicile determines his civil status****. Nationality arises either by birth or by naturalization. [Source: U.S. v. Wong Kim Ark –* ***emphasis added****]*

Black's Law Dictionary, 6th Edition 1990

nationality *– The relationship between a citizen of a nation and the nation itself, customarily involving allegiance by the citizen and protection by the state; membership in a nation.* ***This term is often used synonymously with citizenship****. [Source: Baldwin v. Franks –* ***emphasis added****]*

Black's Law Dictionary, 8th Edition 2004



** American Samoans and certain inhabitants of the CNMI may have an SSA civil status of "Other," as they are non-citizen nationals of the United States2*

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