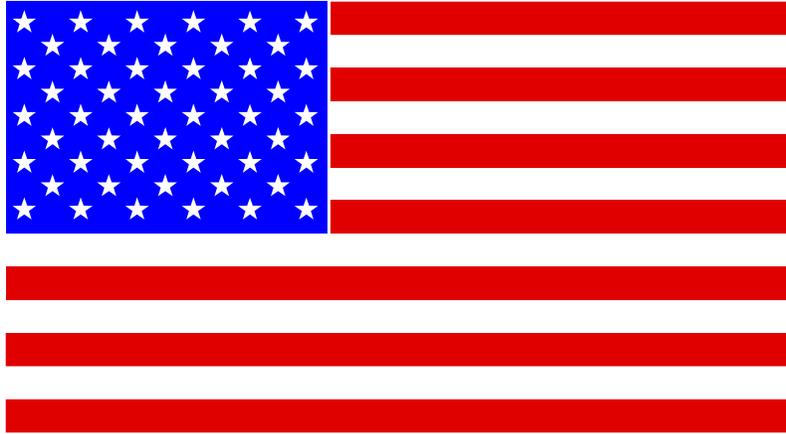


**WHY YOU ARE A “NATIONAL”,
“STATE NATIONAL”, AND CONSTITUTIONAL BUT
NOT STATUTORY CITIZEN**

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=Constitutional "Citizen"

=statutory "non-citizen national"

≠ statutory "U. S. citizen"

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1. INTRODUCTION

1.1 Purpose

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

1. 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.
2. That there are two different jurisdictions and contexts in which the word “citizen” can be applied: statutory v. constitutional.
 - 2.1. “Constitutional citizen” is a POLITICAL status tied to:
 - 2.1.1. “nationality”
 - 2.1.2. The U.S. Constitution.
 - 2.1.3. POLITICAL jurisdiction and a specific political status.
 - 2.1.4. A “nation” under the law of nations.
 - 2.1.5. Membership in a “nation” under the law of nations and nothing more.
 - 2.2. “Statutory citizen” is a LEGAL status tied to:
 - 2.2.1. “domicile” somewhere WITHIN the nation.
 - 2.2.2. 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.
 - 2.2.3. Civil LEGAL jurisdiction and legal status. The status acquired is under statutory civil law and is called “citizen”, “inhabitant”, or “subject”.
 - 2.2.4. A SPECIFIC municipal government among MANY WITHIN a single nation.
 - 2.3. 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]*

3. 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)]*

4. 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).
5. That 8 U.S.C. §1401 defines a statutory “national and citizen of the United States”, 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”.

6. That the [Fourteenth Amendment](#) Section 1 defines a constitutional “citizen of the United States”, where “United States” means states of the Union and excludes the federal zone.
7. 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” 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” ([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)]

8. That the term “U.S. citizen” as used on federal and state forms means a statutory “national and citizen of the United States” as defined in [8 U.S.C. §1401](#) and EXCLUDES constitutional citizens.
9. That a human being born within and domiciled within a state of the Union and not within a federal territory or possession is:
 - 9.1. 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]

- 9.2. 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>

- 9.3. A “national” but not a “citizen” as defined in [8 U.S.C. §1101\(a\)\(21\)](#) and [8 U.S.C. §1452](#) in respect to the federal government.
- 9.4. Not a “U.S. national” or “national of the United States***” as defined in [8 U.S.C. §1408](#) or [8 U.S.C. §1101\(a\)\(22\)\(B\)](#).
- 9.5. Not a statutory “citizen of the United States***” pursuant to [8 U.S.C. §1401](#).
10. That a private human being born within and domiciled within a constitutional state of the Union is:
 - 10.1. A statutory “nonresident alien” as defined in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#). 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.
 - 10.2. A “foreign sovereign” and part of a legislatively “foreign state” with respect to the United States Government under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. Chapter 97.
 - 10.3. 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.
 - 10.4. NOT a statutory “individual”, which in fact means a public office in the U.S. government.
11. That the federal government uses the exceptions to the Foreign Sovereign Immunities Act 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:
 - 11.1. By offering commercial franchises and government “benefits” to foreign sovereigns outside its jurisdiction and thereby making them “residents”.
 - 11.2. In VIOLATION of the organic law, which forbids alienating rights protected by the Constitution.
12. That government has a financial interest to deceive us about our true citizenship status in order to:
 - 12.1. Encourage and expand the flow of unlawfully collected income tax revenues (commerce).
 - 12.2. Expand its jurisdiction and control over the populace.
 - 12.3. Centralize all control over everyone in the county to what Mark Twain calls “the District of Criminals”.

13. 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. It does this by:

13.1. 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) .

13.2. 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).

14. 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 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 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 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, 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 are required to pay income tax on their WORLDWIDE earnings, 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>

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

4 *State of Virginia*
5 *Title 46.2 - MOTOR VEHICLES.*
6 *Chapter 3 - Licensure of Drivers*

7 *§46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal*
8 *permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication,*
9 *or reissuance.*

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

- 15
16 5. The following authorities require all those who are statutory "U.S. citizens" (8 U.S.C. §1401), statutory "U.S.
17 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
18 domicile on federal territory, to incriminate themselves on government forms in violation of the Fifth Amendment by
19 filling out disclosures documenting all their foreign bank accounts. If you don't disclose your foreign bank account on
20 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
21 hand, if you can prove that you are not a statutory "U.S. person", then you are not subject to this requirement:
22 5.1. 31 U.S.C. §5314: Records and reports on foreign financial agency transactions
23 http://www.law.cornell.edu/uscode/html/uscode31/usc_sec_31_00005314---000-.html
24 5.2. Treasury Form TD F 90-22.1: Report of Foreign Bank and Financial Accounts
25 <http://www.irs.gov/pub/irs-pdf/f90221.pdf>

26 **1.3 Applying what you learn here to your circumstances**

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

- 29 1. If you want to learn more about citizenship and sovereignty, see:
30 [Citizenship and Sovereignty Course](http://sedm.org/Forms/FormIndex.htm), Form #12.001
<http://sedm.org/Forms/FormIndex.htm>
- 31 2. If you want to take an activism role in fighting this fraud, see:
32 <http://famguardian.org/Subjects/Activism/Activism.htm>
- 33 3. If you want to restore your sovereignty, you can use the following procedures:
34 3.1. [Path to Freedom](http://sedm.org/Forms/FormIndex.htm), Form #09.015-complete simplified checklist and curricula for restoring sovereignty and freedom
<http://sedm.org/Forms/FormIndex.htm>
35 3.2. [Sovereignty Forms and Instructions Manual](http://sedm.org/Forms/FormIndex.htm), Form #10.005:
<http://sedm.org/Forms/FormIndex.htm>
36 3.3. [Sovereignty Forms and Instructions Online](http://sedm.org/Forms/FormIndex.htm), Form #10.004:
<http://sedm.org/Forms/FormIndex.htm>
- 37 4. If you want to develop court-admissible evidence documenting your true citizenship status as a "state national" and not
38 a statutory "U.S. citizen", see the following excellent free training course:
39 [Developing Evidence of Citizenship and Sovereignty Course](http://sedm.org/Forms/FormIndex.htm), Form #12.002
<http://sedm.org/Forms/FormIndex.htm>
- 40 5. If you want to obtain a USA passport as a "national" rather than a statutory "U.S. citizen", see the following resources:
41 5.1. Applying for a passport as a "national"
42 <http://famguardian.org/Subjects/Taxes/Citizenship/ApplyingForAPassport.htm>
43 5.2. [USA Passport Application Attachment](http://sedm.org/Forms/FormIndex.htm), Form #06.007
44 <http://sedm.org/Forms/FormIndex.htm>
45 6. If you want to contact the government to correct all their records describing your citizenship and tax status in order to
46 remove all the false information about your status that you have submitted to them in the past, you may use the
47 following excellent form for this purpose:
48

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, 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>

2. THE THREE DEFINITIONS OF “UNITED STATES”

Most of us are completely unaware that the term “United States” has several distinct and separate legal meanings 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 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 it's 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 <u>united States</u> ," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The <u>several States</u> which is the <u>united States of America</u> ." Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not</u> have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a "Citizen of these <u>united States</u> ." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

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 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 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.**"*

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)]

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

1 *itself, will depend on others, more important still; and, may, perhaps, be ultimately resolved into one, no less*
2 *radical than this 'do the people of the United States form a Nation?'*

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

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

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

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

24
25 **"FEDERAL GOVERNMENT.** *The system of government administered in a state formed by the union or*
26 *confederation of several independent or quasi independent states; also the composite state so formed.*

27 *In strict usage, there is a distinction between a confederation and a federal government. **The former term***
28 ***denotes a league or permanent alliance between several states, each of which is fully sovereign and***
29 ***independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the***
30 ***central authority a controlling power for a few limited purposes, such as external and diplomatic relations.***
31 ***In this case, the component states are the units, with respect to the confederation, and the central***
32 ***government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the***
33 ***allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive***
34 ***them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the***
35 ***central power is erected into a true state or nation, possessing sovereignty both external and internal,-while***
36 ***the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as***
37 ***units, but by the people of all, in their collective capacity, as citizens of the nation.** The distinction is*
38 *expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaat;" the former*
39 *denoting a league or confederation of states, and the latter a federal government, or state formed by means of a*
40 *league or confederation."*
41 [*Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740*]

42 So the "United States*" the country is a "society" and a "sovereignty" but not a "nation" under the law of nations, by the
43 Supreme Court's own admission. Because the Supreme Court has ruled on this matter, it is now incumbent upon each of us
44 to always remember it and to apply it in all of our dealings with the Federal Government. If not, we lose our individual
45 Sovereignty by default and the Federal Government assumes jurisdiction over us. So, while a sovereign Citizen will want
46 to be the third type of Citizen, which is a "Citizen of the United States***" and on occasion a "citizen of the United
47 States*", he would never want to be the second, which is a "citizen of the United States**". A human being who is a
48 "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
49 place not protected by the Bill of Rights, which is the first ten amendments of the United States Constitution. Below is how
50 the U.S. Supreme Court, in a dissenting opinion, described this "other" United States, which we call the "federal zone":

51 *"The idea prevails with some, indeed it has found expression in arguments at the bar, that **we have in this***
52 ***country substantially two national governments: one to be maintained under the Constitution, with all of its***
53 ***restrictions; the other to be maintained by Congress outside the independently of that instrument, by***
54 ***exercising such powers [of absolutism] as other nations of the earth are accustomed to.. I take leave to say***
55 ***that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical***

1 and mischievous change in our system of government will result. We will, in that event, pass from the era of
2 constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.. It
3 will be an evil day for American liberty if the theory of a government outside the supreme law of the land
4 finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full
5 authority to prevent all violation of the principles of the Constitution.”
6 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

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

9 [TITLE 28](#) > [PART VI](#) > [CHAPTER 176](#) > [SUBCHAPTER A](#) > Sec. 3002.
10 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
11 PART VI - PARTICULAR PROCEEDINGS
12 CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE
13 SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS

14 [Sec. 3002. Definitions](#)

15 (15) “United States” means -

16 (A) a Federal corporation;

17 (B) an agency, department, commission, board, or other entity of the United States; or

18 (C) an instrumentality of the United States.
19

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

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

34 If we are acting as a federal “public official” or contractor, then we are representing the “United States** federal
35 corporation”. That corporation is a statutory “U.S. citizen” under [8 U.S.C. §1401](#) which is completely subject to all federal
36 law.

37 “A corporation is a citizen, [resident](#), or inhabitant of the state or country by or under the laws of which it was
38 created, and of that state or country only.”
39 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886]

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

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

44 (b) Capacity to Sue or be Sued.

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

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

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

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

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

52 (B) [28 U.S.C. §§754](#) and [959](#)(a) govern the capacity of a receiver appointed by a United States court to sue
53 or be sued in a United States court.

54 [[Federal Rule of Civil Procedure 17](#)(b)]

1 Yet on every government (any level) document we sign (e.g. Social Security, Marriage License, Voter Registration, Drivers
2 License, BATF 4473, etc.) they either require you to be a “citizen of the United States” or they ask “are you a resident of
3 Illinois?”. They are in effect asking you to assume or presume the second definition, the “United States**”, when you fill
4 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
5 government form under penalty of perjury. They in effect are asking you if you wish to act in the official capacity of a
6 public employee of the federal corporation. The form you are filling out therefore is serving the dual capacity of a federal
7 job application and an application for benefits. The reason this must be so, is that they are not allowed to pay “benefits” to
8 private citizens and can only lawfully pay them to public employees. Any other approach makes the government into a
9 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](http://sedm.org/Forms/FormIndex.htm), Form #05.008
<http://sedm.org/Forms/FormIndex.htm>

10 If you accept the false and self-serving presumption of your public dis-servants, or you answer “Yes” to the question of
11 whether you are a “citizen of the United States” or a “U.S. citizen” on a federal or state form, usually under penalty of
12 perjury, then you have committed perjury under penalty of perjury and also voluntarily placed yourself under their
13 exclusive/plenary legislative jurisdiction as a public official/”employee” and are therefore subject to Federal & State Codes
14 and Regulations (Statutes). The Social Security Number they ask for on the form, in fact, is prima facie evidence that you
15 are a federal 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](http://sedm.org/Forms/FormIndex.htm), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

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

18 *“The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes*
19 *of redress” against offensive state action, was “repugnant” to the Constitution. Id., at 15. See also United States*
20 *v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190*
21 *U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or*
22 *modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest,*
23 *383 U.S. 745 (1966), their treatment of Congress’ §5 power as corrective or preventive, not definitional, has not*
24 *been questioned.”*
25 *[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

26 What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your *private*
27 *life*. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control *every*
28 *aspect* of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call “social
29 engineering”. Just by the deductions they offer, people who are not engaged in a “trade or business” and thus have no
30 income tax liability are incentivized into all kinds of crazy behaviors in pursuit of reductions in a liability that they in fact
31 do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A of the Internal Revenue Code, which
32 would “appear” to regulate the private conduct of *all* individuals in states of the Union, in fact only applies to “public
33 officials” in the official conduct of their duties while present in the District of Columbia, which 4 U.S.C. §72 makes the
34 “seat of government”. The I.R.C. therefore essentially amounts to a part of the job responsibility and the “employment
35 contract” of “public officials”. This was also confirmed by the House of Representatives, who said that only those who
36 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>

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

41 [California Civil Code](#)
42 *DIVISION 3. OBLIGATIONS*
43 *PART 2. CONTRACTS*
44 *TITLE 1. NATURE OF A CONTRACT*
45 *CHAPTER 3. CONSENT*

1 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations
2 arising from it, so far as the facts are known, or ought to be known, to the person accepting.

3 [SOURCE:

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

5 The W-4 is a federal “election” form and you are the only voter. They are asking you if you want to elect yourself into
6 “public office”, and if you say “yes”, then you got the job and a cage is reserved for you on the federal plantation:

7 “The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the
8 regulator of private conduct, are not the same as the restrictions that it places upon the government in its
9 capacity as employer. We have recognized this in many contexts, with respect to many different constitutional
10 guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. *Kelley v.*
11 *Johnson*, [425 U.S. 238, 247](#) (1976). Private citizens cannot have their property searched without probable
12 cause, but in many circumstances government employees can. *O’Connor v. Ortega*, [480 U.S. 709, 723](#) (1987)
13 (plurality opinion); *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for
14 refusing to provide the government information that may incriminate them, but government employees can be
15 dismissed when the incriminating information that they refuse to provide relates to the performance of their job.
16 *Gardner v. Broderick*, [497 U.S. 62, 95] [392 U.S. 273, 277-278](#) (1968). With regard to freedom of speech in
17 particular: Private citizens cannot be punished for speech of merely private concern, but government employees
18 can be fired for that reason. *Connick v. Myers*, [461 U.S. 138, 147](#) (1983). Private citizens cannot be punished
19 for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that
20 reason. *Public Workers v. Mitchell*, [330 U.S. 75, 101](#) (1947); *Civil Service Comm’n v. Letter Carriers*, [413 U.S.](#)
21 [548, 556](#) (1973); *Broadrick v. Oklahoma*, [413 U.S. 601, 616-617](#) (1973).”
22 [*Rutan v. Republican Party of Illinois*, [497 U.S. 62](#) (1990)]

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

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

34 They are causing you to voluntarily waive sovereign immunity under the Foreign Sovereign Immunities Act, [28 U.S.C.](#)
35 [§1601-1611](#). [28 U.S.C. §1605\(a\)\(2\)](#) of the act says that those who conduct “commerce” within the legislative jurisdiction
36 of the “United States” (federal zone), whether as public official or federal benefit recipient, surrender their sovereign
37 immunity.

38 [TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)

39 [§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

40 (a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any
41 case—

42 (2) in which the action is based upon a commercial activity carried on in the United States by the foreign state;
43 or upon an act performed in the United States in connection with a commercial [employment or federal benefit]
44 activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection
45 with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

46 They are also destroying the separation of powers by fooling you into declaring yourself to be a statutory “U.S.** citizen”
47 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”
48 from being foreign sovereigns who can file under statutory diversity of citizenship. This is also confirmed by the
49 Department of State Website:

50 “Section 1603(b) defines an “agency or instrumentality” of a foreign state as an entity

51 (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”, the District of Criminals, and changed your status from “foreign” to “domestic” by creating false presumptions about citizenship and using the Social Security Number, W-4, and SS-5 forms 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.

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]

Understanding the distinction between nationality and domicile is absolutely critical.

1. Nationality:

- 1.1. Is a political status.
- 1.2. Is defined by the Constitution, which is a political document.
- 1.3. Is synonymous with being a “national” within statutory law.
- 1.4. Is associated with a specific COUNTRY.

2. Domicile:

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

Nationality and domicile, TOGETHER determine the political AND civil 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

1 *jurisdiction thereof.* The evident meaning of these last words is, not merely subject in some respect or degree
2 to the jurisdiction of the United States, **but completely subject to their [plural, not singular, meaning states of**
3 **the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate**
4 **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
5 of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth
6 cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the
7 naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”
8 [U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

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

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

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

25 *“domicile.* A person's legal home. That place where a man has his true, fixed, and **permanent home** and
26 principal establishment, and to which whenever he is absent he has **the intention of** returning. *Smith v. Smith,*
27 *206 Pa.Super. 310, 213 A.2d. 94.* Generally, physical presence within a state and **the intention** to make it one's
28 home are the requisites of establishing a “domicile” therein. The permanent residence of a person or the place
29 to which he **intends to** return even though he may actually reside elsewhere. A person may have more than one
30 residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual**
31 **residence, often controls the jurisdiction of the taxing authorities and determines where a person may**
32 **exercise the privilege of voting and other legal rights and privileges.**
33 [Black's Law Dictionary, Sixth Edition, p. 485]

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

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

43 We establish later in section 10 that federal courts regard the term “citizenship” as equivalent to domicile, meaning
44 domicile on federal territory.

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

48 Hence:

- 49 1. The term “citizenship” is being stealthily used by government officials as a magic word that allows them to hide their
50 presumptions about your status. Sometimes they use it to mean NATIONALITY, and sometimes they use it to mean
51 DOMICILE.
- 52 2. The use of the word “citizenship” should therefore be AVOIDED when dealing with the government because its
53 meaning is unclear and leaves too much discretion to judges and prosecutors.

- 1 3. When someone from any government uses the word “citizenship”, you should:
2 3.1. Tell them NOT to use the word, and instead to use “nationality” or “domicile”.
3 3.2. Ask them whether they mean “nationality” or “domicile”.
4 3.3. Ask them WHICH political subdivision they imply a domicile within: federal territory or a constitutional state of
5 the Union.

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

8 **3.1 LEGAL/STATUTORY status v. POLITICAL/CONSTITUTIONAL Status**

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

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

31 So:

- 32 1. The Constitution is a POLITICAL and not a LEGAL document. It therefore determines your POLITICAL status rather
33 than your LEGAL/STATUTORY status.
34 2. Nationality determines your POLITICAL STATUS and whether you are a "subject" of the country.
35 3. DOMICILE determines your CIVIL and LEGAL and STATUTORY status. It DOES NOT determine your
36 POLITICAL status or nationality.
37 4. Being a constitutional "citizen" per the Fourteenth Amendment is associated with nationality, not domicile.
38 5. Allegiance is associated with nationality, not domicile. Allegiance is what makes one a "subject" of a country.
39 6. Your personal and municipal rights, meaning CONSTITUTIONAL rights, associate with your choice of legal
40 domicile, not your nationality or what country you are a subject of or have allegiance to.
41 7. Being a statutory "citizen" is associated with domicile, not nationality, because it is associated with being an inhabitant
42 RATHER than a "subject".

43 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)
<http://sedm.org/Forms/FormIndex.htm>

44 We know that "nationality" per 8 U.S.C. §1101(a)(21) and 14th Amendment Constitutional citizenship are NOT the same.
45 So, much like the "Chicken and the Egg" analogy -- what happens first, nationality or 14th Amendment Constitutional
46 citizenship? Or does that occur simultaneously? It might at first appear from the analysis in this pamphlet that 14th
47 Amendment Constitutional citizenship also applies to inhabitants of unincorporated and unorganized territory, but as
48 pointed out by the court in Wong Kim Ark, supra., the domicile determines civil status, thus 14th Amendment
49 Constitutional citizenship on U.S. Territory is inferior to that of 14th Amendment Constitutional citizenship on the Union --

1 but only by virtue of domicile. Change domicile and improve/denigrate your legal status either for the better or worse, as
2 the case may be.

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

- 5 1. Political Status: "national" of the United States* - 8 U.S.C. §1101(a)(21).
- 6 2. Civil Status: "national of the United States**" - 8 U.S.C. §1101(a)(22) .

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

8 From the above article and the Supreme Court's own analysis above, it follows that that you cannot be a "citizen" under
9 federal statutory law without one of the following two conditions existing:

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

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

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

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

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

25 **3.2 Statutory citizen status is entirely voluntary and discretionary. Constitutional citizen status is NOT**

26 An important distinction that needs to be understood by the reader is that no one can force you to acquire or retain statutory
27 "national and citizen of the United States" civil status. That status is entirely voluntary and discretionary. That is one of
28 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>

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

- 30 1. Contract with other parties, including the government. The purpose of establishing government, in fact, is to protect
31 your right to both CONTRACT and NOT CONTRACT as you see fit. You don't become a "person" under a private
32 contract until you SIGN or consent in some way to the contract or agreement.
- 33 2. Politically and legally associate with groups you choose to associate with. The right of freedom of association and
34 freedom from COMPELLED association is protected by the First Amendment to the United States Constitution.
- 35 3. Choose or nominate the civil government that you want to protect your right to life, liberty, and property.
36 3.1. Choosing a domicile is an act of political association that has legal consequences in which you nominate a specific
37 municipal government to protect your rights and property.
38 3.2. If you never nominate such a government, then you retain the right to protect yourself and are not entitled to the
39 protection of a specific municipal government protector.

40 This is why the Declaration of Independence says that all just powers of government are derived from the consent of
41 the people. Those who don't consent can't be civilly governed. Yes, they are still liable for criminal infractions

1 because the criminal laws do not require consent. Civil laws, however DO require consent of the governed, and all
2 such civil laws attach to and associate with your choice of legal domicile.

3 Domicile is how you exercise right numbers 2 and 3 above. You can't be a statutory citizen without CHOOSING and
4 CONSENTING TO a civil domicile in the federal zone. You get to decide where your domicile is and you can change it at
5 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
6 correctly reflect that fact on government forms and correspondence.

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

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

15 *"Citizens" are members of a political community who, in their associated capacity, have established or*
16 *submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their*
17 *general welfare and the protection of their individual as well as collective rights. [Herriott v. City of Seattle,](#)*
18 *81 Wash.2d. 48, 500 P.2d. 101, 109.*
19 *[Black's Law Dictionary, Sixth Edition, p. 244]*

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

23 *"The people of the United States resident within any State are subject to two governments: one State, and the*
24 *other National: but there need be no conflict between the two. The powers which one possesses, the other*
25 *does not. They are established for different purposes, and have separate jurisdictions. Together they make one*
26 *whole, and furnish the people of the United States with a complete government, ample for the protection of all*
27 *their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions*
28 *for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the*
29 *process of the courts within a State, and the resistance is accompanied by an assault on the officer, the*
30 *sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the*
31 *assault. So, too, if one passes counterfeit coin of the United States within a State, it may be an offence against*
32 *the United States and the State: the United States, because it discredits the coin; and the State, because of the*
33 *fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments*
34 *possess powers in common, or bring them into conflict with each other. It is the natural consequence of a*
35 *citizenship [92 U.S. 542, 551] which owes allegiance to two sovereignties, and claims protection from both.*

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

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

- 49 1 "non-citizen national" for those born in and domiciled anywhere in the country.
- 50 2 "nonresident"
- 51 3 "transient foreigner"
- 52 4 "stateless person"

1 5 “in transitu”
2 6 “transient”
3 7 “sojourner”

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

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

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

11 *"7 Foreign Affairs Manual Section 012(a)*

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

13 ***Nationality is the principal relationship that connects an individual to a State.** International law recognizes*
14 *the right of a State to afford diplomatic and consular protection to its **nationals** and to represent their interests.*
15 ***Under U.S. law the term "national" is inclusive of citizens but "citizen" is not inclusive of nationals. All U.S.***
16 ***citizens are U.S. nationals.** Section 101(a)(22) INA (8 U.S.C. 1101(a)(22)) provides that the term "national of*
17 *the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the*
18 *United States, owes permanent allegiance to the United States. U.S. nationals are eligible for U.S. consular*
19 *protection.*
20 *[SOURCE: <http://www.state.gov/documents/organization/86556.pdf>]*

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

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

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

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

48 *The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are*
49 *found' were stated as follows: **When private individuals of one nation [states of the Unions are “nations”***
50 ***under the law of nations] spread themselves through another as business or caprice may direct, mingling***
51 ***indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade,***
52 ***it would be obviously inconvenient and dangerous to society, and would subject the laws to continual***
53 ***infraction, and the government to degradation, if such individuals or merchants did not owe temporary and***
54 ***local allegiance, and were not amenable to the jurisdiction of the country.** Nor can the foreign sovereign have*

1 any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by
2 him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting
3 persons of this description from the jurisdiction of the country in which they are found, and no one motive for
4 requiring it. **The implied license, therefore, under which they enter, can never be construed to grant such
5 exemption.' 7 Cranch, 144.**

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

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

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

29 ***“Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.”*** *Perkins v. Elg.*,
30 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*
31 *the sovereign is required.* *Mackenzi v. Hare*, 1915, 239 U.S. 299, 36 S.Ct. 106, 60 L.Ed. 297. *Congress has*
32 *provided that the right of expatriation is a natural and inherent right of all people, and has further made a*
33 *legislative declaration as to what acts shall amount to an exercise of such right. The enumerated methods set*
34 *out in the chapter are expressly made the sole means of expatriation.”*

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

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

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

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

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

- 44 1. [Why Domicile and Becoming a “Taxpayer” Require Your Consent](http://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm)
45 <http://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm>
- 46 2. [Why Domicile and Becoming a “Taxpayer” Require Your Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.002
47 <http://sedm.org/Forms/FormIndex.htm>

48 **3.3 Comparison**

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

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

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

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

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

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

22 Constitutional citizenship derives from and is dependent upon being a constitutional citizen within your state, which the
23 U.S. Supreme Court also calls a state citizen.

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

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

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

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

1 14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,
2 corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth
3 Amendment which secures the privileges and immunities of citizens of the United States against abridgment or
4 impairment by the law of a State." Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1869) . This conclusion was in
5 harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that
6 corporations were not within the scope of the privileges and immunities clause of state citizenship set out in
7 Article IV, Sec. 2. See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) ; Berea College v.
8 Kentucky, 211 U.S. 45 (1908) ; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928) ; Grosjean
9 v. American Press Co., 297 U.S. 233, 244 (1936) .

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

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

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

21 We talk about this common freedom fighter fallacy in more detail later in section 17.3. Seems ironic that ignorant freedom
22 lovers who don't read the law and who even want to avoid being associated with a corporation would do that to themselves,
23 don't you think? Some people might try to escape this logic by saying that there are TWO types of Constitutional citizens:
24 "citizen of the United States***" as identified in the Fourteenth Amendment and the "Citizen" of the original Constitution.
25 However, the following case holds that the Fourteenth Amendment "citizen of the United States***" is a SUPERSET that
26 includes EVERYONE, including the white capital "C" males of the original constitution, so this assertion is clearly flawed:

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

32 [. . .]

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

37 The U.S. Supreme Court also described WHAT is meant by "subject to the jurisdiction", and it means DOMICILED
38 somewhere within the country or what they call the "territory of the nation" rather than the statutory "United States":

39 "The amendment, in clear words and in manifest intent, includes the children born within the territory of the
40 United States of all other persons, of whatever race or color, domiciled within the United States. Every citizen
41 or subject of another country, while domiciled here [the COUNTRY, not the statutory "United States"], is
42 within the allegiance and the protection, and consequently subject to the jurisdiction, of the United
43 States[***]. His allegiance to the United States is direct and immediate, and, although but local and
44 temporary, continuing only so long as he remains within our territory, is yet, in the words of Lord Coke in
45 Calvin's Case, 7 Coke, 6a, 'strong enough to make a natural subject, for, if he hath issue here, that issue is a
46 natural-born subject'; and his child, as said by Mr. Binney in his essay before quoted, 'If born in the country, is
47 as much a citizen as the natural-born child of a citizen, and by operation of the same principle.' It can hardly
48 be denied that an alien is completely subject to the political jurisdiction of the country in which he resides,
49 seeing that, as said by Mr. Webster, when secretary of state, in his report to the president on Thrasher's case in
50 1851, and since repeated by this court: 'Independently of a residence with intention to continue such residence;
51 independently of any domiciliation; independently of the taking of any oath of allegiance, or of renouncing any
52 former allegiance,—it is well known that by the public law an alien, or a stranger born, for so long a time as
53 he continues within the dominions of a foreign government, owes obedience to the laws of that government,
54 and may be punished for treason or other crimes as a native-born subject might be, unless his case is varied
55 by some treaty stipulations.' Executive Documents H. R. No. 10, 1st Sess. 32d Cong. p. 4; 6 Webster's Works,

1 526; U.S. v. Carlisle, 16 Wall. 147, 155; Calvin's Case, 7 Coke, 6a; Ellesmere, Postnati, 63; 1 Hale, P. C. 62; 4
2 Bl.Comm. 74, 92.”
3 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

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

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

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

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

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

28 Below is a table comparing the *two* contexts to make the differences perfectly clear. We will build on these distinctions
29 throughout the remainder of this pamphlet.
30

1 **Table 2: Statutory v. Constitutional "Citizens" compared**

#	Characteristic	"Statutory" citizen or resident	"Constitutional" citizen or resident
1	Status of "person" holding this status	<u>Artificial being ONLY and NOT human beings.</u> All these "citizens" are public officers in the government partaking of government franchises.	<u>Human being ONLY and NOT artificial entities or corporations.</u> See Insurance Co. v. New Orleans, 13 Fed. Cas. 67 (C.C.D.La. 1870); Orient Ins. Co. v. Daggs, 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 CFR §1.1-1(c)	"Subject to THE jurisdiction" in the Fourteenth Amendment
7	"citizen" defined in	8 U.S.C. §1401 26 CFR §1.1-1(c) 26 CFR §31.3121-1(e);	1. Fourteenth Amendment, Section 1 2. 8 U.S.C. §1101(a)(21) 3. 8 U.S.C. §1452
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. "non-citizen national" (see 8 U.S.C. §1452) 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 CFR §1.1441-1(c)(3)(i)	Not defined
13	Sovereign?	No (A "SUBJECT citizen")	Yes

#	Characteristic	“Statutory” citizen or resident	“Constitutional” citizen or resident
14	“Rights” protected by	Enactments of Congress (privileges, not rights)	The Constitution of the United States, Bill of Rights State Constitution
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 <i>government</i> of the United States (Your PAGAN false God)	The <i>people</i> in states of the Union (Your neighbors: Love your neighbor. Exodus 20:12-17; Gal. 5:14)
21	Relationship to “national” government	Domestic	Foreign (See “Sovereign=Foreign”: http://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm)
22	Tax status	Statutory “U.S. citizen”, as defined in 26 CFR §1.1-1(c) and “U.S. person” (26 U.S.C. §7701(a)(30))	“Nonresident alien” as defined in 26 U.S.C. §7701(b)(1)(B)
23	File which federal tax form	IRS Form 1040	IRS Form 1040NR WITHOUT a TIN/SSN
24	Protected by Foreign Sovereign Immunities Act 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	Derives citizenship from state constitution?	No	Yes
28	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

3.4 How one transitions from being a constitutional citizen to a statutory citizen/resident

The U.S. Supreme Court indirectly identified how one transitions from being a Constitutional to a Statutory citizen in the following holdings.

1. First they said and continue to say 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 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)]

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. Hence, this 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. 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. This 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]

1 All federal District Courts are Article IV, Section 3, Clause 2 franchise courts that manage government territory, property,
2 and franchises. This is proven with thousands of pages of evidence in the following. Therefore, the ONLY type of
3 “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>

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

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

9 *"A corporation is a citizen, **resident**, or inhabitant of the state or country by or under the laws of which it was*
10 *created, and of that state or country only."*
11 *[19 Corpus Juris Secundum, Corporations, §886]*

- 12 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
13 time. The place where the corporate headquarters is located usually is treated as the effective domicile of the
14 corporation.
- 15 4. If a corporation is formed in a specific state of the Union, then it is a statutory but not constitutional citizen in THAT
16 state only and a statutory alien in every OTHER state AND also alien in respect to federal jurisdiction.

17 *"A foreign corporation is one that derives its existence solely from the laws of another state, government, or*
18 *country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created*
19 *by or under the laws of another state or a corporation created by or under the laws of a foreign country."*

20 *"A federal corporation operating within a state is considered a domestic corporation rather than a foreign*
21 *corporation. **The United States government is a **foreign** corporation with respect to a state."***
22 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §883]*

23 Therefore, whenever you hear a judge or government prosecutor use the word “citizen” in federal court, they really are
24 referring to domicile on federal territory not within any state of the Union. They are setting a trap to exploit your legal
25 ignorance using “words of art”. If they are referring to your “nationality” rather than whether you are a “citizen”, they are
26 referring to CONSTITUTIONAL citizenship and whether you are a “national” under 8 U.S.C. §1101(a)(21). If they ask
27 you whether you are a “citizen” or a “citizen of the United States”, you should always respond by asking:

- 28 1. Which of the three “United States” defined by the U.S. Supreme Court in [Hooven & Allison Co. v. Evatt, 324 U.S. 652](#)
29 [\(1945\)](#) do you mean?
- 30 2. Do you mean my nationality or my domicile in that place?

31 ..and then you should say you are:

- 32 1. Domiciled outside the statutory “United States” and therefore a statutory alien in relation to federal jurisdiction.
- 33 2. A CONSTITUTIONAL citizen
- 34 3. NOT a STATUTORY citizen under any federal statute or regulation, including but not limited to 8 U.S.C. §1401, 26
35 U.S.C. §3121(e) , and 26 CFR §1.1-1(c) , all of which are STATUTORY and not CONSTITUTIONAL citizens:

36 [TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121](#)
37 [§ 3121. Definitions](#)

38 *(e) State, United States, and citizen*

39 *For purposes of this chapter—*

40 *(1) State*

41 *The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,*
42 *Guam, and American Samoa.*

1 (2) United States [FEDERAL TERRITORY NOT PART OF ANY STATE]

2 The term "United States" when used in a geographical sense includes the Commonwealth of Puerto Rico,
3 the Virgin Islands, Guam, and American Samoa.

4 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
5 citizen described in 8 U.S.C. §1401. People who begin as a "constitutional" citizen commonly commit this crime and
6 unwittingly in most cases transform themselves into a privileged "statutory" citizen by performing any one of the following
7 unlawful acts. These unlawful acts at least make them appear to be a legal "person" under federal law with an effective
8 domicile in the District of Columbia/federal zone and a "SUBJECT citizen":

- 9 1. Opening up bank or financial accounts WITHOUT using the proper form, which is an AMENDED IRS Form W-
10 8BEN. If you don't use this form or a derivative and invoke the protection of the law for your status as a nonresident
11 alien not engaged in a "trade or business", the financial institution will falsely and prejudicially "presume" that you are
12 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
13 prevent this problem, see the following article:

About IRS Form W-8BEN, Form #04.202

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

- 14 2. Filing the WRONG tax form, the IRS Form 1040, rather than the correct 1040NR form. This constitutes an election to
15 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.](#)
16 [§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>

- 17 3. Applying for or accepting a government benefit, privilege, or license, such as Social Security, Medicare, or TANF.
18 This would require them to fill out an SSA Form SS-5. 20 CFR §422.104 requires that only those with a domicile on
19 federal territory and who are therefore statutory "U.S. citizens" or "U.S. permanent residents", may apply for Social
20 Security. This causes a waiver of sovereign immunity under [28 U.S.C. §1605\(a\)\(2\)](#) and makes you into a "resident
21 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>

- 22 4. Filling out a federal or state government form incorrectly by describing yourself as a statutory "U.S. citizen" pursuant
23 to [8 U.S.C. §1401](#) rather than a "national but not a citizen" pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) and [8 U.S.C. §1452](#).
24 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>

- 25 5. Improperly declaring your citizenship status to a federal court or not declaring it at all. If you describe yourself as a
26 "citizen" or a "U.S. citizen" without further clarification, or if you don't describe your citizenship at all in court
27 pleadings, then federal courts will self-servingly "presume" that you are a statutory rather than constitutional citizen
28 pursuant to [8 U.S.C. §1401](#) who has a domicile on federal territory. This is also confirmed by the following
29 authorities:

30 *"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is*
31 *substantially synonymous with the term 'domicile'. [Delaware, L. & W.R. Co. v. Petrowsky](#), 2 Cir., 250 F. 554,*
32 *557."*

33 *[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]*

34 *"Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp.*
35 *981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d*
36 *678, 683."*

37 *[Black's Law Dictionary, Fourth Edition, p. 311]*

38 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>

- 39 6. Accepting public office within the federal government. This causes you to act in a representative capacity representing
40 the federal corporation called the "United States" as defined in [28 U.S.C. §3002\(15\)\(A\)](#). Pursuant to [Federal Rule of](#)
41 [Civil Procedure 17\(b\)](#), you assume the same domicile and citizenship of the party you represent. All corporations are
42 "citizens" with a domicile where they were created, which is the District of Columbia in the case of the federal United
43 States.

1 "A corporation is a citizen, *resident*, or inhabitant of the state or country by or under the laws of which it was
2 created, and of that state or country only."
3 [19 Corpus Juris Secundum, Corporations, §886]

4 7. Failing to rebut false information returns filed against you reflecting nonzero earnings, such as any of the following
5 forms:

6 7.1. *Correcting Erroneous IRS Form 1042's*, Form #04.003. See:

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

8 7.2. *Correcting Erroneous IRS Form 1098's*, Form #04.004. See:

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

10 7.3. *Correcting Erroneous IRS Form 1099's*, Form #04.005. See:

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

12 7.4. *Correcting Erroneous IRS Form W-2's*, Form #04.006. See:

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

14 All of the above information return forms connect you with the "trade or business" franchise pursuant to [26 U.S.C.](#)
15 [§6041\(a\)](#). A "trade or business" is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public office". Engaging
16 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
17 of 26 CFR §301.7701-5 for proof at the link below:

18 <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>

19 **4. PROOF THAT STATUTORY CITIZENS/RESIDENTS ARE A FRANCHISE** 20 **STATUS THAT HAS NOTHING TO DO WITH YOUR DOMICILE**

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

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

38 If you would like to know more about the devious abuse of franchises to destroy your rights and break the chains of the
39 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>

40 **4.1 Legal Dictionary**

41 The legal dictionary confirms that statutory "citizen" status equates with being a "subject", AND that said "subject" status
42 is, indeed a voluntary franchise:

43 **"Subject.** Constitutional law. One that owes allegiance to a sovereign and is governed by his laws. The natives
44 of Great Britain are subjects of the British government. **Men in free governments are subjects as well as**
45 **citizens; as citizens they enjoy rights and franchises; as subjects they are bound to obey the laws. The term is**
46 **little used, in this sense, in countries enjoying a republican form of government. Swiss Nat. Ins. Co. v. Miller,**
47 **267 U.S. 42, 45 S.Ct. 213, 214, 69 L.Ed. 504.**

1 *Legislation. The matter of public or private concern for which law is enacted. Thing legislated about or matters*
2 *on which legislature operates to accomplish a definite object or objects reasonably related one to the other.*
3 *Crouch v. Benet, 198 S.C. 185, 17 S.E.2d. 320, 322. The matter or thing forming the groundwork of the act.*
4 *McCombs v. Dallas County, Tex.Civ.App., 136 S.W.2d. 975,982.*

5 *The constitutions of several of the states require that every act of the legislature shall relate to but one subject,*
6 *which shall be expressed in the title of the statute. But term "subject" within such constitutional provisions is to*
7 *be given a broad and extensive meaning so as to allow legislature full scope to include in one act . all matters*
8 *having a logical or natural connection. Jaffee v. State, 76 Okl.Cr. 95, 134 P.2d. 1027, 1032.*
9 *[Black's Law Dictionary, Sixth Edition, p. 1425]*

10 Note from the above that:

- 11 1. Republican governments such as that in America DO NOT have “subjects”. You cannot be a “taxpayer” WITHOUT
12 being a “subject”.

13 *“The term is little used, in this sense, in countries enjoying a republican form of government. Swiss Nat. Ins.*
14 *Co. v. Miller, 267 U.S. 42, 45 S.Ct. 213, 214, 69 L.Ed. 504.”*

- 15 2. You have to be “in the government” to be a subject or statutory citizen, and that when you join the government, THE
16 GOVERNMENT is free, but YOU, the SUBJECT, are not only NOT free, but become a slave to their protection
17 contract or “social compact”:

18 *“Men in free governments are...”*

- 19 3. Being a statutory “citizen” is identified as a voluntary franchise:

20 *“Men in free governments are subjects as well as citizens; as citizens they enjoy rights [PRIVILEGES or*
21 *PUBLIC RIGHTS] and franchises”.*

22 The above admissions are deliberate double speak to cloud the issues, but they do state some of the truth plainly. They are
23 using double speak because they know they are abusing the law to destroy rights and enslave people they are supposed to
24 be protecting through the abuse of “words of art” and oxymorons.

25 *“For where envy and self-seeking [by a corrupted de facto government towards YOUR property] exist,*
26 *[manufactured] confusion and every evil thing are there. But the wisdom that is from above is first pure, then*
27 *peaceable, gentle, willing to yield, full of mercy and good fruits, without partiality and without hypocrisy.”*
28 *[James 3:16-17, Bible, NKJV]*

29 Here is some of the double speak designed to enforce the stealthful and unconstitutional GOVERNMENT PLUNDER of
30 your rights and property using “words of art”:

- 31 1. They say “men in free governments”, implying that the GOVERNMENT is free but the “men” are NOT. No “subject”
32 who is subservient to anyone can ever truly be “free”. In any economic system, there are only two roles you can fill:
33 predator or prey, sovereign or subject.
34 2. They admit that governments that are “republican in form” cannot have “subjects”, but:
35 2.1. They don’t mention that America, in Constitution Article 4, Section 4, is republican in form.
36 2.2. They deliberately don’t explain how you can “govern” people who are not “subjects” but sovereigns such as those
37 in America.

38 In fact, if they dealt with the above two issues, their FRAUD would have to come to an IMMEDIATE end. It is a
39 maxim of law that when TWO rights exist in the same person, it is as if there were TWO PERSONS. This means that
40 the statutory “citizen” or “subject” they are REALLY talking about is a SEPARATE LEGAL PERSON who is, in fact,
41 a public office in the U.S. government. 4 U.S.C. §72 says that office cannot lawfully exist in a constitutional state of
42 the Union without permission from Congress that has never expressly been given and CANNOT lawfully be given
43 without violating the separation of powers doctrine which is the foundation of the U.S. Constitution:

44 *“Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*
45 *When two rights [or a RIGHT and a PRIVILEGE] concur in one person, it is the same as if they were in two*
46 *separate persons. 4 Co. 118.”*
47 *[Bouvier's Maxims of Law, 1856;*
48 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

1 3. They use the phrase “rights and franchises”. These two things cannot rationally coexist in the same person. Rights are
2 unalienable, meaning that they cannot lawfully be surrendered or bargained away. Franchises are alienable and can be
3 taken away at the whim of the legislature. You cannot sign up for a government franchise without alienating an
4 unalienable right. Therefore, no one who has REAL UNALIENABLE rights can also at the same time have privileges.
5 The only people who can lawfully sign up for franchises are those who HAVE no rights because domiciled on federal
6 territory not protected by the constitution and not within any state of the Union.

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

12 “Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”
13 [Black’s Law Dictionary, Fourth Edition, p. 1693]

14 4. They don’t address how the national government can lawfully implement franchises within a Constitutional state, and
15 therefore deliver the “rights [PRIVILEGES and PUBLIC RIGHTS] and franchises” associated with being a statutory
16 but not constitutional “citizen”. The U.S. Supreme Court has held more than once that Congress CANNOT lawfully
17 establish or enforce ANY franchise within the borders of a constitutional state of the Union. The following case has
18 NEVER been overruled.

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

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

36 And here is yet another example from Black’s Law Dictionary proving that statutory citizenship is a franchise:

37 **FRANCHISE. A special privilege conferred by government on individual or corporation, and which does not**
38 **belong to citizens of country generally of common right.** Elliott v. City of Eugene, 135 Or. 108, 294 P. 358,
39 360. In England it is defined to be a royal privilege in the hands of a subject.

40 A “franchise,” as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference
41 to a royal privilege or branch of the king’s prerogative subsisting in the hands of the subject, and must arise
42 from the king’s grant, or be held by prescription, but today we understand a franchise to be some special
43 privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in
44 general. State v. Fernandez, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

45 **In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised**
46 **without legislative grant. To be a corporation is a franchise.** The various powers conferred on corporations
47 are franchises. The execution of a policy of insurance by an insurance company [e.g. **Social**
48 **Insurance/Socialist Security**], and the issuing a bank note by an incorporated bank [such as a **Federal Reserve**
49 **NOTE**], are franchises. People v. Utica Ins. Co., 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace
50 the property acquired by the exercise of the franchise. Bridgeport v. New York & N. H. R. Co., 36 Conn. 255, 4
51 Am.Rep. 63. Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d 1019,
52 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of**
53 **suffrage, etc.** Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199,
54 **L.R.A. 1918E, 352.**

55 Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.

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 domiciled on federal territory.

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 “U.S. citizen” or “U.S. resident” that is a public office in the government, and 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.

4.2 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 1](#) > [CHAPTER 43](#) > § 911
[§ 911. Citizen of the United States](#)

*Whoever falsely and willfully represents himself to be a **citizen of the United States**[**] shall be fined under this title or imprisoned not more than three years, or both.*

The reason is that you cannot tax or regulate something until abusing it becomes harmful. A “license”, after all, is legally defined as permission from the state to do that which is otherwise illegal or harmful or both. And of course, you can only tax or regulate things that are harmful and licensed. Hence, they had to:

1. Create yet another franchise.
2. Attach a “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>]

1 5. Impose a tax or fine or “licensing fee” for those adopting or invoking the status. That tax, in fact, is the federal income
2 tax codified in I.R.C. Subtitle A.

3 Every type of franchise works and is implemented exactly the same way, and the statutory “U.S. citizen” or “citizen of the
4 United States**” franchise is no different. This section will prove that being a “citizen of the United States**” under the
5 I.R.C. is, in fact, a franchise, that the franchise began in 1924 by judicial pronouncement, and that because the status is a
6 franchise and all franchises are voluntary, you don’t have to participate, accept the “benefits”, or pay for the costs of the
7 franchise if you don’t consent.

8 As you will learn in the next section, one becomes a “citizen” in a common law or constitutional sense by being born or
9 naturalized in a country and exercising their First Amendment right of political association by voluntarily choosing a
10 national and a municipal domicile in that country. How can Congress criminalize the exercise of the First Amendment
11 right to politically associate with a “state” and thereby become a citizen? After all, the courts have routinely held that
12 Congress cannot criminalize the exercise of a right protected by the Constitution.

13 *"It is an unconstitutional deprivation of due process for the government to penalize a person merely because he*
14 *has exercised a protected statutory or constitutional right. United States v. Goodwin, 457 U.S. 368, 372, 102*
15 *S.Ct. 2485, 2488, 73 L.Ed.2d. 74 (1982)."*
16 *[People of Territory of Guam v. Fegurgur, 800 F.2d. 1470 (9th Cir. 1986)]*

17 Even the U.S. Code recognizes the protected First Amendment right to *not* associate during the passport application
18 process. Being a statutory and not constitutional “citizen” is an example of type of membership, because domicile is civil
19 membership in a territorial community usually called a county, and you cannot be a “citizen” without a domicile:

20 [TITLE 22 > CHAPTER 38 > § 2721](#)
21 [§ 2721. Impermissible basis for denial of passports](#)

22 *A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity,*
23 *belief, **affiliation, or membership, within or outside the United States**, which, if held or conducted within the*
24 *United States, would be protected by the first amendment to the Constitution of the United States.*

25 The answer to how Congress can criminalize the exercise of a First Amendment protected right of political association that
26 is the foundation of becoming a “citizen” therefore lies in the fact that the statutory “U.S.** citizen” mentioned in 18
27 U.S.C. §911 is *not* a constitutional citizen protected by the Constitution, but rather is:

28 1. Not a human being or a private person but a statutory creation of Congress. The ability to regulate private conduct,
29 according to the U.S. Supreme Court, is repugnant to the U.S. Constitution and therefore Congress can ONLY regulate
30 public conduct and the public offices and franchises that it creates.

31 *"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes*
32 *of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States*
33 *v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190*
34 *U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or*
35 *modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest,*
36 *383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not*
37 *been questioned."*
38 *[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

39 2. A statutory franchise and a federal corporation created on federal territory and domiciled there. Notice the key
40 language “**Whenever the public and private acts of the government seem to comingle [in this case, through the**
41 **offering and enforcement of PRIVATE franchises to the public at large such as income taxes], a citizen or**
42 **corporate body must by supposition be substituted in its place...**” What Congress did was perform this substitution in
43 the franchise agreement itself (the I.R.C.) BEFORE the controversy ever even reached the court such that this judicial
44 doctrine could be COVERTLY applied! They want to keep their secret weapon secret.

45 *See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) (“**The United States does business on***
46 **business terms”)) (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926));
47 *Perry v. United States, supra at 352 (1935) (“**When the United States, with constitutional authority, makes***
48 **contracts [for franchises], it has rights and incurs responsibilities similar to those of individuals who are**
49 **parties to such instruments. There is no difference . . . except that the United States cannot be sued without**
50 **its consent”)) (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) (“**The United States, when**
51 **they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf”);******

1 Cooke v. United States, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from
2 its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern
3 individuals there").

4 See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the
5 government seem to commingle, a citizen or corporate body must by
6 supposition be substituted in its place, and then the question be
7 determined whether the action will lie against the supposed defendant");
8 O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]ere [the]
9 contracts exclusively between private parties, the party hurt by such governing action could not claim
10 compensation from the other party for the governing action"). The dissent ignores these statements (including
11 the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at
12 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as
13 a private party.
14 [United States v. Winstar Corp. 518 U.S. 839 (1996)]

- 15 3. Property of the U.S. government. All franchises and statuses incurred under franchises are property of the government
16 grantor. The government has always had the right to criminalize abuses of its property.
17 4. A public office in the government like all other franchise statuses.
18 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
19 are "citizens", and therefore a statutory "U.S. citizen" is really just the corporation that you are representing as a public
20 officer.

21 "A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was
22 created, and of that state or country only."
23 [19 Corpus Juris Secundum, Corporations, §886]

24 Ordinarily, and especially in the case of states of the Union, domicile within that state by the state "citizen" is the
25 determining factor as to whether an income tax is owed to the state by that citizen:

26 "domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and
27 principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith,
28 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's
29 home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place
30 to which he intends to return even though he may actually reside elsewhere. A person may have more than one
31 residence but only one domicile. The legal domicile of a person is important since it, rather than the actual
32 residence, often controls the jurisdiction of the taxing authorities and determines where a person may
33 exercise the privilege of voting and other legal rights and privileges."
34 [Black's Law Dictionary, Sixth Edition, p. 485]

35 "Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in
36 transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the
37 Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates
38 universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter
39 obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,
40 the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most
41 obvious illustration being a tax on realty laid by the state in which the realty is located."
42 [Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

43 We also establish the connection between domicile and tax liability in the following article.

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

44 **4.3 U.S. Supreme Court: Murphy v. Ramsey**

45 Below is how the U.S. Supreme Court describes the political rights of those domiciled on federal territory and therefore
46 statutory "U.S. citizens" and "U.S. residents" as follows:

47 *The counsel for the appellants in argument seem to question the constitutional power of Congress to pass the*
48 *Act of March 22, 1882, so far as it abridges the rights of electors in the territory under previous laws. But that*
49 *question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final*
50 *judgment. The people of the United States, as sovereign owners of the national territories, have supreme power*

1 over them and their inhabitants. In the exercise of this sovereign dominion, they are represented by the
2 government of the United States, to whom all the powers of government over that subject have been delegated,
3 subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms or in
4 the purposes and objects of the power itself, for it may well be admitted in respect to this, as to every power of
5 society over its members, that it is not absolute and unlimited. But in ordaining government for the territories
6 and the people who inhabit them, all the discretion which belongs to legislative power is vested in Congress,
7 and that extends beyond all controversy to determining by law, from time to time, the form of the local
8 government in a particular territory and the qualification of those who shall administer it. It rests with
9 Congress to say whether in a given case any of the people resident in the territory shall participate in the
10 election of its officers or the making of its laws, and it may therefore take from them any right of suffrage it may
11 previously have conferred, or at any time modify or abridge it, as it may deem expedient. The right of
12 local self-government, as known to our system as a constitutional
13 franchise, belongs under the Constitution to the states and to the people thereof, by whom that
14 Constitution was ordained, and to whom, by its terms, all power not conferred by it upon the government of
15 the United States, was expressly reserved. The personal and civil rights of the inhabitants of the territories
16 are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the
17 agencies of government, state and national; their political rights are franchises which they hold as privileges
18 in the legislative discretion of the Congress of the United States. This doctrine was fully and forcibly declared
19 by THE CHIEF JUSTICE, delivering the opinion of the Court in National Bank v. County of Yankton, 101 U.S.
20 129. See also American Ins. Co. v. Canter, 1 Pet. 511; United States v. Gratiot, 14 Pet. 526; Cross v. Harrison,
21 16 How. 164; Dred Scott v. Sandford, 19 How. 393.
22 [Murphy v. Ramsey, 114 U.S. 15 (1885)]

23 So in other words, those domiciled on federal territory are exercising “privileges” and franchises. The above case,
24 however, does not refer and cannot refer to those domiciled within states of the Union.

25 4.4 U.S. Supreme Court: Cook v. Tait

26 The U.S. Supreme Court confirmed that the statutory “citizen of the United States**” mentioned in the Internal Revenue
27 Code at 26 U.S.C. §911 and at 26 CFR §1.1-1(c) is not associated with either domicile OR with constitutional citizenship
28 (nationality) of the human being who is the “taxpayer” in the following case. The party they mentioned, Cook, was
29 domiciled within Mexico at the time, which meant he was NOT a statutory “citizen of the United States**” under the
30 Internal Revenue Code but rather a “nonresident alien”. However, because he CLAIMED to be a statutory “citizen of the
31 United States**” and the Supreme Court colluded with that FRAUD, they treated him as one ANYWAY.

32 We may make further exposition of the national power as the case depends upon it. It was illustrated at once in
33 United States v. Bennett by a contrast with the power of a state. It was pointed out that there were limitations
34 upon the latter that were not on the national power. The taxing power of a state, it was decided, encountered
35 at its borders the taxing power of other states and was limited by them. There was no such limitation, it was
36 pointed out, upon the national power, and that the limitation upon the states affords, it was said, no ground
37 for constructing a barrier around the United States, 'shutting that government off from the exertion of
38 powers which inherently belong to it by virtue of its sovereignty.'

39 “The contention was rejected that a citizen's property without the limits of the United States derives no
40 benefit from the United States. The contention, it was said, came from the confusion of thought in 'mistaking
41 the scope and extent of the sovereign power of the United States as a nation and its relations to its citizens and
42 their relation to it.' And that power in its scope and extent, it was decided, is
43 based on the presumption that government by its very nature benefits
44 the citizen and his property wherever found, and that opposition to it holds on to
45 citizenship while it 'belittles and destroys its advantages and blessings by denying the possession by government
46 of an essential power required to make citizenship completely beneficial.' In other words, the principle was
47 declared that the government, by its very nature, benefits the citizen and his property wherever found, and
48 therefore has the power to make the benefit complete. Or, to express it another way, the basis of the power to
49 tax was not and cannot be made dependent upon the situs of the property in all cases, it being in or out of the
50 United States, nor was not and cannot be made dependent upon the domicile of the citizen, that being in or
51 out of the United States, but upon his relation as citizen to the United States and the relation of the latter to
52 him as citizen. The consequence of the relations is that the native citizen who is taxed may have domicile, and
53 the property from which his income is derived may have situs, in a foreign country and the tax be legal—the
54 government having power to impose the tax.”
55 [Cook v. Tait, 265 U.S. 47 (1924)]

56 How can they tax someone without a domicile in the statutory United States and with no earnings from the statutory United
57 States in the case of Cook, you might ask? Well, the REAL “taxpayer” is a public office in the U.S. government. That
58 office REPRESENTS the United States federal corporation. All corporations are “citizens” of the place of their

1 incorporation, and therefore under Federal Rule of Civil Procedure 17(b), the effective domicile of the “taxpayer” is the
2 District of Columbia.¹ All taxes are a civil liability that are implemented with civil law. The only way they could have
3 reached extraterritorially with civil law to tax Cook without him having a domicile or residence anywhere in the statutory
4 “United States**” was through a private law franchise contract in which he was a public officer. It is a maxim of law that
5 debt and contract know no place, meaning that they can be enforced anywhere.

6 *Debt and contract [franchise agreement, in this case] are of no particular place.*

7 *Locus contractus regit actum.*

8 *The place of the contract [franchise agreement, in this case] governs the act.*

9 *[Bouvier’s Maxims of Law, 1856;*

10 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

11 The feds have jurisdiction over their own public officers wherever they are but the EFFECTIVE civil domicile of all such
12 offices and officers is the District of Columbia pursuant to Fed.R.Civ.P. 17(b). Hence, the ONLY thing such a statutory
13 “citizen of the United States**” could be within the I.R.C. is a statutory creation of Congress that is actually a public office
14 which is domiciled in the statutory but not constitutional “United States**” in order for the ruling in Cook to be
15 constitutional or even lawful. AND, according to the Cook case, having that status is a discretionary choice that has
16 NOTHING to do with your circumstances, because Cook was NOT a statutory “citizen of the United States**” as someone
17 not domiciled in the statutory but not constitutional “United States**”. Instead, he was a nonresident alien but the court
18 allowed him to accept the voluntary “benefit” of the statutory status and hence, it had nothing to do with his circumstances,
19 but rather his CHOICE to nominate a “protector” and join a franchise. Simply INVOKING the status of being a statutory
20 “citizen of the United States**” on a government form is the only magic word needed to give one’s consent to become a
21 “taxpayer” in that case. It is what the court called a “benefit”, and all “benefits” are voluntary and the product of a
22 franchise contract or agreement. It was a quasi-contract as all taxes are, because the consent was implied rather than
23 explicit, and it manifested itself by using property of the government, which in this case was the STATUS he claimed.

24 *“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and*
25 *we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to*
26 *enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., [127 U.S. 265](#), 292, et seq.*

27 *8 S.Ct. 1370, compare Fauntleroy v. Lum, [210 U.S. 230](#), 28 S.Ct. 641, **still the obligation to***
28 ***pay taxes is not penal. It is a statutory liability, quasi***
29 ***contractual in nature, enforceable, if there is no exclusive***
30 ***statutory remedy, in the civil courts by the common-law action***
31 ***of debt or indebitatus assumpsit.** *United States v. Chamberlin, [219 U.S. 250](#), 31 S.Ct.*
32 *[155](#); Price v. United States, [269 U.S. 492](#), 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227;*
33 *and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was*
34 *the rule established in the English courts before the Declaration of Independence. Attorney General v. Weeks,*
35 *Bunbury’s Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury’s Exch. Rep. 225; Attorney General*
36 *v. Hatton, Bunbury’s Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. _ _ , 2 Ans.Rep. 558; see*
37 *Comyn’s Digest (Title ‘Dett,’ A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. “*
38 *[Milwaukee v. White, [296 U.S. 268](#) (1935)]**

39 You might reasonably ask of the Cook case, as we have, the following question:

40 *“HOW did the government create the public office that they could tax and which Cook apparently occupied as a*
41 *franchisee?”*

42 Well, apparently the “citizen of the United States**” status he claimed is a franchise and an office in the U.S. government
43 that carries with it the “public right” to make certain demands upon those who claim this status. Hence, it represents a
44 “property interest” in the services of the United States federal corporation. In law:

- 45 1. All rights are property.
- 46 2. Anything that conveys rights is property.
- 47 3. Contracts convey rights and are therefore property.

¹ "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]

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. Frohmler, 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**” 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](http://sedm.org/Forms/FormIndex.htm)

1 Here is another HUGE clue about what they think a “U.S. citizen” really is in federal statutes. Look at the definition below,
2 and then consider that you CAN’T own a human being as property. That’s called slavery:

3 [TITLE 46 > Subtitle V > Part A > CHAPTER 505 > § 50501](#)
4 [§50501. Entities deemed citizens of the United States](#)

5 (a) **In General.**—

6 *In this subtitle, **a corporation, partnership, or association is deemed to be a citizen of the United States only if***
7 ***the controlling interest is owned by citizens of the United States.** However, if the corporation, partnership, or*
8 *association is operating a vessel in the coastwise trade, at least 75 percent of the interest must be owned by*
9 *citizens of the United States.*

10 Now look at what the U.S. Supreme Court held about “ownership” of human beings. You can’t “own” a human being as
11 chattel. The Thirteenth Amendment prohibits that. Therefore, the statutory “U.S. citizen” they are talking about above is
12 an instrumentality and public office within the United States. They can only tax, regulate, and legislate for PUBLIC objects
13 and public offices of the United States under Article 4, Section 3, Clause 2. The ability to regulate PRIVATE conduct of
14 human beings has repeatedly been held by the U.S. Supreme Court to be “repugnant to the constitution” and beyond the
15 jurisdiction of Congress.

16 ***“It [the contract] is, in substance and effect, a contract for servitude, with no limitation but that of time;***
17 ***leaving the master to determine what the service should be, and the place where and the person to whom it***
18 ***should be rendered. Such a contract, it is scarcely necessary to say, is against the policy of our institutions***
19 ***and laws. If such a sale of service could be lawfully made for five years, it might, from the same reasons, for***
20 ***ten, and so for the term of one’s life. The door would thus be opened for a species of servitude inconsistent***
21 ***with the first and fundamental article of our declaration of rights, which, proprio vigore, not only abolished***
22 ***every vestige of slavery then existing in the commonwealth, but rendered every form of it thereafter legally***
23 ***impossible.** That article has always been regarded, not simply as the declaration of an abstract principle, but as*
24 *having the active force and conclusive authority of law.’ **Observing that one who voluntarily subjected himself***
25 ***to the laws of the state must find in them the rule of restraint as well as the rule of action, the court***
26 ***proceeded: ‘Under this contract the plaintiff had no claim for the labor of the servant for the term of five***
27 ***years, or for any term whatever. She was under no legal obligation to remain in his service. There was no***
28 ***time during which her service was due to the plaintiff, and during which she was kept from such service by***
29 ***the acts of the defendants.**”*

30 [. . .]

31 *Under the contract of service it was at the volition of the master to entail service upon these appellants for an*
32 *indefinite period. So far as the record discloses, it was an accident that the vessel came back to San Francisco*
33 *when it did. By the shipping articles, the appellants could not quit the vessel until it returned to a port of the*
34 **296 United States, and such return depended absolutely upon the will of the master. **He had only to land at***
35 ***foreign ports, and keep the vessel away from the United States, in order to prevent the appellants from***
36 ***leaving his service.***

37 [. . .]

38 ***The supreme law of the land now declares that involuntary servitude, except as a punishment for crime, of***
39 ***which the party shall have been duly convicted, shall not exist any where within the United States.***
40 *[[Robertson v. Baldwin, 165 U.S. 275, 17 S.Ct. 326 \(U.S. 1897\)](#)]*

41 Federal courts also frequently use the phrase “privileges and immunities of citizens of the United States”. Below is an
42 example:

43 ***“The privileges and immunities of citizens of the United States do not necessarily include all the rights***
44 ***protected by the first eight amendments to the Federal Constitution against the powers of the Federal***
45 ***Government.**”*

46 *The trial of a person accused as a criminal by a jury of only eight persons instead of twelve, and his subsequent*
47 *imprisonment after conviction do not abridge his privileges and immunities under the Constitution as a citizen*
48 *of the United States and do not deprive him of his liberty without due process of law.”*
49 *[Maxwell v. Dow, 176 U.S. 581 (1899)]*

50 Note that the “citizen of the United States**” described above is a statutory rather than constitutional citizen, which is why
51 the court admits that the rights of such a person are inferior to those possessed by a “citizen” within the meaning of the
52 United States Constitution. A constitutional but not statutory citizen is, in fact, NOT “privileged” in any way and none of

1 the rights guaranteed by the Constitution can truthfully be called “privileges” without violating the law. It is a tort and a
2 violation of due process, in fact, to convert rights protected by the Constitution and the common law into “privileges” or
3 franchises or “public rights” under statutory law without at least your consent, which anyone in their right mind should
4 NEVER give.

5 *"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed*
6 *by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583.*
7 *"Constitutional rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 U.S.*
8 *649, 644, or manipulated out of existence [by converting them into statutory "privileges"/franchises],'*
9 *Gomillion v. Lightfoot, 364 U.S. 339, 345."*
10 *[Harman v. Forssenius, 380 U.S 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

11 It is furthermore proven in the following memorandum of law that civil statutory civil law pertains almost exclusively to
12 government officers and employers and cannot and does not pertain to human beings or private persons not engaged in
13 federal franchises/privileges:

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

14 Consequently, if a court refers to “privileges and immunities” in relation to you, chances are they are presuming, usually
15 FALSELY, that you are a statutory “U.S. citizen” and NOT a constitutional citizen. If you want to prevent them from
16 making such false presumptions, we recommend attaching the following forms at least to your initial complaint and/or
17 response in any action in court:

- 18 1. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002
19 <http://sedm.org/Litigation/LitIndex.htm>
- 20 2. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
21 <http://sedm.org/Forms/FormIndex.htm>

22 **4.5 U.S. v. Valentine, 288 F.Supp. 958, 980 (1968)**

23 In U.S. v. Valentine, at page 980, the court admitted that:

24 *"...The only absolute and unqualified right of citizenship is to residence within territorial boundaries of United*
25 *States; a citizen cannot be either deported or denied re-entry..."*
26 *[U.S. v. Valentine, 288 F.Supp. 957, 980 (1968)]*

27 Now, contrast the above excerpt to what appears on page 960, #26, where the phrase "United States citizen" is used. Thus
28 confirming that when the court used the term "citizenship" within the body of the decision, they were referring exclusively
29 to federal citizenship, and to domicile on federal territory. “Residence”, after all, means domicile RATHER than the
30 “nationality” of the person.

31 Note that they use the word "residence", which means consent to the civil laws of that place as defined in the I.R.C., rather
32 than simply "physical presence". And "residence" is associated with "aliens" and not constitutional citizens in the I.R.C. In
33 other words, the only thing you are positively allowed to do as a “U.S. citizen” is:

- 34 1. Lie about your status by calling yourself a privileged ALIEN with no rights.
- 35 2. Consent to be governed by the civil laws of legislatively foreign jurisdiction, the District of Criminals by falsely calling
36 yourself a “resident”.

37 *Title 26: Internal Revenue*
38 *PART 1—INCOME TAXES*
39 *nonresident alien individuals*
40 *§ 1.871-2 Determining residence of alien individuals.*

41 *(B) Residence defined.*

42 *An alien actually present in the United States who is not a mere transient or sojourner is a resident of the*
43 *United States for purposes of the income tax. Whether he is a transient is determined by his intentions with*
44 *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 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 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 laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things."*
[Munn. v. Illinois, 94 U.S. 113 (1876),
SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

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.

4.6 Summary

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

1 put down after the famous Quo Warranto enquiry in the reign of Edward I." W.J.V. Windeyer, Lectures on
2 Legal History 56-57 (2d ed. 1949)."
3 [Black's Law Dictionary, Seventh Edition, p. 668]

4 Notice the above language: "private courts held by feudal lords". Judges who enforce their own franchises within the
5 courtroom by imputing a franchise status against those protected by the Constitution who are not lawfully allowed to
6 alienate their rights or give them away are acting in a private capacity to benefit themselves personally. That private
7 capacity is associated with a de facto government in which greed is the only uniting factor. Contrast this with love for our
8 neighbor, which is the foundation of a de jure government. When Judges act in such a private, de facto capacity, the
9 following results:

- 10 1. The judge is the "feudal lord" and you become his/her personal serf.
- 11 2. Rights become privileges, and the transformation usually occurs at the point of a gun held by a corrupt officer of the
12 government intent on enlarging his/her pay check or retirement check. And he/she is a CRIMINAL for proceeding
13 with such a financial conflict of interest:

14 [TITLE 18 > PART 1 > CHAPTER 11 > § 208](#)
15 [§ 208. Acts affecting a personal financial interest](#)

16 (a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive
17 branch of the United States Government, or of any independent agency of the United States, a Federal
18 Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a
19 special Government employee, participates personally and substantially as a Government officer or employee,
20 through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or
21 otherwise, in a judicial or other proceeding, application, request for a ruling or other determination,
22 contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his
23 knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer,
24 director, trustee, general partner or employee, or any person or organization with whom he is negotiating or
25 has any arrangement concerning prospective employment, has a financial [or personal/private] interest—

26 *Shall be subject to the penalties set forth in section 216 of this title.*

- 27 3. Equality and equal protection are replaced with the following consequences under a franchise:
 - 28 3.1. Privilege.
 - 29 3.2. Partiality.
 - 30 3.3. Bribes.
 - 31 3.4. Servitude and slavery.
 - 32 3.5. Hypocrisy.
- 33 4. The franchise statutes are the "bible" of a pagan state-sponsored religion. The bible isn't "law" for non-believers, and
34 civil franchise statutes aren't "law" for those who are not consensually occupying a public office in the government as
35 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>

- 36 5. You join the religion by "worshipping", and therefore obeying what are actually voluntary franchises. The essence of
37 "worship", in fact, is obedience to the dictates of a superior being. Franchises make your public servants into superior
38 beings and replace a republic with a dulocracy. "Worship" and obedience becomes legal evidence of consent to the
39 franchise.

40 "And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected
41 Me [God], that I should not reign over them. According to all the works which they have done since the day
42 that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served [as
43 PUBLIC OFFICERS/FRANCHISEES] other gods [Rulers or Kings, in this case]—so they are doing to you
44 also [government becoming idolatry]."
45 [1 Sam 8:4-20, Bible, NKJV]

- 46 6. "Presumption" serves as a substitute for religious "faith" and is employed to create an unequal relationship between
47 you and your public servants. It turns the citizen/public servant relationship with the employer/employee relationship,
48 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>

- 1 7. "Taxes" serve as a substitute for "tithes" to the state-sponsored church of socialism that worships civil rulers, men and
2 creations of men instead of the true and living God.
3 8. The judge's bench becomes:
4 8.1. An altar for human sacrifices, where YOU and your property are the sacrifice. All pagan religions are based on
5 sacrifice of one kind or another.
6 8.2. What the Bible calls a "throne of iniquity":

7 **"Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather**
8 **together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and**
9 **my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own**
10 **wickedness; **the Lord our God shall cut them off.****
11 [Psalm 94:20-23, Bible, NKJV]

- 12 9. All property belongs to this pagan god and you are just a custodian over it as a public officer. You have EQUITABLE
13 title but not LEGAL title to the property you FALSELY BELIEVE belongs to you. The Bible franchise works the
14 same way, because the Bible says the Heavens and the Earth belong the LORD and NOT to believers. Believers are
15 "trustees" over God's property under the Bible trust indenture. Believers are the "trustees":

16 *"Indeed heaven and the highest heavens belong to the LORD your God, also the earth with all that is in it."*
17 [Deut. 10:15, Bible, NKJV]

18 *"The ultimate ownership of all property is in the State; individual so-called "ownership" is only by virtue of*
19 *Government, i.e., law, amounting to mere user; and use must be in accordance with law and subordinate to the*
20 *necessities of the State."*

21 [Senate Document #43, Senate Resolution No. 62, p. 9, paragraph 2, 1933

22 SOURCE: <http://www.famguardian.org/Subjects/MoneyBanking/History/SenateDoc43.pdf>

- 23
24 10. The court building is a "church" where you "worship", meaning obey, the pagan idol of government.

25 *"Now, Mr. Speaker, **this Capitol is the civic temple of the people**, and we are here by direction of the people to*
26 *reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people*
27 *at the polls, and you promised to carry out that will, but **you have not kept faith with the American people.**"*
28 [44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth
29 Amendment]

- 30 11. The licensed attorneys are the "deacons" of the state sponsored civil religion who conduct the "worship services"
31 directed at the judge at his satanic altar/bench. They are even ordained by the "chief priests" of the state supreme
32 court, who are the chief priests of the civil religion.
33 12. Pleadings are "prayers" to this pagan deity. Even the U.S. Supreme Court still calls pleadings "prayers", and this is no
34 accident.
35 13. Like everything that SATAN does, the design of this state-sponsored satanic church of socialism that worships men
36 instead of God is a cheap IMITATION of God's design for de jure government found throughout the Holy Bible.

37 NOW do you understand why in Britain, judges are called "your worship"? Because they are like gods:

38 **"worship 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and**
39 **some mayors) 2: reverence offered a divine being or supernatural power; also: an act of expressing such**
40 **reverence 3: a form of religious practice with its creed and ritual 4: extravagant respect or admiration for or**
41 **devotion to an object of esteem <- the dollar>."**
42 [Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]

43
44 *Psalm 82 (Amplified Bible)*
45 *A Psalm of Asaph.*

46 **GOD STANDS** in the assembly [of the representatives] of God; **in the midst of the magistrates or judges** He
47 gives judgment [as] among the gods.

48 **How long will you [magistrates or judges] judge unjustly and show partiality to the wicked?** Selah [pause,
49 and calmly think of that!]

50 *Do justice to the weak (poor) and fatherless; maintain the rights of the afflicted and needy.*

1 Deliver the poor and needy; rescue them out of the hand of the wicked.

2 **[The magistrates and judges] know not, neither will they understand; they walk on in the darkness [of**
3 **complacent satisfaction]; all the foundations of the earth [the fundamental principles upon which rests the**
4 **administration of justice] are shaking.**

5 **I said, You are gods [since you judge on My behalf, as My representatives]; indeed, all of you are children of**
6 **the Most High.**

7 But you shall die as men and fall as one of the princes.

8 Arise, O God, judge the earth! For to You belong all the nations.
9 [Psalm 82, Amplified Bible]

10 **5. “CITIZENS” v. “NATIONALS”**

11 Within federal law, two words are used to describe citizenship: “citizen” and “national”. There is a world of difference
12 between these two terms and it is extremely important to understand the distinctions before we proceed further. A “citizen”
13 is someone who was born somewhere within the country and who and maintains a domicile within a political jurisdiction,
14 who owes allegiance to the “sovereign” within that jurisdiction, and who participates in the functions of government by
15 voting and serving on jury duty.

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

20 **"Citizens" are members of a political community who, in their associated capacity, have established or**
21 **submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their**
22 **general welfare and the protection of their individual as well as collective rights.** *Herriott v. City of Seattle,*
23 *81 Wash.2d. 48, 500 P.2d. 101, 109.*

24 *The term may include or apply to children of alien parents from in United States*[***], *Von Schwerdtner v.*
25 *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*
26 *citizens born outside United States, Haaland v. Attorney General of United States, D.C.Md., 42 F.Supp. 13, 22;*
27 *Indians, United States v. Hexter, C.C.A.Okl., 137 F.2d. 145, 147; National Banks, American Surety Co. v. Bank*
28 *of California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of*
29 *deceased resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States nor a*
30 *state is a citizen for purposes of diversity jurisdiction. Jizemerjian v. Dept of Air Force, 457 F.Supp. 820. On*
31 *the other hand, municipalities and other local governments are deemed to be citizens. Rieser v. District of*
32 *Columbia, 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the*
33 *Fourteenth Amendment. D.D.B. Realty Corp. v. Merrill, 232 F.Supp. 629, 637.*

34 *Under diversity statute [28 U.S.C. §1332], which mirrors [U.S. Const. Article III](#)'s diversity clause, a person is a*
35 *"citizen of a state" if he or she is a citizen of the United States*[***] and a domiciliary of a state of the United
36 *States*[***]. *Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116. “*
37 *[Black's Law Dictionary, Sixth Edition, p. 244]*

38 The key thing to notice is that those who are “citizens” within a legislative jurisdiction are also subject to all civil laws
39 within that legislative jurisdiction. Note the phrase above:

40 **“Citizens’ are members of a political community who, in their associated capacity, have...submitted**
41 **themselves to the dominion of a government [and all its laws] for the promotion of their general welfare and**
42 **the protection of their individual as well as collective rights.”**
43 *[Black's Law Dictionary, Sixth Edition, p. 244]*

44 The only people who are “subject to” federal law, and therefore “citizens” under federal law, are those people who have
45 voluntarily chosen a domicile where the federal government has exclusive legislative/general jurisdiction, which exists
46 only within the federal zone, under Article 1, Section 8, Clause 17 of the Constitution and [40 U.S.C. §§3111](#) and 3112.
47 Within the Internal Revenue Code, people born in the federal zone or domiciled there are described as being "subject to its
48 jurisdiction" rather than "subject to the jurisdiction" as mentioned in the Fourteenth Amendment. Hence, THIS type of
49 “citizen” is NOT a Constitutional citizen but a Statutory citizen domiciled on federal territory:

50 [26 CFR §1.1-1 Income tax on individuals](#)

1 (c) Who is a citizen.

2 **Every person born or naturalized in the [federal] United States[**] and subject to *its* jurisdiction is a**
3 **citizen.** For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the
4 Immigration and Nationality Act ([8 U.S.C. §1401–1459](#)). "
5 [\[26 CFR §1.1-1\(c\)\]](#)

6 This area includes the District of Columbia, the territories and possessions of the United States**, and the federal areas
7 within states, which are all “foreign” with respect to states of the Union for the purposes of federal legislative jurisdiction.
8 If you were born in a state of the Union and are domiciled there, you are not subject to federal jurisdiction unless the land
9 you maintain a domicile on was ceded by the state to the federal government. Therefore, you are not and cannot be a
10 “citizen” under federal law! If you aren’t a “citizen”, then you also can’t be claiming your children as “citizens” on IRS
11 returns or applying for government numbers for them either!

12 A “national”, on the other hand, is simply someone who claims allegiance to the political body formed within the
13 geographical boundaries and territory that define a “state”.

14 [8 U.S.C. §1101](#): Definitions

15 (a) As used in this chapter—

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

17 A “state” is then defined as follows:

18 **“State. A people permanently occupying a fixed territory bound together by common-law habits and custom**
19 **into one body politic exercising, through the medium of an organized government, independent sovereignty and**
20 **control over all persons and things within its boundaries, capable of making war and peace and of entering into**
21 **international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201**
22 **207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v.**
23 **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.**
24 **Beagle v. Motor Vehicle Acc. Indemnification Corp., 44 Misc.2d. 636, 254 N.Y.S.2d 763, 765. A body of people**
25 **occupying a definite territory and politically organized under one government. State ex re. Maisano v.**
26 **Mitchell, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law.**
27 **Restatement, Second, Conflicts, §3. Term may refer either to body politic of a nation (e.g. United States) or to**
28 **an individual government unit of such nation (e.g. California).**

29 [...]

30 **The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the**
31 **public; as in the title of a cause, “The State vs. A.B.”**
32 **[Black’s Law Dictionary, Sixth Edition, p. 1407]**

33 So when we claim “allegiance” as a “national”, we are claiming allegiance to a “state”, which is the collection of all people
34 within the geographical boundaries of a political jurisdiction, who are the sovereigns within our system of government.
35 Note that as a “national”, we are NOT claiming allegiance to the *government* or anyone serving us within the government in
36 their official capacity as “public servants”. As a “national”, we are instead claiming allegiance to the People within the
37 legislative jurisdiction of the geographic region. This is because in America, the People are the Sovereigns, and not the
38 government who serves them. All sovereignty and authority emanates from We the People as human beings:

39 **“The words 'people of the United States[***]' and 'citizens,' are synonymous terms, and mean the same thing.**
40 **They both describe the political body who, according to our republican institutions, form the sovereignty, and**
41 **who hold the power and conduct the government through their representatives. They are what we familiarly call**
42 **the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ...”**
43 **[Boyd v. State of Nebraska, 143 U.S. 135 (1892)]**

44 **“From the differences existing between feudal sovereignties and Government founded on compacts, it**
45 **necessarily follows that their respective prerogatives must differ. Sovereignty is the right to govern; a nation**
46 **or State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally**
47 **ascribed to the Prince; here it rests with the people; there, the sovereign actually administers the**
48 **Government; here, never in a single instance; our Governors are the agents of the people, and at most stand**
49 **in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their Princes**
50 **have personal powers, dignities, and pre-eminences, our rulers have none but official; nor do they partake in**
51 **the sovereignty otherwise, or in any other capacity, than as private citizens.”**

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)]

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, we are known in foreign countries as “American Nationals” or:

1. “nationals”, or “state nationals”, or “nationals of the United States*** *of America*” 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***” under [8 U.S.C. §1101\(a\)\(22\)\(B\)](#) , if we were born in a federal possession, such as American Samoa or Swains Island.
3. “nationals but not citizens” under 8 U.S.C. §1452 if we fit either of the previous two statuses.

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 “citizen”, and the term can be used to describe “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;

1 When “citizens” move their domicile outside of the exclusive legislative jurisdiction of the “state” to which they are a
2 member and cease to participate directly in the political functions of that “state”, however, they become “nationals” but not
3 “citizens” under federal law. This is confirmed by the definition of “citizen of the United States[***]” found in Section 1
4 of the Fourteenth Amendment:

5 U.S. Constitution:
6 [Fourteenth Amendment](#)

7 Section. 1. All persons **born or naturalized in the United States[***] and subject to the jurisdiction thereof**
8 **are citizens of the United States[***]** and of the State wherein they reside.

9 As you will learn later, the Supreme Court held in the case of *U.S. v. Wong Kim Ark*, [169 U.S. 649](#) (1898) that the term
10 “subject to **the** jurisdiction” means “subject to the **political jurisdiction**”, which is very different from “subject to the
11 **legislative jurisdiction**”. Note from the above that being a “citizen” has two prerequisites: “born within the [territorial]
12 jurisdiction” and “**subject to the [political but not legislative] jurisdiction**”. The other noteworthy point to be made here is
13 that the term “citizen” as used above is not used in the context of federal statutes or federal law, and therefore does not
14 imply one is a “citizen” under federal law. The Constitution is what grants the authority to the federal government to write
15 federal statutes, but it is not a “federal statute”. The term “citizen”, in the context of the Constitution, simply refers to the
16 political community created by that Constitution, which in this case is the federation of united states*** called the “United
17 States***”, and not the United States** government itself.

18 When you move your domicile outside the territorial jurisdiction of the political body and do not participate in its political
19 functions as a jurist or a voter, then you are no longer “subject to the [political] jurisdiction”. Likewise, because you are
20 outside territorial limits of the political body, you are also not subject in any degree to its **legislative jurisdiction** either:

21 *“Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the*
22 *law of comity must necessarily rest, the following maxims: First ‘that **every nation possesses an exclusive***
23 ***sovereignty and jurisdiction within its own territory**’; secondly, ‘**that no state or nation can by its laws directly***
24 ***affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural***
25 ***born subjects or others.**’ The learned judge then adds: ‘From these two maxims or propositions there follows a*
26 *third, and that is that whatever force and obligation the laws of one country have in another depend solely upon*
27 *the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and*
28 *upon its own express or tacit consent.” Story on Conflict of Laws §23.”*
29 *[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]*

30 The word “territory” above needs further illumination. States of the Union are NOT considered “territories” or “territory”
31 under federal law. This is confirmed by the Corpus Juris Secundum legal encyclopedia, which says on this subject the
32 following:

33 *Volume 86, Corpus Juris Secundum Legal Encyclopedia*
34 *Territories*
35 *§1. Definitions, Nature, and Distinctions*

36 *The word ‘territory,’ when used to designate a political organization has a distinctive, fixed, and legal*
37 *meaning under the political institutions of the United States[***], and does not necessarily include all the*
38 *territorial possessions of the United States[**], but may include only the portions thereof which are*
39 *organized and exercise governmental functions under act of congress.”*

40 *While the term ‘territory’ is often loosely used, and has even been construed to include municipal subdivisions*
41 *of a territory, and ‘territories of the’ United States[**] is sometimes used to refer to the entire domain over*
42 *which the United States[**] exercises dominion, the word ‘territory,’ when used to designate a political*
43 *organization, has a distinctive, fixed, and legal meaning under the political institutions of the United States[**],*
44 *and the term ‘territory’ or ‘territories’ does not necessarily include only a portion or the portions thereof which*
45 *are organized and exercise government functions under acts of congress. The term ‘territories’ has been*
46 *defined to be political subdivisions of the outlying dominion of the United States[**], and in this sense the term*
47 *‘territory’ is not a description of a definite area of land but of a political unit governing and being governed as*
48 *such. The question whether a particular subdivision or entity is a territory is not determined by the particular*
49 *form of government with which it is, more or less temporarily, invested.*

50 *‘Territories’ or ‘territory’ as including ‘state’ or ‘states.’ While the term ‘territories of the’ [United States\[**\]](#)*
51 *may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in*
52 *ordinary acts of congress “territory” does not include a [foreign state](#).*

1 As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,
2 and not within the boundaries of any of the several states.
3 [86 Corpus, Juris, Secundum (C.J.S.), Territories]

4 Notice that the above legal encyclopedia definition of “territory” refers to states of the Union as “foreign states”! A
5 “foreign state” is a state that is not subject to the legislative jurisdiction or laws of the state that wrote the statute in
6 question, which in this case is the federal government. The Supreme Court also agreed with the conclusions within this
7 section so far, in the cite next. Notice how they use the terms “citizenship” and “nationality” or “national” interchangeably,
8 because as you will learn later in section 10, they are equivalent:

9 “The term 'dual nationality' needs exact appreciation. It refers to the fact that two States make equal claim to
10 the allegiance of an individual at the same time. Thus, one State may claim his allegiance because of his birth
11 within its territory, and the other because at the time of his birth in foreign territory his parents were its
12 nationals. The laws of the United States[**] purport to clothe persons with American citizenship by virtue of
13 both principles.’

14 “And after referring to the Fourteenth Amendment, U.S.C.A.Const., and the Act of February 10, 1855, R.S.
15 1993, 8 U.S.C.A. 6, the instructions continued: [307 U.S. 325, 345] 'It thus becomes important to note how far
16 these differing claims of American nationality are fairly operative with respect to persons living abroad [or in
17 states of the Union, which are ALSO foreign with respect to federal jurisdiction], whether they were born
18 abroad or were born in the United States[***] of alien parents and taken during minority to reside in the
19 territory of States to which the parents owed allegiance. It is logical that, while the child remains or resides in
20 territory of the foreign State [a state of the Union, in this case] claiming him as a national, the United
21 States[**] should respect its claim to allegiance. The important point to observe is that the doctrine of dual
22 allegiance ceases, in American contemplation, to be fully applicable after the child has reached adult years.
23 Thereafter two States may in fact claim him as a national. Those claims are not, however, regarded as of equal
24 merit, because one of the States may then justly assert that his relationship to itself as a national is, by reason of
25 circumstances that have arisen, inconsistent with, and reasonably superior to, any claim of allegiance asserted
26 by any other State. Ordinarily the State in which the individual retains his residence after attaining his majority
27 has the superior claim. The statutory law of the United States[**] affords some guidance but not all that could
28 be desired, because it fails to announce the circumstances when the child who resides abroad within the
29 territory of a State reasonably claiming his allegiance forfeits completely the right to perfect his inchoate right
30 to retain American citizenship.”
31 [Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]

32 So when a human being is domiciled outside the exclusive legislative jurisdiction or “general sovereignty” of a political
33 body and does not participate *directly* in its political functions, then they are “nationals” but not “citizens” of that political
34 body. This is the condition of people born in and domiciled within states of the Union in regards to their federal
35 citizenship:

- 36 1. State citizens maintain a domicile that is outside the territorial and exclusive legislative jurisdiction of the federal
37 government. They are not subject to the police powers of the federal government.
- 38 2. State citizens do not participate directly in the political functions of the federal government.
 - 39 2.1. They are not allowed to serve as jurists in federal court, because they don't reside in a federal area within their
40 state. They can only serve as jurists in state courts. Federal district courts routinely violate this limitation by not
41 ensuring that the people who serve on federal juries in federal courts come from federal areas. If they observed
42 the law on this matter, they wouldn't have anyone left to serve on federal petit or grand juries! Therefore, they
43 illegally use state DMV records to locate jurists and obfuscate the jury summons forms by asking if people are
44 “U.S. citizens” without ever defining what it means!
 - 45 2.2. They do not participate directly in federal elections. There are no separate federal elections and separate voting
46 days and voting precincts for federal elections. State citizens only participate in state elections, and elect
47 *representatives* who go to Washington to “represent” their interests *indirectly*.

48 A prominent legal publisher, West Publishing, agrees with the findings in this section. Here is what they say in their
49 publication entitled *Conflicts In A Nutshell, Second Edition*:

50 In the United States[***], “domicile” and “residence” are the two major competitors for judicial attention,
51 and the words are almost invariably used to describe the relationship that the person has to the state rather
52 than the nation. We use “citizenship” to describe the national relationship, and we generally eschew
53 “nationality” (heard more frequently among European nations) as a descriptive term.
54 [*Conflicts In A Nutshell, Second Edition*, David D. Siegel, West Publishing, 1994, ISBN 0-314-02952, p. 15]

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 "[nonresident alien](#)" within federal law. He is a "nonresident" because he is not "resident" within the territorial limits. He is an alien, because he is "alien" to that jurisdiction and not subject to its legislative jurisdiction.

[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 3: Citizenship summary

Citizenship	Defined in	Domicile in the federal zone?	Subject to <i>legislative jurisdiction</i> /police powers?	Subject to " <i>political jurisdiction</i> "?	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) 8 U.S.C. §1101(a)(22)	No	No	Yes	Yes

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".

Table 4: Effect of domicile on citizenship status

Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(d)	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(d)	Without the "United States" per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(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" 26 U.S.C. §7701(b)(1)(B)
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	IRS Form 1040NR: "alien individuals", "nonresident alien individuals" <u>No filing requirement</u> : "non-citizen nationals"

Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Status if DOMESTIC national	Citizen 8 U.S.C. §1401 (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” 8 U.S.C. §1101(a)(21) 8 U.S.C. §1101(a)(22)(B) 8 U.S.C. §1408 8 U.S.C. §1452
Status if FOREIGN national	“Resident alien” 26 U.S.C. §7701(b)(1)(A)	“Resident alien abroad” 26 U.S.C. §911 (Meets presence test)	“Nonresident alien individual”: 26 CFR §1.1441-1(c)(3)(ii) “Alien”: 8 U.S.C. §1101(a)(3) “Alien individual”: 26 CFR §1.1441-1(c)(3)(i)

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. American nationals 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\(b\)\(1\)\(B\)](#). 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 CFR §1.1441-1(c)(3), 26 CFR §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 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”.
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)

1 “There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies
2 an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the
3 persons associated becomes a member of the nation formed by the association. He owes it allegiance and is
4 entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is
5 a compensation for the other; allegiance for protection and protection for allegiance.

6 “For convenience it has been found necessary to give a name to this membership. The object is to designate by
7 a title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and
8 ‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the
9 government. Citizen is now more commonly employed, however, and as it has been considered better suited to
10 the description of one living under a republican government, it was adopted by nearly all of the States upon
11 their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the
12 Constitution of the United States. When used in this sense it is understood as conveying the idea of
13 membership of a nation, and nothing more.”

14 “To determine, then, who were citizens of the United States before the adoption of the amendment it is
15 necessary to ascertain what persons originally associated themselves together to form the nation, and what
16 were afterwards admitted to membership.”

17 [. . .]

18 “Whoever, then, was one of the people of either of these States when the Constitution of the United States
19 was adopted, became ipso facto a citizen—a member of the nation created by its adoption. He was one of the
20 persons associating together to form the nation, and was, consequently, one of its original citizens. As to this
21 there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of
22 persons were part of the people at the time, but never as to their citizenship if they were.”

23 [Minor v. Happersett, 88 U.S. 162 (1874)]

- 24 7.2. Being subject to the **political jurisdiction** but not **legislative jurisdiction** of the state which we are a member of.
25 U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)

26 “This section contemplates two sources of citizenship, and two sources only,—birth and naturalization. The
27 persons declared to be citizens are ‘all persons born or naturalized in the United States, and **subject to the**
28 **jurisdiction thereof.**’ The evident meaning of these last words is, not merely subject in some respect or degree
29 to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of
30 the Union] **political jurisdiction**, and owing them [the state of the Union] direct and immediate
31 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
32 of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth
33 cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the
34 naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”
35 [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

- 36 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
37 its activities as a jurist.

- 38 8. “subject to its jurisdiction” is found in federal statutes and regulations and it means all of the following:
39 8.1. Having a legal domicile within the exclusive jurisdiction of a “state”. Within federal law, this “state” means the
40 “United States” government and includes no part of any state of the Union.
41 8.2. Being subject to the **legislative** but not **political jurisdiction** of a “state”.
42 9. Political jurisdiction and political rights are the tools we use to directly run and influence the government as voters and
43 jurists.
44 10. Legislative jurisdiction, on the other hand, is how the government controls us using the laws it passes.

45 Now that we understand the distinctions between “citizens” and “nationals” within federal law, we are ready to tackle the
46 citizenship issue head on.

47 **6. TWO CLASSES AND THREE TYPES OF AMERICAN NATIONALS**

48 The government recognizes two distinct *classes* of citizenship in America:

- 49 1. State Citizenship
50 2. Federal citizenship.

1 A State Citizen, also called a de jure Citizen, is an man or woman whose inalienable natural rights are recognized, secured,
2 and protected by his/her state Constitution against state actions and against federal intrusion by the Constitution for the
3 United States of America.

4 There are three types of federal citizenship:

- 5 **1. Statutory “U.S.** national” or “non-citizen U.S.** national” (where “United States” or “U.S.” means the *federal***
6 **United States)**
 - 7 1.1. Defined in 8 U.S.C. §1408, 8 U.S.C. §1101(a)(22)(B), 8 U.S.C. §1452.
 - 8 1.2. Born anywhere American Samoa or Swains Island.
 - 9 1.3. May not participate politically in federal elections or as federal jurists.
 - 10 1.4. Owes allegiance to the federal “United States***”.
- 11 **2. “state national” or “national of the United States***” (where “U.S.” or “United States” means only the union of**
12 **states)”**
 - 13 2.1. Defined in 8 U.S.C. §1452, 8 U.S.C. §1101(a)(21)
 - 14 2.2. Is *not* equivalent to a “national but not citizen of the United States by birth” identified in 8 U.S.C. §1408.
 - 15 2.3. Called a “citizen of the United States” by the Supreme Court and in Section 1 of the Fourteenth Amendment.
 - 16 2.4. Born anywhere in any one of the several states of the Union but *not* in a federal territory, possession, or the
17 District of Columbia.
 - 18 2.5. Not subject to the “police power” of the federal government or most “acts of Congress”.
 - 19 2.6. A citizen of the country called “United States” under the Law of Nations and under state law.
 - 20 2.7. Owes allegiance to the “United States***” that comprise the several states of the Union.
 - 21 2.8. May serve as a federal jurist or grand jurist involving only parties with his same citizenship and domicile status.
 - 22 2.9. May vote in federal elections.
 - 23 2.10. Status not defined directly anywhere in federal statutes in the case of persons born in states of the Union. People
24 born in one of the several states are mentioned indirectly in 8 U.S.C. §1101(a)(21).
- 25 **3. Statutory “U.S. citizen” or “citizen of the [federal] United States”**
 - 26 3.1. A statutory privileged status defined and found in 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A), in the
27 implementing regulations of the Internal Revenue Code at 26 CFR §1.1-1(c), and in most other federal statutes.
 - 28 3.2. Born anywhere in America but domicile in the federal zone *only*. Must inhabit the District of Columbia and the
29 territories and possessions of the United States identified in Title 48 of the U.S. Code.
 - 30 3.3. Subject to the “police power” of the federal government and all “acts of Congress”.
 - 31 3.4. Treated as a citizen of the municipal government of the District of Columbia (see 26 U.S.C. §7701(a)(39))
 - 32 3.5. Have no common law rights, because there is no federal common law. See *Jones v. Mayer*, 392 U.S. 409 (1978).
 - 33 3.6. Also called “federal U.S. citizens” throughout this document.

34 Statutory “U.S. citizens” under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) have civil rights under federal law that are
35 similar but inferior to the natural rights that state Citizens have in state courts. I say almost because civil rights are created
36 by Congress and can be taken away by Congress. “U.S. citizens” are privileged *subjects/servants* of Congress, under their
37 protection as a “resident” and “ward” of a *federal* State, a human being enfranchised to the federal government (the
38 incorporated United States defined in Article I, Section 8, Clause 17 of the Constitution). The individual Union states may
39 not deny to these persons any federal privileges or immunities that Congress has granted them within “acts of Congress” or
40 federal statutes. Federal citizens come under admiralty law (International Law) when litigating in federal courts. As such
41 they do not have inalienable common rights recognized, secured and protected in federal courts by the Constitutions of the
42 States, or of the Constitution for the United States of America, such as “allodial” (absolute) rights to property, the rights to
43 inheritance, the rights to work and contract, and the right to travel among others.

44 Another important element of citizenship is that artificial entities like corporations are citizens for the purposes of taxation
45 but *cannot* be citizens for any other purpose.

46 *“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*
47 *created, and of that state or country only.”*
48 *[19 Corpus Juris Secundum, Corporations, §886]*
49

50 *“A corporation is not a citizen within the meaning of that provision of the Constitution, which declares that the*
51 *citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States.”*
52 *[Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed. 357 (1868)]*

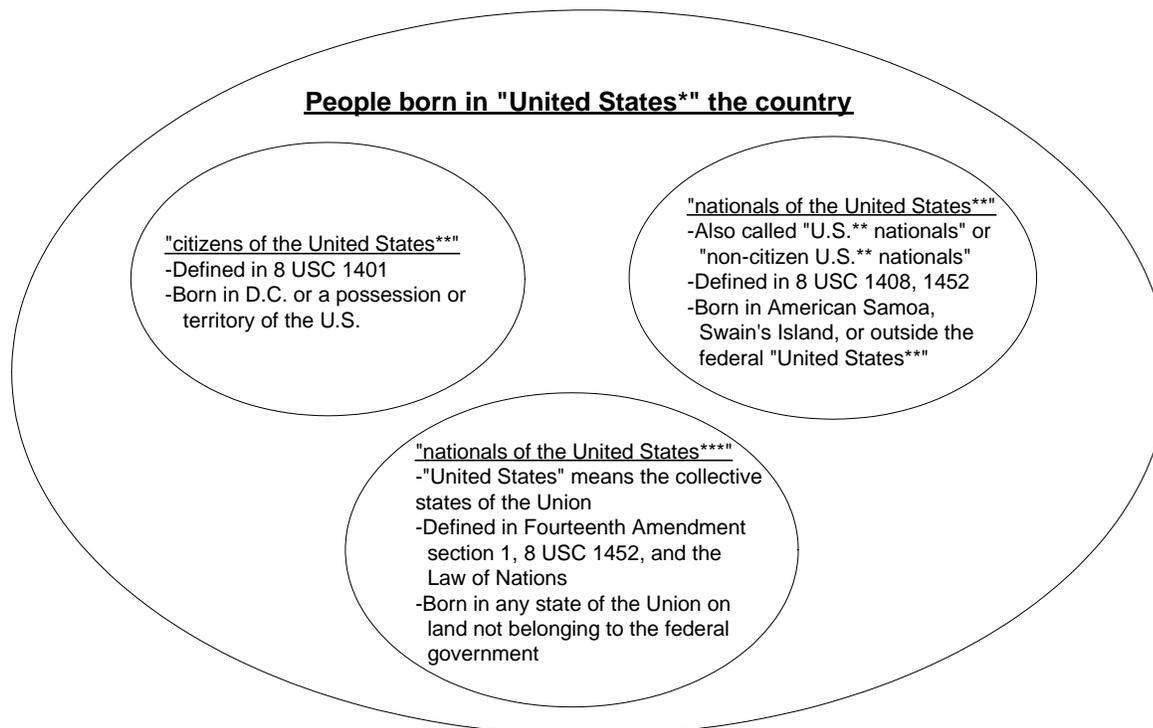
1 We have prepared a venn diagram showing all of the various types of citizens so that you can properly distinguish them.
2 The important thing to notice about this diagram is that there are multiple types of “citizens of the United States” and
3 “nationals of the United States” because there are multiple definitions of “United States” according to the Supreme Court,
4 as we showed earlier in section 1. Above the diagram is a table showing the three definitions of “United States” appearing
5 in the diagram from section 1 of the Great IRS Hoax, Form #11.302:

6

1 **Table 5: Terms used in the citizenship diagram**

<i>Term</i>	<i>Meaning</i>
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.

2
3 **Figure 1: Citizenship diagram**



4
5 **7. WHAT IS A “NATIONAL” OR “STATE NATIONAL”?**

6 An important and often overlooked condition of citizenship is one where the individual is a state Citizen and *also* either a
7 “U.S. national” or a “national” or a “state national” . These types of persons are referred to with any of the following
8 synonymous names:

- 9
- 10 • “nationals but not citizens of the United States***” under [8 U.S.C. §1408](#)
 - 11 • “nationals, but not citizens, of the United States[**]” under [8 U.S.C. §1452](#) and [8 U.S.C. §1101\(a\)\(22\)\(B\)](#)
 - 12 • “nationals” under [8 U.S.C. §1101\(a\)\(21\)](#)
 - 13 • American Citizens
 - 14 • American Nationals
 - Nonresident Aliens (under the Internal Revenue Code, as defined in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#)).

15 “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.](#)
16 [§1101\(a\)\(21\)](#). Both “nationals” and “U.S. nationals” existed under *The Law of Nations* and international law since long
17 before the passage of the 14th Amendment to the U.S. Constitution in 1868. There are two types of “nationals” or “U.S.
18 nationals” under federal law, as we revealed earlier in section 4.11.3.1 of our *Great IRS Hoax, Form #11.302* book:

1 **Table 6: Types of “nationals” under federal law**

#	Legal name	Where born	Defined in	Common name	Description
1	“nationals but not citizens of the United States[**] <u>at birth</u> ”	1. American Samoa 2. Swains Island	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 4.11.3.8 of the <i>Great IRS Hoax</i> , Form #11.302 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	“national, but not a citizen, of the United States[**]” or “national”	1. states of the Union 2. Foreign country to parents who were born in a state of the Union.	8 U.S.C. §1101(a)(21) ; 8 U.S.C. §1101(a)(22)(B) ; 8 U.S.C. §1452	“national” or “state national” or “USA national”	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. It used to be called a “non-citizen national” in 8 U.S.C. §1452 but the Law Revision Counsel of the House of Representatives in 2003 renamed it so that it is improperly “assumed” to be equivalent to an 8 U.S.C. §1408 “U.S. national”. Notice that this term does not mention 8 U.S.C. §1408 citizenship nor confine itself only to citizenship by birth in the federal zone. Therefore, it also includes people born in states of the Union.

2 A “state national” or simply “national” is one who derives his nationality and allegiance to the confederation of states of the
 3 Union called the “United States[***] of America” by virtue of being born in a state of the Union. To avoid false
 4 presumption, these people should carefully avoid associating their citizenship status with the term “United States[**]” or
 5 “U.S.[**]”, which means the “federal zone” within Acts of Congress.

6 *“Federal zone. The area of land over which the United States** government exercises exclusive or general
 7 jurisdiction under Article 1, Section 8, Clause 17 of the Constitution. This area includes the District of
 8 Columbia and the territories and possessions of the United States**. For the purposes of this discussion, we do
 9 not treat the territorial waters of the United States** as “federal land”, but they too are under the exclusive
 10 jurisdiction of the U.S. government as well.”*

11 Therefore, instead of calling themselves “U.S. nationals”, they call themselves either “nationals” or “state nationals” or
 12 “USA nationals”. By “USA” instead of “U.S.”, we mean the states of the Union who are party to the Constitution and
 13 exclude any part of the federal zone. In terms of protection of our rights, being a “state national” or a “U.S. national” are
 14 roughly equivalent. The “U.S. national” status, however, has several advantages that the “state national” status does *not*
 15 enjoy, as we explained earlier in section 4.11.4 of the *Great IRS Hoax*, Form #11.302 book:

- 16 1. May collect any Social Security benefits, because the Social Security Program Operations Manual (POM) section [GN](#)
 17 [00303.001](#) states that only “U.S. citizens” and “U.S. nationals” can collect benefits.
- 18 2. May hold a U.S. security clearance, unlike “state nationals”. See SECNAVINST 5510.30A, Appendix I.
- 19 3. May work for the federal government as a civil servant. See [5 CFR §338.101](#).

20 **8. WHO EXACTLY ARE “NATIONALS” AND “STATE NATIONALS” IN**
 21 **OUR COUNTRY?**

22 The key difference between a “state national” and a “U.S. national” is the citizenship status of your parents. Below is a
 23 table that summarizes the distinctions using all possible permutations of “state national” and “U.S. national” status for both
 24 you and your parents:

Table 7: 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) ; 8 U.S.C. §1101(a)(21)	Either parent born in a state of the Union and neither ever resided in the federal United States**.	In a state of the Union.	“national” or “state 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 “U.S. citizens” or “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 “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”
9	Law of Nations , Book I, §62 8 U.S.C. §1481	You started out as a “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 human being 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](#), 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.

*Constitution of the United States
Article 1, Section 8, Clause 10*

“The Congress shall have Power...

“To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;”

As you read this section below from [The Law of Nations](#) that proves item 7 in the above table, keep in mind that states of the Union are considered “foreign countries” with respect to the federal government legislative jurisdiction and police powers (see <http://famguardian.org/Publications/LawOfNations/vattel.htm>).

§ 215. Children of citizens born in a foreign country.

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

1 suppose that the father has not entirely quitted his country in order to settle elsewhere. If he has fixed his abode
2 in a foreign country, he is become a member of another society, at least as a perpetual inhabitant; and his
3 children will be members of it also.
4 [The Law of Nations, Vattel]

5 Here's a U.S. Supreme Court ruling confirming these conclusions:

6 "Under statute, child born outside United States[**] is not entitled to citizenship unless father has resided in
7 United States[**] before its birth."
8 [Weedin v. Chin Bow, 274 U.S. 657, 47 S.Ct. 772 (1927)]

9 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
10 there is no federal statute anywhere that directly prescribes the citizenship status of persons based on birth within states of
11 the Union. The reasons are because lawyers in Congress:

- 12 1. Know that this is the criteria that most Americans born inside states of the Union will meet.
- 13 2. Know that these people are "sovereign". Even the U.S. Supreme Court said so:

14 "The words 'people of the United States[***]' and 'citizens,' are synonymous terms, and mean the same thing.
15 They **both describe the political body who, according to our republican institutions, form the sovereignty, and**
16 **who hold the power** and conduct [run] the government through their representatives [servants]. They are what
17 we familiarly call the '**sovereign people**,' and every citizen is one of this people, and a constituent member of
18 this sovereignty. ..."
19 [Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]

- 20 3. Know that a "sovereign" is not and cannot be the subject of any law, and therefore cannot be mentioned in the law.

21 "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country,
22 but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal
23 as fellow citizens, and as joint tenants in the sovereignty."
24 [Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 454, 1 L.Ed. 440, 455 @DALL 1793 pp. 471-472]

25 "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system,
26 while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the
27 people, by whom and for whom all government exists and acts."
28 [Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

29 "In common usage, the term 'person' does not include the sovereign, and statutes employing the word are
30 ordinarily construed to exclude it."
31 [Wilson v. Omaha Indian Tribe, [442 U.S. 653](#), 667 (1979)]

32 "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are
33 ordinarily construed to exclude it."
34 [U.S. v. Cooper, [312 U.S. 600](#), 604, 61 SCt 742 (1941)]

35 "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily
36 not be construed to do so."
37 [U.S. v. United Mine Workers of America, [330 U.S. 258](#), 67 S.Ct. 677 (1947)]

- 38 4. Know that they cannot write a federal statute or act of Congress that prescribes any criteria for becoming a
39 "national" based on birth and perpetual residence outside of federal legislative jurisdiction and within a state of the
40 Union. That is why the circuit court held the following with respect to "U.S. nationals":

41 "Marquez-Almanzar seeks to avoid removal by arguing that he 3 can demonstrate that he owes "permanent
42 allegiance" to the United States and thus qualify as a U.S. national under section 101(a)(22)(B) of the
43 Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101(a)(22)(B). That provision defines "national of the
44 United States" as "a person who, though not a citizen of the United States, owes permanent allegiance to the
45 United States." **We hold that § 1101(a)(22)(B) itself does not provide a means by which an individual can**
46 **become a U.S. national, and deny Marquez-Almanzar's petition accordingly.**"
47 [Jose Napoleon Marquez-Almanzar v. Immigration and Naturalization Service, Docket # 03-4395, 03-40027,
48 03-40497, August 8, 2005, <http://famguardian.org/TaxFreedom/CitesByTopic/USNational-034395p.pdf>]

1 5. Want to deceive most Americans to falsely believe or presume that they are “U.S. citizens” who are “subject to”
2 federal statutes and jurisdiction, so they interfere in the determination of their true status as “nationals” and “state
3 nationals”.

4 [8 U.S.C. §1452](#) is the authority for getting your status of being a “state national” formally recognized by the federal
5 government, and it applies to people born in states of the Union, but those who administer it in the Department of State, in
6 our experience, refuse to recognize its proper application because they don’t want to give the slaves the keys to their chains
7 so they can leave the federal plantation.

8 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
9 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
10 of the Union and outside the federal “United States***” can legally “expatriate” your citizenship. All you need in order to
11 do so is your original birth certificate and to follow the procedures prescribed in federal law which we explain in section
12 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
13 #10.005. What exactly are you “expatriating”? The definition of expatriation clarifies this:

14 *“Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.”*
15 *[Perkins v. Elg, [307 U.S. 325](#), 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]*

16 *“expatriation. The voluntary act of abandoning or renouncing one’s country, [nation] and becoming the citizen*
17 *or subject of another.*
18 *[Black’s Law Dictionary, Sixth Edition, p. 576]*

19 You can’t abandon your “nationality” unless you had it in the first place, so you must be a “national” or a “state national”!
20 Here is the clincher:

21 [8 U.S.C. §1101](#): *Definitions*

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

23 The term “state” above can mean a state of the Union or it can mean a confederation of states called the “United States***”.
24 The reason “state” is in lower case is because it refers in most cases to a foreign state, and all states of the Union are foreign
25 with respect to the federal government for the purposes of legislative jurisdiction for nearly all subject matters. All upper
26 case “States” in federal law refer to territories or possessions owned by the federal government under [4 U.S.C. §110\(d\)](#):

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

31 Sneaky, huh? You’ll never hear especially a federal lawyer agree with you on this because it destroys their jurisdiction to
32 impose an income tax on you, but it’s true!

33 The rulings of the U.S. Supreme Court also reveal that “citizen of the United States***” and “nationality” are equivalent,
34 but only in the context of the Constitution and not any act of Congress. Look at the ruling below and notice how they use
35 “nationality” and “citizen of the United States***” interchangeably:

36 *“Whether it was also the rule at common law that the children of British subjects born abroad were themselves*
37 *British subjects-nationality being attributed to parentage instead of locality-has been variously determined. If*
38 *this were so, of course the statute of Edw. III. was declaratory, as was the subsequent legislation. But if not,*
39 *then such children were aliens, and the statute of 7 Anne and subsequent statutes must be regarded as in some*
40 *sort acts of naturalization. On the other hand, it seems to me that the rule, ‘Partus sequitur patrem,’ has always*
41 *applied to children of our citizens born abroad, and that the acts of congress on this subject are clearly*
42 *declaratory, passed out of abundant caution, to obviate misunderstandings which might arise from the*
43 *prevalence of the contrary rule elsewhere.*

44 *“Section 1993 of the Revised Statutes provides that children so born ‘are declared to be citizens of the United*
45 *States***’; but the rights of citizenship shall not descend to children whose fathers never resided in the United*
46 *States***.’ Thus a limitation is prescribed on the passage of citizenship by descent beyond the second*
47 *generation if then surrendered by permanent nonresidence, and this limitation was contained in all the acts*
48 *from 1790 down. Section 2172 provides that such children shall ‘be considered as citizens thereof.’ “*
49 *[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

1 If after examining the charts above, you find that your present citizenship status does not meet your needs, you are perfectly
2 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
3 #11.302 how to abandon any type of citizenship you may find undesirable in order to have the combination of rights and
4 "privileges" that suit your fancy. If you are currently a "state-only" citizen but want to become a "national" or a "state
5 national" so that you can qualify for Socialist Security Benefits or a military security clearance, then in most cases, the
6 federal government is more than willing to cooperate with you in becoming one under [8 U.S.C. §1452](#).

7 In the following subsections we have an outline of the legal constraints applying to persons who are "nationals" or "state
8 nationals" and who do not claim the status of "U.S. citizens" under federal statutes. The analysis that follows establishes
9 that for "state nationals", such persons may in some cases not be allowed to vote in elections without special efforts on
10 their part to maintain their status. They are also not allowed to serve on jury duty without special efforts on their part to
11 maintain their status. These special efforts involve clarifying our citizenship on any government forms we sign to describe
12 ourselves as:

- 13 • "nationals" or "state nationals" but not "citizens of the United States***" as defined in and [8 U.S.C. Section](#)
14 [1101\(a\)\(21\)](#) and 8 U.S.C. Section 1101(a)(22)(B).
- 15 • **Nationals** of the "United States*** of America" (just like our passport says) but not citizens of the federal "United
16 States***"

17 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
18 "nationals", or "state nationals" or "U.S.*** nationals", that is: "nationals of the United States*** of America". One of the
19 three types of "nationals" under federal law is the "U.S. national", which is defined in [8 U.S.C. §1408](#) and depends a
20 different definition of "U.S." that means the federal zone instead of the country "United States*". We don't cite all of the
21 components of the definition for this type of "U.S. national" below, but only that part that describes Americans born inside
22 the 50 Union states on nonfederal land to parents who resided inside the federal zone prior to the birth of the child:

23 [8 U.S.C. Sec. 1408](#). - Nationals but not citizens of the United States[**] at birth

24 *Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the*
25 *United States[**] at birth:*

26 ...

27 *(2) A person born outside the United States[**] and its outlying possessions of parents both of whom are*
28 *nationals, but not citizens, of the United States[**], and have had a residence in the United States[**], or one*
29 *of its outlying possessions prior to the birth of such person;*

30 The key word above is the term "United States***". This term is defined in 8 U.S.C. §1101(a)(38) as follows:

31 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101](#).
32 [Sec. 1101. - Definitions](#)

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

36 First of all, this definition leaves much to be desired, because it:

- 37 1. Doesn't tell us whether this is the only definition of "United States" that is applicable.
- 38 2. Gives us no clue as to how to determine whether the term "United States" is being used in a "geographical sense" as
39 described above or in some other undefined sense.

40 The definition also doesn't tell us which of the three definitions of "United States" is being referred to as defined by the
41 Supreme Court in *Hooven and Allison v. Evatt*, [324 U.S. 652](#) (1945) and as explained in section 4.8 of the Great IRS Hoax,
42 Form #11.302. Since we have to guess which one they mean, then the law is already vague and confusing, and possibly
43 even "void for vagueness" as we explain in section 5.11 of the Great IRS Hoax, Form #11.302. However, in the absence of
44 a clear and unambiguous definition, we must assume that the definition used implies only the territory of the federal
45 government situated within the federal zone as we explain in section 5.2.1 of the Great IRS Hoax, Form #11.302 and as the
46 Supreme Court revealed in *U.S. v. Spelar*, [338 U.S. 217](#) at 222 (1949).

1 The legal encyclopedia American Jurisprudence helps us define what is meant by “United States” in the context of
2 citizenship under federal (not state) law:

3 *3C Am Jur 2d, Aliens and Citizens, §2689, Who is born in United States[**] and subject to United States[**]
4 jurisdiction*

5 "A person is born *subject to the jurisdiction of the United States[**]*, for purposes of acquiring citizenship at
6 birth, if his or her birth occurs ***in territory over which the United States[**] is sovereign***, even though
7 another country provides all governmental services within the territory, and the territory is subsequently ceded
8 to the other country."
9 *[American Jurisprudence 2d, Aliens and Citizens, Section 2689]*

10 The key word in the above definition is “territory” in relationship to the sovereignty word. The only places which are
11 “territories” of the United States[**] government are listed in Title 48 of the United States[**] Code. The states of the
12 union are NOT territories!

13 *"Territory: A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical
14 area under the jurisdiction of another country or sovereign power.*

15 A portion of the United States[**] not within the limits of any state, which has not yet been admitted as a state
16 of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by
17 the President."
18 *[Black's Law Dictionary, Sixth Edition, p. 1473]*

19 And the rulings of the Supreme Court confirm this:

20 *"A State does not owe its origin to the Government of the United States[**], in the highest or in any of its
21 branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself:
22 The voluntary and deliberate choice of the people...***A State is altogether exempt from the jurisdiction of the
23 Courts of the United States[**], or from any other exterior authority, unless in the special instances when the
24 general Government has power derived from the Constitution itself.***"*
25 *[Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1794)]*

26
27 *"**There is no such thing as a power of inherent sovereignty in the government of the United States[**]** In
28 this country sovereignty resides in the people [living in the states of the Union, since the states created the
29 United States[**] government and they came before it], and Congress can exercise no power which they have
30 not, by their Constitution entrusted to it: All else is withheld."
31 *[Julliard v. Greenman: 110 U.S. 421 (1884)]**

32 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
33 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
34 exclusive, and most “general” form inside its “territories”, and in federal enclaves within the states, or more generally in
35 what we call the “federal zone” in this book. The ONLY place where the exclusive sovereignty of the United States**
36 exists in the context of its “territories” is under Article 1, Section 8, Clause 17 of the Constitution on federal land. In the
37 legal field, by the way, this type of exclusive jurisdiction is described as “plenary power”. Very few of us are born on
38 federal land under such circumstances, and therefore very few of us technically qualify as “citizens of the United States**”.
39 By the way, the federal government does have a very limited sovereignty or “authority” inside the states of the union, but it
40 does not exceed that of the states, nor is it absolute or unrestrained or exclusive like it is inside the “territories” of the
41 United States** listed in Title 48 of the United States** Code.

42 Let's now see if we can confirm the above conclusions with the weasel words that the lawyers in Congress wrote into the
43 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
44 continental United States***”. The definition of this term is hidden in the regulations as follows:

45 *[Code of Federal Regulations]
46 [Title 8, Volume 1]
47 [Revised as of January 1, 2002]
48 From the U.S. Government Printing Office via GPO Access
49 [CITE: 8CFR215]
50 TITLE 8--ALIENS AND NATIONALITY CHAPTER I--IMMIGRATION AND NATURALIZATION SERVICE,
51 DEPARTMENT OF JUSTICE
52 PART 215--CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES[**]*

1 [Section 215.1: Definitions](#)

2 (f) The term continental United States[**] means the District of Columbia and the several [States](#), except Alaska
3 and Hawaii.
4

5 The term “States”, which is suspiciously capitalized and is then also defined elsewhere in Title 8 as follows:

6 [8 U.S.C. Sec. 1101\(a\)\(36\)](#): State [naturalization]

7 The term "State" **includes** the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United
8 States[**].

9 Do you see the sovereign Union states in the above definition? They aren't there. Note that there are several entities listed
10 in the above definition of “State”, which collectively are called “several States”. But when Congress really wants to clearly
11 state the 50 Union states that are “foreign states” relative to them, they have no trouble at all, because here is another
12 definition of “State” found under an older version of Title 40 of the U.S. Code prior to 2005 which refers to easements on
13 Union state property by the federal government:

14 [TITLE 40 > CHAPTER 4 > Sec. 319c](#)
15 [Sec. 319c](#). - Definitions for easement provisions

16 As used in sections [319](#) to [319c](#) of this title -

17 (a) The term "State" **means** the [States of the Union](#), the District of Columbia, the Commonwealth of Puerto
18 Rico, and the possessions of the United States[**].

19 The above section, after we found it in 2002 and documented it here, was REWRITTEN in 2005 and REMOVED from title
20 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
21 kind of “word smithing” by covetous lawyers is at the heart of how the separation of powers between the state and federal
22 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>

23 Did you notice in the now repealed 40 U.S.C. §319c that they used the term “means” instead of “includes” and that they
24 said “States of the Union” instead of “several States”? You can tell they are playing word games and trying to hide their
25 limited jurisdiction whenever they throw in the word “includes” and do not use the word “Union” in their definition of
26 “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
27 surrounding the use of the word “includes”. That word is abused as a way to illegally expand the jurisdiction of the federal
28 government beyond its clear Constitutional limits. The memorandum of law below thoroughly rebuts any lies or deception
29 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”](#), Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

30 Moving on, if we then substitute the definition of the term “State” from 8 U.S.C. §1101(a)(36) into the definition of
31 “continental United States[**]” in [8 CFR §215.1](#), we get:

32 [8 CFR §215.1](#)

33 The term continental United States[**] means the District of Columbia and the District of Columbia, Puerto
34 Rico, Guam, and the Virgin Islands of the United States[**], except Alaska and Hawaii.
35

36 We must then conclude that the “continental United States[**]” means essentially the federal areas within the real (not
37 statutorily defined) continental United States[**]. We must also conclude based on the above analysis that:

- 38 1. The term “continental United States[**]” is redundant and unnecessary within the definition of “United States[**]”
39 found in [8 U.S.C. §1101\(a\)\(38\)](#).
40 2. The use of the term “continental United States[**]” is introduced mainly to deceive and confuse the average
41 American about his true citizenship status as a “national” or a “state national” and not a “U.S. national”.

1 The above analysis also leaves us with one last nagging question: why do Alaska and Hawaii appear in the definition of
2 “United States***” in [8 U.S.C. §1101\(a\)\(38\)](#), since we showed that the *other* “States” mentioned as part of this *statutory*
3 “United States***” are federal “States”? If our hypothesis is correct that the “United States***” means “the federal zone”
4 within federal statutes and regulations and “the states of the Union” collectively within the Constitution, then the definition
5 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
6 Hawaii, they were only recently admitted as Union states (1950’s). The legislative notes for Title 8 of the U.S. Code
7 (entitled “Aliens and Nationality”) reveal that the title is primarily derived from the Immigration and Nationality Act of
8 1940, which was written and codified BEFORE Alaska and Hawaii joined the Union. Before that, they were referred to as
9 the Territories of Alaska and Hawaii, which belonged to the “United States***” or simply “Alaska and Hawaii”. Note that [8](#)
10 [U.S.C. §1101\(a\)\(38\)](#) adds the phrase “*of* the United States***” after the names of these two former territories and groups
11 them *together* with other federal territories, which to us implies that they are referring to Alaska and Hawaii *when they were*
12 *territories* rather than Union states. At the time they were federal territories, then they were federal “States”. These
13 conclusions are confirmed by a rule of statutory construction known as “*ejusdem generis*”, which basically says that items
14 of the same class or general type *must* be grouped together. The other items that Alaska and Hawaii are grouped with are
15 federal territories in the list of enumerated items:

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

23 *Under “ejusdem generis” canon of statutory construction, where general words follow the enumeration of*
24 *particular classes of things, the general words will be construed as applying only to things of the same general*
25 *class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d 283, 125 Cal.Rptr. 694,*
26 *696.”*
27 *[Black’s Law Dictionary, Sixth Edition, p. 517]*

28 Many freedom lovers allow themselves to be confused by the content of the Fourteenth Amendment so that they do not
29 believe the distinctions we are trying to make here about the differences in meaning of the term “United States” between
30 the Constitution and federal statutes. Here is what section 1 of that Amendment says:

31 [Fourteenth Amendment](#)

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

34 The Supreme Court clarifies exactly what the phrase “subject to the jurisdiction” above means. It means the “political
35 jurisdiction” of the United States** and NOT the “legislative jurisdiction”(!):

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

46 “Political jurisdiction” is NOT the same as “legislative jurisdiction”. “Political jurisdiction” was defined by the Supreme
47 Court in *Minor v. Happersett*:

48 *“There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies*
49 *an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the*
50 *persons associated becomes a member of the nation formed by the association. He owes it allegiance and is*
51 *entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is*
52 *a compensation for the other; allegiance for protection and protection for allegiance.*

1 “For convenience it has been found necessary to give a name to this membership. The object is to designate by
2 a title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and
3 ‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the
4 government. Citizen is now more commonly employed, however, and as it has been considered better suited to
5 the description of one living under a republican government, it was adopted by nearly all of the States upon
6 their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the
7 Constitution of the United States[***]. **When used in this sense it [the word**
8 **“citizen”] is understood as conveying the idea of membership**
9 **of a nation, and nothing more.”**

10 “To determine, then, who were citizens of the United States[***] before the adoption of the amendment it is
11 necessary to ascertain what persons originally associated themselves together to form the nation, and what
12 were afterwards admitted to membership.“
13 [Minor v. Happersett, [88 U.S. 162](#) (1874)]

14 Notice how the Supreme court used the phrase “and nothing more”, as if to emphasize that citizenship doesn’t imply
15 legislative jurisdiction, but simply political membership. We described in detail the two political jurisdictions within our
16 country in section 4.7 of our [Great IRS Hoax](#), Form #11.302 book. “Political jurisdiction” implies only the following:

- 17 1. Membership in a community (see *Minor v. Happersett*, [88 U.S. 162](#) (1874))
- 18 2. Right to vote.
- 19 3. Right to serve on jury duty.

20 “Legislative jurisdiction”, on the other hand, implies being “completely subject” and subservient to federal laws and all
21 “Acts of Congress”, which only people in the District of Columbia and the territories and possessions of the United
22 States[**] can be. You can be “completely subject to the political jurisdiction” of the United States** without being
23 subject in any degree to a specific “Act of Congress” or the Internal Revenue Code, for instance. The final nail is put in the
24 coffin on the subject of what “subject to **the** jurisdiction” means in the Fourteenth Amendment, when the Supreme Court
25 further said in the above case:

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

31 So “subject to the jurisdiction” in the context of citizenship within the Fourteenth Amendment means “subject to the
32 **[political]** jurisdiction” of the United States*** and not legislative jurisdiction, and the Fourteenth Amendment definitely
33 includes people born in states of the Union. Another very interesting conclusion reveals itself from reading the following
34 excerpt from the above case:

35 *And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in*
36 *analyzing the first clause, observed that “the phrase ‘subject to the jurisdiction thereof’ was intended to exclude*
37 *from its operation children of ministers, consuls, and **citizens or subjects of foreign states**, born within the*
38 *United States[***].*
39 [U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

40 When we first read that, an intriguing question popped into our head:

41 *Is “Heaven” or any religious group for that matter a “foreign state” with respect to the United States***
42 *government and are we God’s “ambassadors” and “ministers” of the Sovereign (“God”) in that “foreign*
43 *state”?*

44 Based on the way our deceitful and wicked public servants have been acting lately, we think so and here are the scriptures
45 to back it up!

46 *“For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ”—*
47 *[Philippians 3:20, Bible, NKJV]*

48 *“Now, therefore, you are no longer strangers and foreigners, but **fellow citizens with the saints and members***
49 *of the household of God.”*

1 [\[Ephesians 2:19, Bible, NKJV\]](#)

2 "These all died in faith, not having received the promises, but having seen them afar off were assured of them,
3 embraced them **and confessed that they were strangers and pilgrims on the earth.**"
4 [\[Hebrews 11:13, Bible, NKJV\]](#)

5 "Beloved, I beg you **as sojourners and pilgrims**, abstain from fleshly lusts which war against the soul..."
6 [\[1 Peter 2:11, Bible, NKJV\]](#)

7 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
8 are considered "foreign states" and "foreign countries" with respect to the U.S. government as far as Subtitle A income
9 taxes are concerned:

10 *Foreign courts:* "The courts of a foreign state or nation. In the United States[**], this term is frequently
11 applied to the courts of one of the states when their judgments or records are introduced in the courts of
12 another."
13 [\[Black's Law Dictionary, Sixth Edition, p. 647\]](#)

14 *Foreign Laws:* "The laws of a foreign country or sister state."
15 [\[Black's Law Dictionary, Sixth Edition, p. 647\]](#)

16 Another place you can look to find confirmation of our conclusions is the Department of State Foreign Affairs Manual,
17 section [7 FAM 1116.1-1](#), available on our website at:

[Dept. of State Foreign Affairs Manual, Volume 7, Section 1116.1](#)
<http://famguardian.org/TaxFreedom/Evidence/Citizenship/7FAM1100,1110,1111-DeptOfState.pdf>

18 and also available on the Dept. of State website at:

Dept of State
<http://foia.state.gov/REGS/Search.asp>

19 which says in pertinent part:

20 "**d. Prior to January 13, 1941, there was no statutory definition of "the United States" for citizenship**
21 **purposes.** Thus there were varying interpretations. Guidance should be sought from the Department (CA/OCS)
22 **when such issues arise.**" [emphasis added]

23 If our own government hadn't defined the meaning of the term "United States" up until 1941, then do you think there might
24 have been some confusion over this and that this confusion was deliberate? Can you also see how the ruling in *Wong Kim*
25 *Ark* might have been somewhat ambiguous to the average American without a statutory (legal) reference for the terms it
26 was using? Once again, the government likes to confuse people about its jurisdiction in order to grab more of it. Here is
27 how Thomas Jefferson explained it:

28 "Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before
29 them, to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact**
30 **the corps of sappers and miners, steadily working to undermine the independent rights of the States and to**
31 **consolidate all power in the hands of that government in which they have so important a freehold estate.**" -
32 [\[Thomas Jefferson: Autobiography, 1821. ME 1:121\]](#)

33 "We all know that permanent judges acquire an esprit de corps; that, being known, **they are liable to be tempted**
34 **by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or**
35 **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
36 side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."
37 [\[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283\]](#)

38 "**It is not enough that honest men are appointed judges. All know the influence of interest on the mind of**
39 **man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de**
40 **corps, of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and**
41 **the absence of responsibility, and how can we expect impartial decision between the General government, of**
42 **which they are themselves so eminent a part, and an individual state from which they have nothing to hope**
43 **or fear?**"
44 [\[Thomas Jefferson: Autobiography, 1821. ME 1:121\]](#)

1 "At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and
2 harmless members of the government. Experience, however, soon showed in what way they were to become
3 the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and
4 irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and
5 unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little
6 and little the foundations of the Constitution and working its change by construction before any one has
7 perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth,
8 man is not made to be trusted for life if secured against all liability to account."
9 [Thomas Jefferson to A. Coray, 1823. ME 15:486]

10 "I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its
11 toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges
12 should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed,
13 injure them in fame or in fortune; but it saves the republic, which is the first and supreme law."
14 [Thomas Jefferson: Autobiography, 1821. ME 1:122]

15 "The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel
16 of the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings
17 to its own will."
18 [Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68]

19 "It is a misnomer to call a government republican in which a branch of the supreme power [the Federal
20 Judiciary] is independent of the nation."
21 [Thomas Jefferson to James Pleasants, 1821. FE 10:198]

22 "It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take
23 on themselves to judge the law as well as the fact. They never exercise this power but when they suspect
24 partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English
25 liberty."
26 [Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

27 With respect to that last remark, keep in mind that NONE of the rulings of Supreme Court cases like *Wong Kim Ark* have
28 juries, so what do you think the judges are going to try to do?.. expand their power and enhance their retirement benefits,
29 duhhhh! Another portion of that same document found in [7 FAM 1116.2-1](#) says:

30 "a. Simply stated, "subject to the jurisdiction" [within the context of federal statutes but not within the
31 Fourteenth Amendment] of the United States[**] means subject to the laws of the United States[**]."
32 [emphasis added]

33 So what does "subject to the laws of the United States**" mean? It means subject to the exclusive/general/plenary
34 legislative jurisdiction of the national (not federal) government under Article 1, Section 8, Clause 17 of the Constitution,
35 which only occurs within the federal zone. We covered this earlier in section 4.10 of the *Great IRS Hoax*, Form #11.302
36 and again later throughout chapter 5 of that book. Here is how we explain the confusion created by 7 FAM 1116.2-1 above
37 in the note we attached to it inside the Acrobat file of it on our website:

38 This is a distortion. Wong Kim Ark also says: "To be 'completely subject' to the political jurisdiction of the
39 United States** is to be in no respect or degree subject to the political jurisdiction of any other government."

40 If you are subject to a Union state government, then you CANNOT meet the criteria above. That is why a
41 "national" is defined in 8 U.S.C. §1101(a)(21) as "a person owing permanent allegiance to a [Union] state"
42 and why most natural persons are "nationals" rather than "U.S. citizens"

43 Let's now further explore what [7 FAM 1116.2-1](#) means when it says "subject to the laws of the United States**". In doing
44 so, we will draw on a very interesting article on our website entitled Authorities on Jurisdiction of Federal Courts found on
45 our website at:

Authorities on Jurisdiction of Federal Courts
<http://famguardian.org/Subjects/LegalGovRef/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm>

46 We start with a cite from Title 18 that helps explain the jurisdiction of "the laws of the United States**":

47 [TITLE 18 > PART III > CHAPTER 301 > Sec. 4001.](#)
48 [Sec. 4001. - Limitation on detention; control of prisons](#)

1 (a) No citizen shall be imprisoned or otherwise detained by the United States** except pursuant to an Act of
2 Congress.

3 Building on this theme, we now add a corroborating citation from the [Federal Rules of Criminal Procedure, Rule 26, Notes](#)
4 [of Advisory Committee on Rules, paragraph 2](#), in the middle,

5 "On the other hand since all Federal crimes are [statutory](#) [see [United States v. Hudson, 11 U.S. 32, 3 L.Ed.](#)
6 [259 \(1812\)](#)] and **all criminal prosecutions in the Federal courts are based on acts of Congress**, . . ."
7 [emphasis added]

8 We emphasize the phrase "**Acts of Congress**" above. In order to define the jurisdiction of the Federal courts to conduct
9 criminal prosecutions and how they might apply "the laws of the United States**" in any given situation, one would have
10 to find out what the specific definition of "Act of Congress," is. We find such a definition in [Federal Rule of Criminal](#)
11 [Procedure 54\(c\)](#) prior to Dec. 2002, wherein "Act of Congress" was defined. Rule 54(c) stated:

12 "Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in
13 Puerto Rico, in a territory or in an insular possession."

14 If you want to examine this rule for yourself, here is the link:

15 [http://www2.law.cornell.edu/cgi-bin/fofiocgi.exe/frcrm/query=\[jump!3A!27district+court!27\]/doc/{@772}?](http://www2.law.cornell.edu/cgi-bin/fofiocgi.exe/frcrm/query=[jump!3A!27district+court!27]/doc/{@772}?)

16 The \$64,000 question is:

17 "ON WHICH OF THE FOUR LOCATIONS NAMED IN [former] RULE 54(c) OF THE FEDERAL RULES OF
18 CRIMINAL PROCEDURE IS THE UNITED STATES** DISTRICT COURT ASSERTING JURISDICTION
19 WHEN THE U.S. ATTORNEY HAULS YOUR ASS IN COURT ON AN INCOME TAX CRIME?"

20 **Hint:** everyone knows what and where the District of Columbia is, and everyone knows where Puerto Rico is, and
21 territories and insular possessions are defined in [Title 48 United States** Code](#), happy hunting!

22 The Supreme Court says the same thing about this situation as well:

23 "It is no longer open to question that the general government, unlike the states, [Hammer v. Dagenhart, 247](#)
24 [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
25 internal affairs of the states; and emphatically not with regard to legislation."
26 [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

27 Keep in mind that Title 8 of the U.S. Code, which establishes citizenship under federal law is federal "legislation". I guess
28 that means there is nothing in that title that can define or circumscribe our rights as people born within and domiciled
29 within a state of the Union, which is foreign to the federal government for the purposes of legislative jurisdiction. In fact,
30 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
31 1101 but the rights of such a human being are not limited or circumscribed there because they can't be under the
32 Constitution. This, folks, is the essence of what it means to be truly "sovereign" with respect to the federal government,
33 which is that you aren't the subject of any federal law. Laws limit rights and take them away. Rights don't come from
34 laws, they come from God! America is "The land of the Kings". Every one of you is a king or ruler over your public
35 servants, and THEY, not you, should be "rendering to Caesar", just as the Bible says in Matt. 22:15:22:

36 "**The people of the state [not the federal government, but the state: IMPORTANT!], as the successors of its**
37 **former sovereign, are entitled to all the rights which formerly belonged to the king by his own prerogative.**"
38 [Lansing v. Smith, 4 Wendell 9, (NY) (1829)]

39 "It will be admitted on all hands that with the exception of the powers granted to the states and the federal
40 government, through the Constitutions, **the people of the several states are unconditionally sovereign within**
41 **their respective states.**"
42 [Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997]

43 "**Sovereignty [that's you!] itself is, of course, not subject to law, for it is the author and source of law;** but in
44 our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains
45 with the people, by whom and for whom all government exists and acts."
46 [Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

1 “nationals” and “state nationals” are also further defined in [8 U.S.C. §1101](#) as follows:

2 [8 U.S.C. §1101 Definitions](#) [for the purposes of citizenship]

3 (a) As used in this chapter—

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

5 (22) The term "national of the United States[**]" means:

6 (A) a citizen of the United States[**], or

7 (B) a person who, though not a citizen of the United States[**], owes permanent allegiance to the
8 United States[***].

9 Note the suspect word “permanent” in the above definition. Below is the definition of “permanent” from the same title
10 found in [8 U.S.C. §1101\(a\)\(31\)](#):

11 [8 U.S.C. §1101 Definitions](#) [for the purposes of citizenship]

12 (a) As used in this chapter—

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

16 For those of you who are Christians, you realize that this life is very temporary and that nothing on this earth can be
17 permanent, and especially not your life:

18 *“In the sweat of your face you shall eat bread*
19 *Till you return to the ground,*
20 *For out of it you were taken;*
21 *For dust you are,*
22 *And to dust you shall return.”*
23 *[God speaking to Adam and Eve, Gen. 3:19, Bible, NKJV]*

24 If we are going to be “dust”, then how can our intact living body have a permanent earthly place of abode? The Bible says
25 in Romans 6:23 that “the wages of sin is death”, and that Eve brought sin into the world and thereby cursed all her
26 successors so there is nothing more certain than death, which means there can be nothing physical that is permanent on
27 earth including our very short lives. The only thing permanent is our spirit and not our physical body, which will certainly
28 deteriorate and die. Therefore, there can be no such thing as “permanent allegiance” on our part to anything but God for
29 Christians, because exclusive allegiance to God is the only way to achieve immortality and eternal life. Exclusive
30 allegiance to anything but God is idolatry, in violation of the first four commandments of the ten commandments.

31 When we bring up the above kinds of issues, some of our readers have said that they don’t even like being called
32 “nationals” as they are defined above, and we agree with them. However, it is a practical reality that you cannot get a
33 passport within our society without being either a “U.S. citizen” or a “national”, because state governments simply won’t
34 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.
35 The compromise we make in this sort of dilemma is to clarify on our passport application that the term “U.S.” as used on
36 our passport application means the “United States[***] of America” and not the federal United States** or the federal
37 corporation called the United States** government. Below, in fact, is a procedure we use to apply for a passport without
38 creating a false presumption that we are a “U.S. citizen” that worked for us:

[How to Apply for a Passport as a “National”](#), Form #09.007
<http://famguardian.org/Subjects/Taxes/Citizenship/ApplyingForAPassport.htm>

39 Sneaky, huh? This is a chess game using “words of art” conducted by greedy lawyers to steal your property and your
40 liberty, folks! Now we ask our esteemed readers:

1 "After all the crazy circuitous logic and wild goose chasing that results from listening to the propaganda of the
2 government from its various branches on the definitions of 'U.S. citizenship' v. 'U.S. nationality', what should a
3 reasonable man conclude about the meanings of these terms? We only have two choices:

- 4 1. 'United States**' as used in [8 U.S.C. §1101\(a\)\(38\)](#) means the federal zone and 'U.S. citizens' are
5 born in the federal zone under all federal statutes and "acts of Congress". This implies that most
6 Americans can only be 'U.S. nationals'
- 7 2. 'United States**' as used in [8 U.S.C. §1101\(a\)\(38\)](#) means the entire country and political
8 jurisdictions that are foreign to that of the federal government which are found in the states. This
9 implies that most Americans can only be 'U.S. citizens'."

10 We believe the answer is that our system of jurisprudence is based on "innocence until proven guilty". In this case, the fact
11 in question is: "Are you a U.S. citizen", and being "not guilty" means having our rights and sovereignty respected by our
12 deceitful government under these circumstances implies being a "national" or a "state national". Therefore, at best, we
13 should conclude that the above analysis is correct and clearly explains the foundations of what it means to be a "national"
14 or a "state national" and why most Americans fit that description. At the very worst, our analysis clearly establishes that
15 federal statutory and case law, at least insofar as "U.S. citizenship" is very vague and very ambiguous and needs further
16 definition. The Supreme Court has said that when laws are vague, then they are "void for vagueness", null, and
17 unenforceable. See the following cases for confirmation of this fact:

18 "A statute which either forbids or requires the doing of an act in terms so vague that men and women of
19 common intelligence must necessarily guess at its meaning and differ as to its application, violates the first
20 essential of due process of law."
21 [[Connally v. General Construction Co., 269 U.S. 385 \(1926\)](#)]

22
23 "It is a basic principle of due process that an enactment [[435 U.S. 982 , 986](#)] is void for vagueness if its
24 prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume
25 that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary
26 intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws
27 may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to
28 be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly
29 delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis,
30 with the attendant dangers of arbitrary and discriminatory application."
31 [[Grayned v. City of Rockford, 408 U.S. 104, 108 \(1972\)](#), emphasis added]

32 We refer you to the following additional rulings of the U.S. Supreme Court on "void for vagueness" as additional
33 authorities:

- 34 • [Papachristou v. City of Jacksonville, 405 U.S. 156 \(1972\)](#)
- 35 • [Cline v. Frink Dairy Co., 274 U.S. 445, 47 S. Ct. 681 \(1927\)](#)
- 36 • [Sewell v. Georgia, 435 U.S. 982 \(1978\)](#)

37 Here is the way one of our readers describes the irrational propaganda and laws the government writes:

38 *"If it doesn't make sense, it's probably because politics is involved!"*

39 Our conclusions then to the matters at our disposal are the following based on the above reasonable analysis:

- 40 • The "United States****" defined in Section 1 of the Fourteenth Amendment means the states of the Union while
41 the "United States**" appearing in federal statutes in most cases, means the federal zone. For instance, the
42 definition of "United States**" relating to citizenship and found in 8 U.S.C. §1101(a)(38) means the federal zone,
43 as we prove in questions 77 through 82 of our Tax Deposition Questions, Form #03.016 located at:
44 <http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section 14.htm>.
- 45 • Most Americans, and especially those born in and living within states of the Union are "nationals" or "state
46 nationals" rather than "U.S. citizens" or "U.S. nationals" under all "acts of Congress" and federal statutes. The
47 Internal Revenue code is an "act of Congress" and a federal statute.
- 48 • The government has deliberately tried to confuse and obfuscate the laws on citizenship to fool the average
49 American into incorrectly declaring that they are "U.S. citizens" in order to be subject to their laws and come

1 under their jurisdiction. See section 4.11.10 of our *Great IRS Hoax*, Form #11.302 book for complete details on
2 how they have done it.

- 3 • The courts have not lived up to their role in challenging unconstitutional exercises of power by the other branches
4 of government or in protecting our Constitutional rights. They are on the take like everyone else who works in the
5 federal government and have conspired with the other branches of government in illegally expanding federal
6 jurisdiction.
- 7 • Once the feds used this ruse with words to get Americans under their corrupted jurisdiction as statutory “U.S.
8 citizens” and presumed “taxpayers”, our federal “servants” have then made themselves into the “masters” by
9 subjecting sovereign Citizens to their corrupted laws within the federal zone that can disregard the Constitution
10 because the Constitution doesn’t apply in these areas. By so doing, they can illegally enforce their income tax
11 laws and abuse their powers to plunder the assets, property, labor, and lives of most Americans in the covetous
12 pursuit of money that the law and the Constitution did not otherwise entitle them to. This act to subvert the
13 operation of the Constitution amounts to an act of war and treason on the sovereignty of Americans and the
14 sovereign states that they are domiciled in, punishable under Article III, Clause 3 of the U.S. Constitution with
15 *death by execution*.

16 Old (and bad) habits die hard. Even if you don’t want to believe any of the foregoing analysis or conclusions and you
17 consequently still stubbornly cling to the false notion that you are a “citizen of the United States***” instead of a “national”
18 or “state national” under “Acts of Congress”, the fact remains that all “citizens of the United States***” are also defined in [8](#)
19 [U.S.C. §1401](#) to include “national” status. That means that being a privileged “citizen of the United States***” under federal
20 law is a *dual* citizenship status while being a “national” is only a single status (U.S. nationality derived from state birth and
21 citizenship):

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

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

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

26 [...]

27 The dual status is described in Black’s Law Dictionary as follows:

28 ***Dual citizenship.*** *Citizenship in two different **countries**. Status of citizens of United States[***] who*
29 *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*
30 *wherein they reside.*
31 *[Black’s Law Dictionary, Sixth Edition, p. 498]*

32 You will learn in section 4.11.10 of *The Great IRS Hoax*, Form #11.302 that the term “citizenship” as used by the courts
33 means “nationality”, so dual citizenship means “dual nationality and allegiance”.² You see, even the law dictionary says
34 your state is a “country”, which means you are a national of that country according to 8 U.S.C. §1101(a)(21).

35 What can we do to correct our citizenship status and protect our liberties? Well, since you are *already* a “national” as a
36 dual national called a “citizen of the United States***”, you can abandon *half* of your dual citizenship and we will show you
37 how and why you should do this in section 4.11.9 of our *Great IRS Hoax*, Form #11.302 book. The door is still therefore
38 wide open for you to correct your status and liberate yourself from the government’s chains of slavery, and the law
39 authorizes you to do this. The government also can’t stop you from doing this, because here is how one court explained
40 legislation passed by Congress authorizing expatriation only *days* before the Fourteenth Amendment was ratified which is
41 still in force today:

42 *“Almost a century ago, Congress declared that “the right of expatriation [including expatriation from the*
43 *District of Columbia or “U.S. Inc”, the corporation] is a natural and inherent right of all people, indispensable*
44 *to the enjoyment of the rights of life, liberty, and the pursuit of happiness,” and decreed that “any declaration,*
45 *instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or*
46 *questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this*

² See also *Perkins v. Elg*, 307 U.S. 325 (1939), which defines “expatriation” as the process of abandoning “nationality and allegiance”, not citizenship.

1 *government.*" 15 Stat. 223-224 (1868), R.S. § 1999, 8 U.S.C. §800 (1940).³ Although designed to apply
2 especially to the rights of immigrants to shed their foreign nationalities, that Act of Congress "is also broad
3 enough to cover, and does cover, the corresponding natural and inherent right of American citizens to
4 expatriate themselves." *Savorgnan v. United States*, 1950, 338 U.S. 491, 498 note 11, 70 S.Ct. 292, 296, 94
5 L.Ed. 287.⁴ The Supreme Court has held that the Citizenship Act of 1907 and the Nationality Act of 1940 "are to
6 be read in the light of the declaration of policy favoring freedom of expatriation which stands unrepealed." *Id.*,
7 338 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
8 U.S.C.A. §1185."
9 [*Walter Briehl v. John Foster Dulles*, 248 F.2d. 561, 583 (1957)]

10 You see, our politicians know that citizenship in any political jurisdiction can be regarded as an assault on our liberties, and
11 that sometimes we have to renounce it in order to protect those liberties, so they provided a lawful way to do exactly that.
12 Another reason they *have* to allow renouncement of whatever forms of citizenship we find objectionable is that if they
13 didn't, they could no longer call citizenship "voluntary", now could they? And if it isn't voluntary, then the whole country
14 becomes one big TOTALITARIAN SLAVE CAMP and the Declaration of Independence goes into the toilet! Remember
15 what that Declaration said?

16 **That to secure these rights, Governments are instituted among Men, deriving their just**
17 **powers from the consent of the governed,** --That whenever any Form of Government
18 becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new
19 Government, laying its foundation on such principles and organizing its powers in such form, as to them shall
20 seem most likely to effect their Safety and Happiness." [emphasis added]

21 How can you be "independent" and "sovereign" if you can't even declare or determine your own citizenship status?
22 Citizenship must therefore be *voluntary* and *consensual* or the enforcement of all laws based on it becomes *unjust*, and we
23 made that point very clear in section 4.11.5 of the *Great IRS Hoax*, Form #11.302 when we talked about federal citizenship.
24 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, then we
25 clearly establish in section 4.11.9 of the *Great IRS Hoax*, Form #11.302 book that the government *cannot* unilaterally sever
26 *any* aspect of your *dual* citizenship and that it is a *permanent contract* which *only you* [not the government] can revoke any
27 aspect of either by dying or by voluntary choice in a process initiated by you. Every aspect of your citizenship status *must*
28 *be voluntary* or it is *unjust* and if you want to eliminate or revoke the federal portion of your citizenship status *only* and
29 retain the "national" or "state citizen" status that you *already have* as a "U.S. citizen", then the government cannot lawfully
30 stop you, and if they try to, your citizenship is no longer voluntary but *compelled*. Once it is compelled, your compliance
31 with federal law as a SOVERIEGN is no longer *voluntary or consensual*, but is based on duress, fraud, extortion, and
32 amounts to slavery in violation of the Thirteenth Amendment to the U.S Constitution! What are you waiting for and why
33 haven't you corrected your citizenship status yet?

34 **9. SUMMARY OF CONSTRAINTS APPLYING TO "NATIONAL" STATUS**

35 So basically, if you owe allegiance to your state and are a "citizen" of that state, you are a "national" under federal law. But
36 how does that affect one's voting rights? Below is the answer for California:

37 CALIFORNIA CONSTITUTION
38 ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL

39 SEC. 2. A United States[**] citizen 18 years of age and resident in this State may vote.

40 The situation may be different for other states. If you are domiciled in a state other than California, you will need to check
41 the laws of your specific home state in order to determine whether the prohibition against voting applies to "nationals" in
42 your state. If authorities give you a bad time about trying to register to vote without being a *federal* "U.S. citizen", then
43 show them the Declaration of Independence, which says:

44 "We hold these truths to be self-evident, that all men are created equal, that **they are endowed by their**
45 **Creator with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of
46 Happiness.—"

³ See Carrington, Political Questions: The Judicial Check on the Executive, 42 Va.L.Rev. 175 (1956).

⁴ 9 Pet. 692, 34 U.S. 692, 699, 9 L.Ed. 276.

1 Emphasize that it doesn't say "endowed by their government" or "endowed by their federal citizenship" or "endowed by
2 their registrar of voters", but instead "endowed by their CREATOR". The rights to life, liberty, and the pursuit of
3 happiness certainly include suffrage and the right to own property. Suffrage is necessary in turn to protect personal
4 property from encroachment by the government and socialistic fellow citizens. These are not "privileges" that result from
5 federal citizenship. They are rights that result from birth! Thomas Jefferson said so:

6 "A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief
7 magistrate."

8 [Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134]

9 "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the
10 minds of the people that these liberties are of the gift of God? That they are not to be violated but with His
11 wrath?"

12 [Thomas Jefferson: Notes on Virginia Q.XVIII, 1782. ME 2:227]

13 We will now analyze the constraints applying to "nationals" :

14 **1. Right to vote:**

- 15 1.1. "nationals" or "state nationals" can register to vote under laws in most states but must be careful how they
16 describe their status on the voter registration application.
17 1.2. Some state voter registration forms have a formal affidavit by which signer swears, under penalties of perjury,
18 that s/he is a "citizen of the United States**" or a "U.S.** citizen".
19 1.3. Such completed affidavits become admissible evidence and conclusive proof that signer is a "citizen of the
20 United States**" under federal statutes, which is not the same thing as a "national" or "state national".

21 **2. Right to serve on jury duty:**

- 22 2.1. "nationals" or "state nationals" can serve on jury duty under most state laws. If your state gives you trouble
23 by not allowing you to serve on jury duty as a "national", you are admonished to litigate to regain their voting
24 rights and change state law.
25 2.2. Some state jury summons forms have a section that allows persons to disqualify themselves from serving on
26 jury duty if they do not claim to be "citizens of the United States**". We should return the summons form with
27 an affidavit claiming that we want to serve on jury duty and are "nationals" rather than "citizens" of the United
28 States**. If they then disqualify us from serving on jury duty, we should litigate to regain our right to serve on
29 juries.

- 30 3. The exercise of federal citizenship, including voting and serving on jury duty, is a statutory privilege which can be
31 created, taxed, regulated and even revoked by Congress! Please reread section 4.3 of The Great IRS Hoax, Form
32 #11.302 book about "Government instituted slavery using privileges" for clarification on what this means. In effect,
33 the government, through operation of law, has transformed a right into a taxable privilege, .
34 4. The exercise of "national" Citizenship is an unalienable Right which Congress cannot tax, regulate or revoke under any
35 circumstances.
36 5. Such a Right is guaranteed by the U.S. Constitution, which Congress cannot amend without the consent of three-
37 fourths of the Union States.

38 **10. HOW THE GOVERNMENT HAS DELIBERATELY OBFUSCATED THE**
39 **CITIZENSHIP ISSUE**

40 This section builds on the content of section 4.11.3.8 of the Great IRS Hoax, Form #11.302, where we talked about
41 definitions of U.S. citizenship terms. We state throughout this memorandum that the definitions of terms used are
42 *extremely* important, and that when the government wants to usurp additional jurisdiction beyond what the Constitution
43 authorizes, it starts by confusing and obfuscating the definition of key terms. The courts then use this confusion and
44 uncertainty to stretch their interpretation of legislation in order to expand government jurisdiction, in what amounts to
45 "judge-made law". This in turn transforms a government of "laws" into a government of "men" in violation of the intent of
46 the Constitution (see Marbury v. Madison, 5 U.S. 137 (1803)). You will see in this section how this very process has been
47 accomplished with the citizenship issue. The purpose of this section is therefore to:

- 48 • Provide definitions of the key and more common terms used both by the Federal judiciary courts and the
49 Legislative branch in Title 8 so that you will no longer be deceived.
50 • Show you how the government and the legal profession have obfuscated key citizenship terms over the years to
51 expand their jurisdiction and control over Americans beyond what the Constitution authorizes.

1 The main prejudicial and usually invisible presumption that governments, courts and judges make which is most injurious
2 to your rights is the association between the words "citizen" and "citizenship" with the term "domicile". Whenever either
3 you or the government uses the word "citizen", they are making the following presumptions:

- 4 1. That you maintain a domicile within their civil legislative jurisdiction. This means that if you are in a federal court, for
5 instance, that you have a legal domicile on federal territory and not within the exclusive jurisdiction of any state of the
6 Union.
- 7 2. That you owe allegiance to them and are required as part of that allegiance to pay them "tribute" for the protection they
8 afford.
- 9 3. That you are qualified to participate in the affairs of the government as a voter or jurist, even though you may in fact
10 not participate at that time.

11 **10.1 Introduction**

12 The purpose for the deliberate obfuscation of citizenship terms is to accomplish a complete breakdown of the separation of
13 powers between the constitutional states of the Union and the national government, and thus, to compress us all into one
14 mass under a national government just like the rest of the nations of the world. This form of corruption was predicted by
15 Thomas Jefferson, one of our most revered Founding Fathers, when he said:

16 *"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the*
17 *center of all power, it will render powerless the checks provided of one government on another and will*
18 *become as venal and oppressive as the government from which we separated."*

19 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]*

20 *"What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting*
21 *would be produced by an assumption of all the State powers into the hands of the General Government!"*

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

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

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

27 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground*
28 *to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-*
29 *ordination of a general and special government to a general and supreme one alone. This will lay all things at*
30 *their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliari*
31 *jurisdictionem.'"*

32 *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

33 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our*
34 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*
35 *scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow,*
36 *and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the*
37 *States and the government be consolidated into one. To this I am opposed."*

38 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

39 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before*
40 *them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact*
41 *the corps of sappers and miners, steadily working to undermine the independent rights of the States and to*
42 *consolidate all power in the hands of that government in which they have so important a freehold estate."*

43 *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

44 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)

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

45 The complete destruction of the separation is accomplished by the following criminal tactics by legislative draftsman,
46 judges, politicians, and government prosecutors in court:

1 1. Confusing “nationality” with “domicile” or PRESUMING that they are equivalent when they in fact are NOT. This is
2 done by obfuscating the definition of “nationality” in the legal dictionary.

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

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

11 2. Confusing the Statutory context with the Constitutional context for geographical words of art when these two contexts
12 are NOT equivalent and in fact are mutually exclusive contexts. Terms this trick is applied to include:

13 2.1. “United States” in 26 U.S.C. §7701(a)(9).

14 2.2. “State” in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d).

15 2.3. “U.S. person” in 26 U.S.C. §7701(a)(30).

16 2.4. “U.S. citizen” or “citizen of the United States” in 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 CFR §1.1-1.

17 2.5. “U.S. resident” in 26 U.S.C. §7701(b)(4).

18 3. Abusing the words “includes” and “including” as a means of unlawfully adding things to the meanings of words that
19 do not expressly appear and are therefore purposefully excluded per the rules of statutory construction. Such words
20 include:

21 3.1. “taxpayer” in 26 U.S.C. §7701(a)(14).

22 3.2. “trade or business” in 26 U.S.C. §7701(a)(26). Means “the functions of a public office” and excludes activities of
23 PRIVATE human beings or private entities.

24 3.3. “State”

25 3.4. “Employer” in 26 U.S.C. §3401(d). Means a government agency which a public officer works for, and not a
26 private company.

27 3.5. “Employee” in 26 U.S.C. §3401(c). Means a public officer in the U.S. and not state government and not private
28 human beings per 5 U.S.C. §2105(a).

29 For details on the unconstitutional and criminal abuse of language by the government, judges, and prosecutors,
30 see:

Meaning of the Words “includes” and “including”, Form #05.014

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

31 4. Using the word “United States” as meaning the government, as in the I.R.C. Subtitle A, but deceiving the reader into
32 thinking that it REALLY means the CONSTITUTIONAL United States. See:

Nonresident Alien Position, Form #05.020, Sections 7 to 7.3

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

33 5. Not explaining WHICH of the two contexts apply on government forms but presuming the Statutory context ONLY.

34 6. Refusing to accept attachments to government forms that clarify the meaning of all terms on forms so as to:

35 6.1. Delegate undue discretion to judges and bureaucrats to PRESUME the statutory context.

36 6.2. Add things to the meaning of words that do not expressly appear in the law.

37 7. Refusing to define the LEGAL meaning of the terms used on government forms.

38 8. Confusing a “federal government” with a “national government”, removing the definitions of these two words entirely
39 from the dictionary, or refusing in a court setting to discuss the differences.

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

42 *“A national government is a government of the people of a single state or nation, united as a community by
43 what is termed the “social compact,” and possessing complete and perfect supremacy over persons and things,
44 so far as they can be made the lawful objects of civil government. A federal government is distinguished from
45 a national government by its being the government of a community of independent and sovereign states,
46 united by compact.” Piqua Branch Bank v. Knoup, 6 Ohio.St. 393.”*
47 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176]
48

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

1 *In strict usage, there is a distinction between a confederation and a federal government. The former term*
2 *denotes a league or permanent alliance between several states, each of which is fully sovereign and*
3 *independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the*
4 *central authority a controlling power for a few limited purposes, such as external and diplomatic relations.*
5 *In this case, the component states are the units, with respect to the confederation, and the central*
6 *government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the*
7 *allied states form a union-not, indeed, to such an extent as to destroy their separate organization or deprive*
8 *them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the*
9 *central power is erected into a true state or nation, possessing sovereignty both external and internal,-while*
10 *the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as*
11 *units, but by the people of all. in their collective capacity, as citizens of the nation. The distinction is*
12 *expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaat;" the former*
13 *denoting a league or confederation of states, and the latter a federal government, or state formed by means of a*
14 *league or confederation."*
15 *[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]*

- 16 9. Making unconstitutional and prejudicial presumptions about the status of people that connects them with government
17 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>

- 18 10. Deliberately omitting or refusing to discuss or address any of the above types of abuses in litigation raised against the
19 government in any court, or even penalizing those who raise these issues, and thereby:
20 10.1. Criminally obstructing justice.
21 10.2. Engaging in organized crime and racketeering, which is committed daily by most federal judges.
22 10.3. Engaging in criminal witness tampering against those who want to stop criminal activities by public servants. See
23 18 U.S.C. §1512.

24 If you would like tools to prevent all of the above types of gamesmanship by corrupt judges and government prosecutors
25 and bureaucrats, please see:

- 26 1. *Citizenship, Domicile, and Tax Status Options*, Form #10.003. Provide during depositions and discovery.
27 <http://sedm.org/Forms/FormIndex.htm>
28 2. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002. Attach to pleadings filed in federal court.
29 <http://sedm.org/Litigation/LitIndex.htm>
30 3. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001. Attach to all government forms you are compelled
31 to fill out.
32 <http://sedm.org/Forms/FormIndex.htm>
33 4. *Tax Form Attachment*, Form #04.201. Attach to all tax forms you are required to fill out.
34 <http://sedm.org/Forms/FormIndex.htm>

35 **10.2 "Citizenship" in federal court implies Domicile on federal territory not within any state**

36 The following legal authorities conclusively establish that the terms "citizen", "citizenship", and "domicile" are
37 synonymous in federal courts. They validate all of the above conclusive presumptions that government employees,
38 officers, and judges habitually make when you appear before them or submit a government form to them, unless you
39 specify or explain otherwise. Government employees, officers, and judges just HATE to discuss or document these
40 presumptions, which is why authorities to prove their existence are so difficult to locate.

41 *"Domicile and citizen are synonymous in federal courts. Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp.*
42 *981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d.*
43 *678, 683."*
44 *[Black's Law Dictionary, Fourth Edition, p. 311]*

45 *The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." Jeffcott v. Donovan,*
46 *C.C.A.Ariz., 135 F.2d. 213, 214; and from "domicile," Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d. 351, 354;*
47 *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d. 35j0,*
48 *351. The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware,*
49 *L.&W.R.Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous,*
50 *Jonesboro Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron &*
51 *Railroad Co., D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. Messick v.*
52 *Southern Pa. Bus Co., D.C.Pa., 59 F.Supp. 799, 800.*
53 *[Black's Law Dictionary, Fourth Edition, p. 310]*

1 "Citizenship and domicile are substantially synonymous. Residency and inhabitance are too often confused with
2 the terms and have not the same significance. Citizenship implies more than residence. It carries with it the
3 idea of identification with the state and a participation in its functions. As a citizen, one sustains social,
4 political, and moral obligation to the state and possesses social and political rights under the Constitution and
5 laws thereof. *Harding v. Standard Oil Co. et al.* (C.C.) 182 F. 421; *Baldwin v. Franks*, 120 U.S. 678, 7 S.Ct.
6 763, 32 L.Ed. 766; *Scott v. Sandford*, 19 How. 393, 476, 15 L.Ed. 691."
7 [*Baker v. Keck*, 13 F.Supp. 486 (1936)]

8 "The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is
9 substantially synonymous with the term 'domicile'. *Delaware, L. & W.R. Co. v. Petrowsky*, 2 Cir., 250 F. 554,
10 557."
11 [*Earley v. Hershey Transit Co.*, 55 F.Supp. 981, D.C.PA. (1944)]

12 No person, may be compelled to choose a domicile or residence ANYWHERE. By implication, no one but you can
13 commit yourself to being a "citizen" or to accepting the responsibilities or liabilities that go with it.

14 "**The rights of the individual are not derived from governmental agencies**, either municipal, state or federal,
15 or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely
16 reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by
17 the citizenship to the agencies of government. The people's rights are not derived from the government, but the
18 government's authority comes from the people.*946 The Constitution but states again these rights already
19 existing, and when legislative encroachment by the nation, state, or municipality invade these original and
20 permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer
21 restrictions that surround the individual liberties of the citizen, except those for the preservation of the public
22 health, safety, and morals, the more contented the people and the more successful the democracy."
23 [*City of Dallas v Mitchell*, 245 S.W. 944 (1922)]

24 "Citizenship" and "residence", as has often been declared by the courts, are not convertible terms. ... "The
25 better opinion seems to be that a citizen of the United States is, under the amendment [14th], prima facie a
26 citizen of the state wherein he resides, cannot arbitrarily be excluded therefrom by such state, but that **he does**
27 **not become a citizen of the state against his will, and contrary to his purpose and intention to retain an**
28 **already acquired citizenship elsewhere.** **The amendment [14th] is a restraint on the power of the state, but**
29 **not on the right of the person to choose and maintain his citizenship or domicile**."
30 [*Sharon v. Hill*, 26 F. 337 (1885)]

31 Since "citizen", "citizenship", and "domicile" are all synonymous, then you can only be a "citizen" in ONE place at a time.
32 This is because you can only have a "domicile" in one place at a time.

33 "**domicile.** A person's legal home. That place where a man has his true, fixed, and **permanent home** and
34 principal establishment, and to which whenever he is absent he has **the intention of** returning. *Smith v. Smith*,
35 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and **the intention** to make it one's
36 home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place
37 to which he **intends to** return even though he may actually reside elsewhere. A person may have more than one
38 residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual**
39 **residence, often controls the jurisdiction of the taxing authorities and determines where a person may**
40 **exercise the privilege of voting and other legal rights and privileges.**"
41 [*Black's Law Dictionary, Sixth Edition, p. 485*]

42 The implications of this revelation are significant. It means that in relation to the state and federal governments and their
43 mutually exclusive territorial jurisdictions, you can only be a statutory "citizen" of one of the two jurisdictions at a time.
44 Whichever one you choose to be a "citizen" of, you become a "national but not a citizen" in relation to the other. You can
45 therefore be subject to the civil laws of only one of the two jurisdictions at a time. Whichever one of the two jurisdictions
46 you choose your domicile within becomes your main source of protection.

47 Choice of domicile is an act of political affiliation protected by the First Amendment prohibition against compelled
48 association:

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

54 "[A]t the heart of the [First Amendment](#) is the notion that the individual should be free to believe as he will, and
55 that in a free society one's beliefs should be shaped by his mind and by his conscience rather than coerced by

1 the State [through illegal enforcement of the revenue laws]." [Abood v. Detroit Board of Education \[431 U.S.](#)
2 [209\] \(1977\)](#)

3 **Freedom from compelled association is a vital component of freedom of expression.** Indeed, freedom from
4 compelled association illustrates the significance of the liberty or personal autonomy model of the [First](#)
5 [Amendment](#). **As a general constitutional principle, it is for the individual and not for the state to choose**
6 **one's associations and to define the persona which he holds out to the world.**
7 [[First Amendment Law](#), Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

8 **10.3 Obfuscated federal definitions to confuse Statutory Context with Constitutional Context**

9 Beyond the above authorities, we then tried to locate credible legal authorities that explain the distinctions between the
10 constitutional context and the statutory context for the term "United States". The basic deception results from the
11 following:

- 12 1. **The differences in meaning of the term "United States" between the U.S. Constitution and federal statutes.** The
13 term "United States***" in the Constitution means "United States" *the country*, while in federal statutes, the term
14 "United States**" means the *federal zone*.
- 15 2. **Differences between citizenship definitions found in Title 8, the Aliens and Nationality Code, and those found in**
16 **Title 26, the Internal Revenue Code.** The term "nonresident alien" as used in Title 26, for instance, does *not* appear
17 anywhere in Title 8 but is the equivalent of the term "national" found in 8 U.S.C. §1101(a)(22).
- 18 3. **Differences between statutory citizenship definitions and the language of the courts.** The language of the courts is
19 *independent* from the statutory definition so that it is difficult to correlate the term the courts are using and the related
20 statutory definition. We will include in this section separate definitions for the statutes and the courts to make these
21 distinctions clear in your mind.

22 We will start off by showing that no authoritative definition of the term "citizen of the United States***" existed before the
23 Fourteenth Amendment was ratified in 1868. This was revealed in the [Slaughter-House Cases, 83 U.S. \(16 Wall.\) 36, 21](#)
24 [L.Ed. 394 \(1873\)](#):

25 "The 1st clause of the 14th article was primarily intended to confer citizenship of the United States[***] and
26 citizenship of the states, and it recognizes the distinction between citizenship of a state and citizenship of the
27 United States[***] by those definitions.

28 "The 1st section of the 14th article, to which our attention is more specifically invited, opens with a definition of
29 citizenship—not only citizenship of the United States[***], but citizenship of the states. **No such definition was**
30 **previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had**
31 **been the occasion of much discussion in the courts, by the executive departments and in the public journals.**
32 **It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a**
33 **citizen of one of the state comprising the Union.** Those, therefore, who had been born and resided always in
34 the District of Columbia or in the territories, though within the United States[***], were not citizens."

35 [...]

36 "To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship
37 which should declare what should constitute citizenship of the United States[***] and also citizenship of a
38 state, the 1st clause of the 1st section [of the Fourteenth Amendment] was framed:

39 'All persons born or naturalized in the United States[***] and subject to the jurisdiction thereof are citizens of
40 the United States[***] and of the state wherein they reside.'

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

48 "The next observation is more important in view of the arguments of counsel in the present case. **It is that the**
49 **distinction between citizenship of the United States[***] and citizenship of a state is clearly recognized and**
50 **established. Not only may a man be a citizen of the United States[***] without being a citizen of a state, but**
51 **an important element is necessary to convert the former into the latter. He must reside within the state to**

1 *make him a citizen of it but it is only necessary that he should be born or naturalized in the United*
2 *States[***] to be a citizen of the Union.*

3 *It is quite clear, then, that there is a citizenship of the United States[***], and a citizenship of a state, which are*
4 *distinct from each other and which depend upon different characteristics or circumstances of the individual.”*
5 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

6 A careful reading of *Boyd v. Nebraska*, 143 U.S. 135 (1892) helps clarify the true meaning of the term “citizen of the
7 United States***” in the context of the U.S. Constitution and the rulings of the U.S. Supreme Court. It shows that a
8 “citizen of the United States***” is indeed a “national” in the context of federal statutes only:

9 *“Mr. Justice Story, in his Commentaries on the Constitution, says: ‘Every citizen of a state is ipso facto a*
10 *citizen of the [143 U.S. 135, 159] United States[***].’ Section 1693. And this is the view expressed by Mr.*
11 *Rawle in his work on the Constitution. Chapter 9, pp. 85, 86. Mr. Justice CURTIS, in Dred Scott v. Sandford, 19*
12 *How. 393, 576, expressed the opinion that under the constitution of the United States[***] ‘every free person,*
13 *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*
14 *the United States[***].’ And Mr. Justice SWAYNE, in The Slaughter-House Cases, 16 Wall. 36, 126, declared*
15 *that ‘a citizen of a state is ipso facto a citizen of the United States[***].’ But in Dred Scott v. Sandford, 19*
16 *How. 393, 404, Mr. Chief Justice TENNEY, delivering the opinion of the court, said: ‘The words ‘people of the*
17 *United States[***]’ and ‘citizens,’ are synonymous terms, and mean the same thing. They both describe the*
18 *political body who, according to our republican institutions, form the sovereignty, and who hold the power and*
19 *conduct the government through their representatives. They are what we familiarly call the ‘sovereign people,’*
20 *and every citizen is one of this people, and a constituent member of this sovereignty. ... In discussing this*
21 *question, we must not confound the rights of citizenship which a state may confer within its own limits and*
22 *the rights of citizenship as a member of the Union. It does not by any means follow, because he has all the*
23 *rights and privileges of a citizen of a state, that he must be a citizen of the United States[***]. He may have all*
24 *of the rights and privileges of the citizen of a state, and yet not be entitled to the rights and privileges of a*
25 *citizen in any other state; for, previous to the adoption of the constitution of the United States[***], every state*
26 *had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all*
27 *its rights. But this character, of course, was confined to the boundaries of the state, and gave him no rights or*
28 *privileges in other states beyond those secured to him by the laws of nations and the comity of states. Nor have*
29 *the several states surrendered the power of conferring these rights and privileges by adopting the constitution*
30 *of the United States[***]. Each state may still confer them upon an alien, or any one it thinks proper, or upon*
31 *any class or description of persons; yet he would not be a citizen in the sense in [143 U.S. 135, 160] which*
32 *that word is used in the constitution of the United States[***], nor entitled to sue as such in one of its courts,*
33 *nor to the privileges and immunities of a citizen in the other states. The rights which he would acquire would be*
34 *restricted to the state which gave them. The constitution has conferred on congress the right to establish a*
35 *uniform rule of naturalization, and this right is evidently exclusive, and has always been held by this court to be*
36 *so. Consequently no state, since the adoption of the constitution, can, by naturalizing an alien, invest him with*
37 *the rights and privileges secured to a citizen of a state under the federal government, although, so far as the*
38 *state alone was concerned, he would undoubtedly be entitled to the rights of a citizen, and clothed with all the*
39 *rights and immunities which the constitution and laws of the state attached to that character.’ “*
40 *[Boyd v. Nebraska, 143 U.S. 135 (1892)]*

41 Notice above that the term “citizen of the United States***” and “rights of citizenship as a member of the Union” are
42 described synonymously. Therefore, a “citizen of the United States***” under the Fourteenth Amendment, section 1 and a
43 “national” under 8 U.S.C. §1101(a)(21), and 8 U.S.C. §1452 are synonymous. As you will see in the following cite, people
44 who were born in a state of the Union always were “citizens of the United States***” by the definition of the U.S. Supreme
45 Court, which made them “nationals of the United States*** of America” under federal statutes. What the Fourteenth
46 Amendment did was extend the privileges and immunities of “nationals” (defined under federal statutes) to people of races
47 other than white. The cite below helps confirm this:

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

57 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
58 Court have done their best to confuse citizenship terms and the citizenship issue so that most Americans would be unable to
59 distinguish between “national” and “U.S. citizen” status found in federal statutes. This deliberate confusion has then been
60 exploited by collusion of the Executive Branch, who have used their immigration and naturalization forms and publication

1 and their ignorant clerk employees to deceive the average American into thinking they are “U.S. citizens” in the context of
2 federal statutes. Based on our careful reading of various citizenship cases mainly from the U.S. Supreme Court, Title 8 of
3 the U.S. Code, Title 26 of the U.S. Code, as well as Black’s Law Dictionary, Sixth Edition, below are some citizenship
4 terms commonly used by the court and their correct and unambiguous meaning in relation to the statutes found in Title 8,
5 which is the Aliens and Nationality Code:

1 **Table 8: 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 <i>not</i> collectively a “nation”. The “country” called the “United States*” is a “nation”, but our federal government and its territories and possessions are <i>not</i> collectively a “nation”.	<ol style="list-style-type: none"> 1. <i>Chisholm v. Georgia</i>, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) 2. Black’s Law Dictionary, revised Fourth Edition, 1968, p. 1176 under “National Government”. 3. <i>Hooven and Allison Co. v. Evatt</i>, 324 U.S. 652 (1945). 	The “United States*** of America” is a “federation” and not a “nation”. Consequently, the government is called a “federal government” rather than a “national government”. See section 4.6 of <i>Great IRS Hoax</i> , Form #11.302 for further explanation.
2	“national” or “non-citizen National”	Everywhere	“national” is a person born abroad, or in one of the 50 union states and not in the federal zone or an outlying possession or territory of the United States**. All “nationals” owe their permanent allegiance to the “United States***” under 8 U.S.C. §1101(a)(22)(B). Usually, either one or both of their parents are also “Nationals”.	<ol style="list-style-type: none"> 1. 8 U.S.C. §1408. 2. 8 U.S.C. §1101(a)(22)(B). 3. 8 U.S.C. §1452. 4. 8 U.S.C. §1101(a)(22). 5. 3C Am Jur 2d §2732-2752: Noncitizen nationality 	We could find no mention of the term “U.S. national” by the Supreme Court. We were told that this term was first introduced into federal statutes in the 1930’s.
3	“naturalization”	Everywhere	The process of conferring nationality and national status <i>only</i> , but not “U.S. citizen” status.	<ol style="list-style-type: none"> 1. 8 U.S.C. §1101(a)(23): “The term “naturalization” means the conferring of nationality [NOT “citizenship” or “U.S. citizenship”, but “nationality”, which means “national”] of a state [of the union] upon a person after birth, by any means whatsoever.” 2. Black’s Law Dictionary, Sixth Edition, page 1063 under “naturalization”. 	The U.S. Citizenship and Immigration Services (USCIS) is responsible for naturalization in the United States*** of America. Their “Application for naturalization”, Form N-400, only uses the term “U.S. citizen” and <i>never</i> 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.
4	“expatriation”	Everywhere	“The voluntary renunciation or abandonment of nationality [not “U.S. citizenship” or “citizen of the United States***” status] and allegiance.”	<ol style="list-style-type: none"> 1. <i>Perkins v. Elg</i>, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939) 2. 8 U.S.C. §1401. 3. 8 U.S.C. §1101(a)(22). 	Renouncing one’s statutory “citizen of the United States**” status and reverting to a “national” 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).
5	“citizenship”	Everywhere	Persons with a legal domicile within the jurisdiction of a sovereign and who were born SOMEWHERE within the country, although not necessarily within that specific jurisdiction..	<ol style="list-style-type: none"> 1. <i>Perkins v. Elg</i>, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939) 2. 8 U.S.C.A. §1401, Notes. See note 1 below. 3. <i>Slaughter-House Cases</i>, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) 4. 3C Am Jur 2d §2732-2752: Noncitizen nationality 	<i>Perkins v. Elg</i> , 307 U.S. 325 (1939) says: “ To cause a loss of citizenship in the absence of treaty or statute having that effect, there must be a voluntary action and such action cannot be attributed to an infant whose removal to another country is beyond his control and who during minority is incapable of a binding choice. By the Act of July 27, 1868, Congress declared that ‘the right of expatriation is a natural and inherent right of all people’. Expatriation is the voluntary renunciation or abandonment of nationality and allegiance. ” This implies that “loss of citizenship” and “expatriation”, which is “loss of nationality” are equivalent. <i>Slaughter-House Cases</i> , 83 U.S. 36 (1873) says: “The next observation is more important in view

#	Term	Context	Meaning	Authorities	Notes
					<p>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. <u>He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States^{***} to be a citizen of the Union.</u></p> <p>“It is quite clear, then, that there is a citizenship [nationality] of the United States^{***}, and a citizenship [nationality] of a state, which are distinct from each other and which depend upon different characteristics or circumstances of the individual.”</p>
6	“citizen” used <i>alone</i> and without the term “U.S. ^{***} ” in front or “of the United States ^{***} ” after it	<ol style="list-style-type: none"> 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.	<ol style="list-style-type: none"> 1. See <i>Minor v. Happersett</i>, 88 U.S. 162 (1874): <u>Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States^{***}. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.</u> [<i>Minor v. Happersett</i>, 88 U.S. 162 (1874)] 2. See also <i>Boyd v. Nebraska</i>, 143 U.S. 135 (1892), which says: <i>“The words ‘people of the United States^{***}’ and ‘citizens,’ are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the ‘sovereign people,’ and every citizen is one of this people, and a constituent member of this sovereignty. ...”</i> [<i>Boyd v. State of Nebraska</i>, 143 U.S. 135 (1892)] 	<ol style="list-style-type: none"> 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 CFR § 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 <i>federal zone only</i>.
7	“citizen” used <i>alone</i> and without the term “U.S. ^{***} ” in front or “of the United States ^{***} ” after it	State statutes	Person with a legal domicile within the exclusive jurisdiction of a state of the Union who is NOT a “citizen” under federal statutory law.	<i>Law of Nations</i> , 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 <i>Great IRS Hoax</i> , Form #11.302 earlier for further details on “police powers”.
8	“citizen” used <i>alone</i>	Federal statutes	Not defined anywhere in Title 8. Persons	1. Defined in 26 CFR §31.3121(e)-1. See Note 2.	This term is <i>never defined</i> anywhere in Title 8 but

#	Term	Context	Meaning	Authorities	Notes
	and without the term “U.S.**” in front or “of the United States**” after it	including Title 26, the Internal Revenue Code and Title 8, Aliens and Nationality	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..		it is defined in 26 CFR §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms <u>also</u> don’t define the meaning of the term nor do they equate it to either “national” or “citizen of the United States**”. The person filling out the form therefore <u>must</u> define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a “citizen of the United States**” under section 1 of the 14 th 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 <u>not</u> the same as this term, and this is especially true on federal forms.	See “citizenship”.	Same as “citizenship”.
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.	<ol style="list-style-type: none"> 8 U.S.C.A. §1401. <i>3C AmJur.2d</i> §2689 (“U.S. citizen”). 26 CFR §31.3121(e)-1. <i>United States v. Wong Kim Ark</i>, 169 U.S. 649; 18 S.Ct. 456; 42 L.Ed. 890 (1898) <i>Cunard S.S. Co. v. Mellon</i>, <i>262 U.S. 100</i>, 43 S.Ct. 504 (1923) 	Term “United States**” in federal statutes is defined as federal zone so a “citizen of the United States**” is a citizen of the federal zone only. According to the U.S. Supreme Court in the <i>Slaughter-House Cases</i> , <i>83 U.S. (16 Wall.) 36</i> , 21 L.Ed. 394 (1873), this term was <u>not</u> defined before the ratification of the Fourteenth Amendment in 1868. Section 1 of the 14 th Amendment established the circumstances under which a person was a “citizen of the United States**”. Note that the terms “citizens of the United States” and “citizen of the United States” are nowhere made equivalent in Title 8, and we define “citizens of the United States” above differently.
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) and 8 U.S.C. §1452.	<ol style="list-style-type: none"> 8 U.S.C. §1101(a)(21). 8 U.S.C. §1101(a)(22)(B) <i>Slaughter-House Cases</i>, <i>83 U.S. (16 Wall.) 36</i>, 21 L.Ed. 394 (1873) 3C Am Jur 2d, Aliens and Citizens, §2732-2752: Noncitizen nationality 	8 U.S.C.A. §1401 notes indicates: “ <i>The basis of citizenship in the United States** is the English doctrine under which <u>nationality</u> meant birth within allegiance to the king.</i> ”
13	“citizen of the Union”	Everywhere	A “national of the United States**” or a “national”	<ol style="list-style-type: none"> <i>Slaughter-House Cases</i>, <i>83 U.S. (16 Wall.) 36</i>, 21 L.Ed. 394 (1873) 	“ <i>Slaughter-House Cases</i> , <i>83 U.S. 36</i> (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

#	Term	Context	Meaning	Authorities	Notes
					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. <u>He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union.</u>
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 CFR §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 CFR §31.3121(e)-1. See Note 2.	This term is <i>never defined</i> anywhere in Title 8 but it is defined in 26 CFR §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms <i>also</i> don’t define the meaning of the term nor do they equate it to either “national” or “citizen of the United States**”. The person filling out the form therefore <i>must</i> define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a “citizen of the United States***” under section 1 of the 14 th Amendment.

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 CFR §31.3121(e)-1 defines “U.S. citizen” as follows:

[26 CFR 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.

1 We put the term “U.S. citizen” last in the above table because we would now like to expand upon it. We surveyed the
2 election laws of all 50 states to determine which states require persons to be either “U.S. citizens” or “citizen of the United
3 States” in order to vote. The results of our study are found on our website below at:

4 <http://famguardian.org/Subjects/LawAndGovt/Citizenship/PoliticalRightsvCitizenshipByState.htm>

5 **10.4 State statutory definitions of “U.S. citizen”**

6 If you look through all the state statutes on voting above, you will find that only California, Indiana, Texas, Virginia, and
7 Wisconsin require you to be either a “U.S. citizen” or a “United States citizen” in order to vote, and *none* of these five
8 states even define in their election code what these terms mean! 26 other states require you to be a “citizen of the United
9 States” and don’t define that term in their election code either! This means that a total of 31 of the 50 states positively
10 require some type of citizenship related to the term “United States” in order to be eligible to vote and none of them define
11 which of the three “United States” they mean. Because none of the state election laws define the term, then the legal
12 dictionary definition applies.

13 **10.5 Legal definition of “citizen”**

14 We looked in Black’s Law Dictionary, Sixth Edition and found no definition for either “U.S. citizen” or “citizen of the
15 United States”. Therefore, we must rely *only* on the common definition rather than any legal definition. We then looked
16 for “U.S. citizen” or “citizen of the United States” in Webster’s Dictionary and they weren’t defined there either. Then we
17 looked for the term “citizen” and found the following interesting definition in Webster’s:

18 *“citizen. 1: an inhabitant of a city or town; esp: one entitled to the rights and privileges of a freeman. 2 a: a*
19 *member of a state b: a native or naturalized person who owes allegiance to a government and is entitled to*
20 *protection from it 3: a civilian as distinguished from a specialized servant of the state—citizenry*

21 *syn* CITIZEN, SUBJECT, NATIONAL *mean a person owing allegiance to*
22 *and entitled to the protection of a sovereign state. CITIZEN is preferred*
23 *for one owing allegiance to a state in which sovereign power is retained*
24 *by the people and sharing in the political rights of those people;*
25 *SUBJECT implies allegiance to a personal sovereign such as a monarch;*
26 *NATIONAL designates one who may claim the protection of a state and*
27 *applies esp. to one living or traveling outside that state.”*
28 *[Webster’s Ninth New Collegiate Dictionary, ISBN 0-87779-510-X, p. 243]*

29 Note in the above that the key to being a citizen under definition (b) is the requirement for allegiance. The only federal
30 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.
31 §1101(a)(22)(B) respectively. Consequently, we are *forced* to conclude that the generic term “citizen” and the statutory
32 definition of “national” in 8 U.S.C. §1101(a)(22) are equivalent.

33 We also looked up the term “citizen” in Black’s Law Dictionary, Sixth Edition and found the following:

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

38 *“Citizens” are members of a political community who, in their associated capacity, have established or*
39 *submitted themselves to the dominion of a government for the promotion of their general welfare and the*
40 *protection of their individual as well as collective rights. Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d.*
41 *101, 109.*

42 *The term may include or apply to children of alien parents from in United States[***], Von Schwerdtner v.*
43 *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*
44 *citizens born outside United States, Haaland v. Attorney General of United States, D.C.Md., 42 F.Supp. 13, 22;*
45 *Indians, United States v. Hester, C.C.A.Okl., 137 F.2d. 145, 147; National Banks, American Surety Co. v. Bank*
46 *of California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of*

1 *deceased resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States[**] nor*
2 *a state is a citizen for purposes of diversity jurisdiction. Jizemerjian v. Dept of Air Force, 457 F.Supp. 820. On*
3 *the other hand, municipalities and other local governments are deemed to be citizens. Rieser v. District of*
4 *Columbia, 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the*
5 *Fourteenth Amendment. D.D.B. Realty Corp. v. Merrill, 232 F.Supp. 629, 637.*

6 *Under diversity statute [28 U.S.C. §1332], which mirrors U.S. Const. Article III's diversity clause, a person is a*
7 *"citizen of a state" if he or she is a citizen of the United States[***] and a domiciliary of a state of the United*
8 *States[***]. Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116.*
9 *[Black's Law Dictionary, Sixth Edition, p. 244]*

10 So the key requirement to be a "citizen" is to "owe allegiance" to a political community according to Black's Law
11 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
12 States***" as a political community *only* by being a "national" *without* being a "U.S.** citizen" or a "citizen of the United
13 States**" as defined in 8 U.S.C. §1401. Therefore, we must conclude once again, that "citizen of the United States**"
14 status under federal statutes, is a political *privilege* that few people are born into and most acquire by mistake or fraud or
15 both. Most of us are "nationals" by birth and we *volunteer* to become "citizens of the United States**" under 8 U.S.C.
16 §1401 by lying at worst or committing a mistake at best when we fill out government forms. That process of
17 misrepresenting our citizenship status is how we "volunteer" to become "U.S. citizens" subject to federal statutes, and of
18 course our covetous government is more than willing to overlook the mistake because that is how they manufacture
19 "taxpayers" and make people "subject" to their corrupt laws. Remember, however, what the term "subject" means from
20 Webster's above under the definition of the term "citizen":

21 *"SUBJECT implies allegiance to a personal [earthly] sovereign such as a monarch:"*
22 *[Webster's Ninth New Collegiate Dictionary, ISBN 0-87779-510-X, p. 243]*

23 Therefore, to be "subject" to the federal government's legislation and statutes and "Acts of Congress" is to be *subservient*
24 to them, which means that you voluntarily gave up your sovereignty and recognized that they have now become your
25 "monarch" and you are their "servant". You have turned the Natural Order and hierarchy of sovereignty described in
26 section 4.1 of the *Great IRS Hoax*, Form #11.302 upside down and made yourself into a *voluntary slave*, which violates of
27 the Thirteenth Amendment if your consent in so doing was not fully informed and the government didn't apprise you of the
28 rights that you were voluntarily giving up by becoming a "citizen of the United States**".

29 *"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with*
30 *sufficient awareness of the relevant circumstances and likely consequences."*
31 *[Brady v. U.S., [397 U.S. 742](#) (1970)]*
32

11. CITIZENSHIP, DOMICILE, AND TAX STATUS OPTIONS SUMMARY

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 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. Constitutional.
2. Statutory.

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.

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

- 6 6. A human being domiciled in a state and born or naturalized anywhere in the Union is a statutory "alien" in relation to
7 the national government and a non-citizen national pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) and [8 U.S.C. §1452](#).
8 7. You can be a statutory "alien" pursuant to 26 CFR §1.1441-1(c)(3)(i) and a constitutional or Fourteenth Amendment
9 "Citizen" AT THE SAME TIME. Why? Because the Supreme Court ruled in *Hooven and Allison v. Evatt*, 324 U.S.
10 653 (1945), that there are THREE different and mutually exclusive "United States", and therefore THREE types of
11 "citizens of the United States". Here is an example:

12 "The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of
13 citizenship—not only citizenship of the United States[***], but citizenship of the states. **No such definition was previously found in the**
14 **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
15 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**
16 **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**
17 **or in the territories [STATUTORY citizens], though within the United States[*], were not [CONSTITUTIONAL] citizens."**
18 [*Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

19 The "citizen of the United States" mentioned in the Fourteenth Amendment is a constitutional "citizen of the
20 United States", and the term "United States" in that context includes states of the Union and excludes federal
21 territory. Hence, you would NOT be a "citizen of the United States" within any federal statute, because all such
22 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>

- 23 8. Your job, if you say you are a "citizen of the United States" or "U.S. citizen" on a government form (a VERY
24 DANGEROUS undertaking!) is to understand that all government forms presume the statutory and not constitutional
25 context, and to ensure that you define precisely WHICH one of the three "United States" you are a "citizen" of, and do
26 so in a way that excludes you from the civil jurisdiction of the national government because domiciled in a "foreign
27 state". Both foreign countries and states of the Union are legislatively "foreign" and therefore "foreign states" in
28 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>

- 29 9. Even the IRS says you CANNOT trust or rely on ANYTHING on any of their forms and publications. We cover this
30 in our [Reasonable Belief About Income Tax Liability, Form #05.007](#). Hence, if you are compelled to fill out a
31 government form, you have an OBLIGATION to ensure that you define all "words of art" used on the form in such a
32 way that there is no room for presumption, no judicial or government discretion to "interpret" the form to their benefit,
33 and no injury to your rights or status by filling out the government form. This includes attaching the following forms
34 to all tax forms you submit:

35 9.1. [Affidavit of Citizenship, Domicile, and Tax Status](#), Form #02.001

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

37 9.2. [Tax Form Attachment](#), Form #04.201

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

39 11.2 Citizenship Status v. Tax Status

Table 9: “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 CFR 1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 CFR §1.1441-1(c)(3)(i) and 26 CFR §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 CFR §1.1441-1(c)(3))	“Nonresident alien NON-individual” (defined in 26 U.S.C. §7701(b)(1)(B))
1	“U.S. citizen” or “Statutory U.S. citizen”	Anywhere in America	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	“U.S. national”	Anywhere in America	American Samoa; Swains Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	NA	8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1408; 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	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	State of the Union	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1	No	No	No	Yes
3.2	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	Yes	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1	No	No	Yes	No
3.3	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	No	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1	No	No	No	Yes
4.1	“alien” or “Foreign national”	Foreign country	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	NA	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)(3)	No	No	Yes	No
4.3	“alien” or “Foreign national”	Foreign country	State of the Union	No	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)(3)	No	No	Yes	No
4.5	“alien” or “Foreign national”	Foreign country	Foreign country	No	8 U.S.C. §1101(a)(3)	No	No	No	Yes

1 **NOTES:**

- 2 1. 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
3 purposes of withholding under I.R.C. Subtitle C but retains their status as a “resident alien” under I.R.C. Subtitle A. See 26 CFR §1.1441-1(c)(3)(ii).
- 4 2. What turns a “nonresident alien NON-individual” into a “nonresident alien individual” is:
- 5 2.1. Being an alien and NOT a “national” AND
- 6 2.2. Meets one or more of the following two criteria found in 26 CFR §1.1441-1(c)(3)(ii):
- 7 2.2.1. Residence/domicile in a foreign country under the residence article of an income tax treaty and 26 CFR §301.7701(b)-7(a)(1).
- 8 2.2.2. Residence/domicile as an alien in Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as
9 determined under 26 CFR §301.7701(b)-1(d).
- 10 3. If you were born in a state of the Union and maintain a domicile there, then you are described in item 3.1 of the table.
- 11 4. All “taxpayers” are aliens or “nonresident aliens”. You cannot be a “citizen” and a taxpayer at same time. The definition of “individual” found in 26 CFR §1.1441-
12 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
13 to the I.R.C. under a tax treaty with a foreign country as an alien pursuant to 26 CFR §301.7701(b)-7(a)(1)

14 *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*
15 *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"?"*

16 *Peter said to Him, "From strangers [aliens]/"residents" ONLY. See 26 CFR §1.1-1(a)(2)(ii) and 26 CFR §301.6109-1(d)(3)."*

17 *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*
18 *their own person and labor. e.g. SOVEREIGN IMMUNITY]. "*
19 *[Matt. 17:24-27, Bible, NKJV]*

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11.3 Effect of Domicile on Citizenship Status

Table 10: Effect of domicile on citizenship status

Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	“United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(d)	“United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(d)	Without the “United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(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” 26 U.S.C. §7701(b)(1)(B)
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	IRS Form 1040NR: “alien individuals”, “nonresident alien individuals” <u>No filing requirement</u> : “non-citizen nationals”
Status if DOMESTIC national	Citizen 8 U.S.C. §1401 (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” 8 U.S.C. §1101(a)(21) 8 U.S.C. §1101(a)(22)(B) 8 U.S.C. §1408 8 U.S.C. §1452
Status if FOREIGN national	“Resident alien” 26 U.S.C. §7701(b)(1)(A)	“Resident alien abroad” 26 U.S.C. §911 (Meets presence test)	“Nonresident alien individual”: 26 CFR §1.1441-1(c)(3)(ii) “Alien”: 8 U.S.C. §1101(a)(3) “Alien individual”: 26 CFR §1.1441-1(c)(3)(i)

NOTES:

- “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.
- 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>.
- American nationals 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\(b\)\(1\)\(B\)](#). See sections 4.11.2 of the *Great IRS Hoax*, Form #11.302 for details.
- Temporary domicile in the middle column on the right must meet the requirements of the “Presence test” documented in IRS publications.
- “FEDERAL ZONE”=District of Columbia and territories of the United States in the above table
- 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 CFR §1.1441-1(c)(3), 26 CFR §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 I.R.C. as “aliens” rather than “U.S. citizens” through the tax treaty.

1
2 **11.4 Meaning of Geographical “Words of Art”**

3 Because the states of the Union and the federal government are “foreign” to each other for the purposes of legislative
4 jurisdiction, then it also follows that the definitions of terms in the context of all state and federal statutes must be
5 consistent with this fact. The table below was extracted from the *Great IRS Hoax*, Form #11.302, Section 4.9 if you would
6 like to investigate further, and it clearly shows the restrictions placed upon definitions of terms within the various contexts
7 that they are used within state and federal law:

8 **Table 11: 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	Union state	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" ⁵	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"State" ⁶ (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively. ⁷	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**

9 **NOTES:**

- 10 1. The term “Federal state” or “Federal ‘States’” as used above means a federal territory as defined in 4 U.S.C. §110(d)
11 and EXCLUDES states of the Union.
- 12 2. The term “Union state” means a “State” mentioned in the United States Constitution, and this term EXCLUDES and is
13 mutually exclusive to a federal “State”.
- 14 3. If you would like to investigate the various “words of art” that lawyers in the federal government use to deceive you,
15 we recommend the following:
- 16 3.1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic:
17 <http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>
- 18 3.2. *Great IRS Hoax*, Form #11.302, sections 3.9.1 through 3.9.1.28.

⁵ See California Revenue and Taxation Code, section 6017 at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=06001-07000&file=6001-6024>

⁶ See California Revenue and Taxation Code, section 17018 at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17001-17039.1>

⁷ See, for instance, U.S. Constitution Article IV, Section 2.

11.5 Citizenship and Domicile Options and Relationships

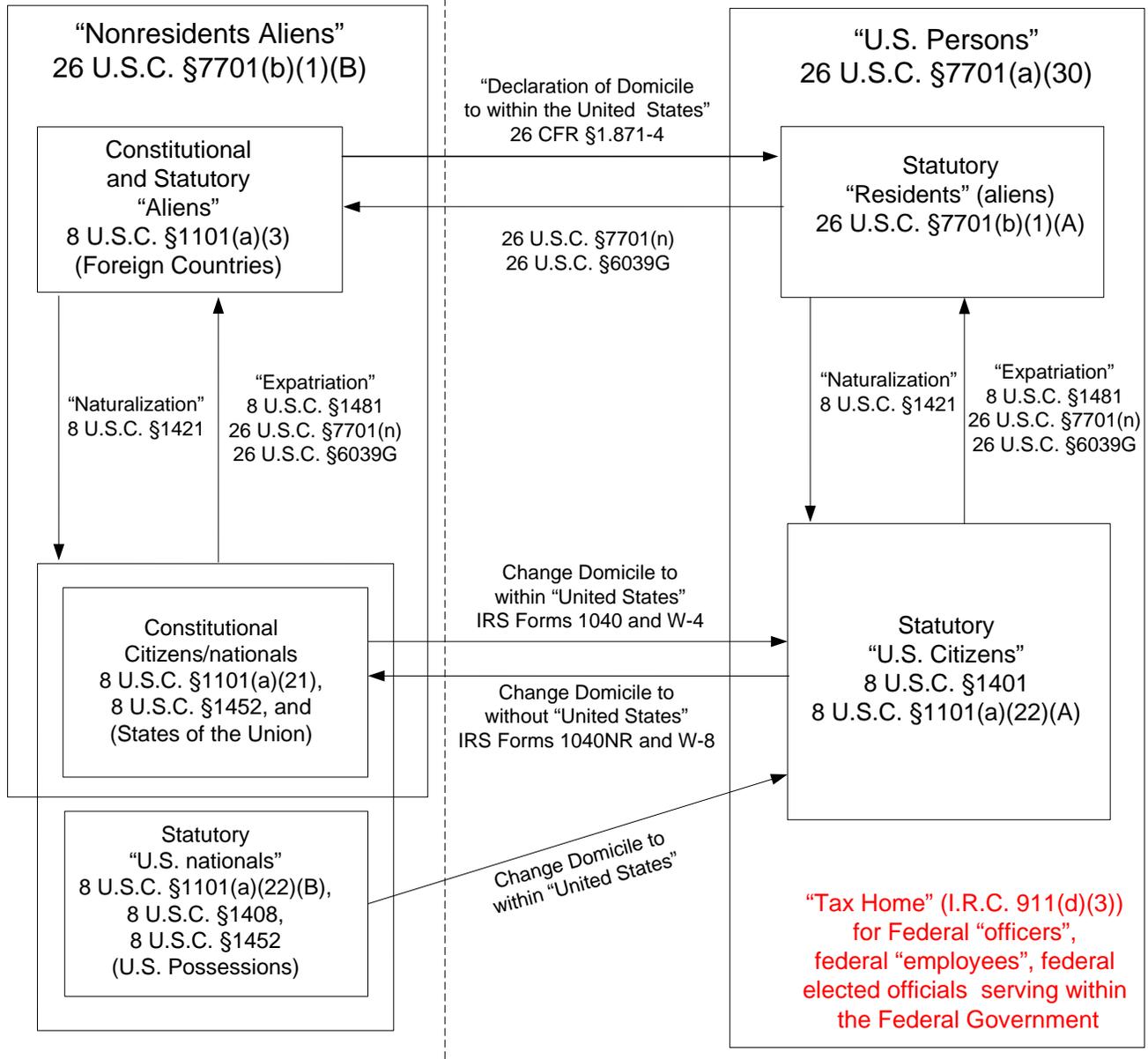
Figure 2: Citizenship and domicile options and relationships

NONRESIDENTS

Domiciled within
States of the Union OR
Foreign Countries
Without the "United States"

INHABITANTS

Domiciled within Federal
Territory within the
"United States"
(e.g. District of Columbia)



11.6 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. “Aliens” or “alien individuals”: Those born in a foreign country and not within any state of the Union or within any federal territory.
 - 1.1. “Alien” is defined in 8 U.S.C. §1101(a)(3) as a person who is neither a citizen nor a national.
 - 1.2. “Alien individual” is defined in 26 CFR §1.1441-1(c)(3)(i).
 - 1.3. 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)..
 - 1.4. An alien with no domicile in the “United States” is presumed to be a “nonresident alien” pursuant to 26 CFR §1.871-4(b).
2. “Residents” or “resident aliens”: An “alien” or “alien individual” with a legal domicile on federal territory.
 - 2.1. “Resident aliens” are defined in 26 U.S.C. §7701(b)(1)(A).
 - 2.2. 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.
 - 2.3. An “alien” becomes a “resident alien” by filing IRS Form 1078 pursuant to 26 CFR §1.871-4(c)(ii) and thereby electing to have a domicile on federal territory.
3. “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.
 - 3.1. Defined in 26 U.S.C. §7701(b)(1)(B).
 - 3.2. Also called a “nonresident”, “stateless person”, or “transient foreigner”.
 - 3.3. A “nonresident alien” is defined as a person who is neither a statutory “citizen” pursuant to 26 CFR §1.1-1(c) nor a statutory “resident” pursuant to 26 U.S.C. §7701(b)(1)(A).
 - 3.4. A person who is a “non-citizen national” pursuant to 8 U.S.C. §1452 and either 8 U.S.C. §1101(a)(21) or 8 U.S.C. §1101(a)(22)(B) is a “nonresident alien”.
4. “Nonresident alien individuals”: Those who are aliens and who do not have a domicile on federal territory.
 - 4.1. Defined in 26 CFR §1.1441-1(c)(3)(ii).
 - 4.2. Status is indicated in block 3 of the IRS Form W-8BEN under the term “Individual”.
 - 4.3. Excludes “non-citizen nationals as defined in 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452.
 - 4.4. Excludes those born within the exclusive jurisdiction of states of the Union who are therefore “non-citizen nationals” under federal law.
5. Convertibility between “aliens”, “resident aliens”, and “nonresident aliens”, and “nonresident alien individuals”:
 - 5.1. A “nonresident alien” is not the legal equivalent of an “alien” in law.
 - 5.2. IRS Form W-8BEN, block 3 has no block to check for those who are “nonresident aliens” but not “nonresident alien individuals”. Thus, the submitter of this form who is a “nonresident alien” and a non-citizen national but not a “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>
 - 5.3. 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 CFR §1.1-1(c) to make an “election” to become a “resident alien”.
 - 5.4. It is unlawful for an unmarried “non-citizen national” pursuant to 8 U.S.C. §1452 and either 8 U.S.C. §1101(a)(21) or 8 U.S.C. §1101(a)(22)(B) to become a “resident alien”. This can only happen by either fraud or mistake.
 - 5.5. 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 CFR §1.871-4(c)(ii) while he is in the “United States”.
 - 5.6. 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 “non-citizen national” or a “nonresident alien”. See 26 CFR §1.871-2.
 - 5.7. The only way a statutory “alien” under 8 U.S.C. §1101(a)(3) can become both a “non-citizen 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.
6. Sources of confusion on these issues:
 - 6.1. One can be a “nonresident alien” pursuant to 26 U.S.C. §7701(b)(1)(B) *without* being an “individual” or a

1 “nonresident alien individual”. An example would be a human being born within the exclusive jurisdiction of a
2 state of the Union who is therefore a “non-citizen national” or “state national” pursuant to 8 U.S.C. §1101(a)(21)
3 and 8 U.S.C. §1452 who does not participate in Social Security or use a Taxpayer Identification Number.

4 6.2. The term “United States” is defined in the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and (a)(10).

5 6.3. The term “United States” for the purposes of citizenship is defined in 8 U.S.C. §1101(a)(38).

6 6.4. Any “U.S. Person” as defined in 26 U.S.C. §7701(a)(30) who is not found in the “United States” (District of
7 Columbia pursuant to 26 U.S.C. §7701(a)(9) and (a)(10)) shall be treated as having an effective domicile within
8 the District of Columbia pursuant to 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d).

9 6.5. The term “United States” is equivalent for the purposes of statutory “citizens” pursuant to 26 CFR §1.1-1(c) and
10 “citizens” as used in the Internal Revenue Code. See 26 CFR §1.1-1(c).

11 6.6. The term “United States” as used in the Constitution of the United States is NOT equivalent to the statutory
12 definition of the term used in:

13 6.6.1. 26 U.S.C. §7701(a)(9) and (a)(10).

14 6.6.2. 8 U.S.C. §1101(a)(38).

15 The “United States” as used in the Constitution means the states of the Union and excludes federal territory, while
16 the term “United States” as used in federal statutory law means federal territory and excludes states of the Union.

17 6.7. A constitutional “citizen of the United States” as mentioned in the Fourteenth Amendment is NOT equivalent to a
18 statutory “national and citizen of the United States” as used in 8 U.S.C. §1401. See:

19 Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006
20 <http://sedm.org/Forms/FormIndex.htm>

21 6.8. In the case of jurisdiction over aliens only, the term “United States” implies all 50 states and the federal zone, and
22 is not restricted only to the federal zone. See:

23 6.8.1. Nonresident Alien Position, Form #05.020

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

25 6.8.2. Kleindienst v. Mandel, 408 U.S. 753 (1972)

26 *In accord with ancient principles of the international law of nation-states, the Court in The Chinese Exclusion*
27 *Case*, 130 U.S. 581, 609 (1889), and in *Fong Yue Ting v. United States*, 149 U.S. 698 (1893), held broadly, as
28 the Government describes it, Brief for Appellants 20, that the power to exclude aliens is “inherent in
29 sovereignty, necessary for maintaining normal international relations and defending the country against
30 foreign encroachments and dangers - a power to be exercised exclusively by the political branches of
31 government” Since that time, the Court’s general reaffirmations of this principle have [408 U.S. 753,
32 766] been legion. 6 The Court without exception has sustained Congress’ “plenary power to make rules for
33 the admission of aliens and to exclude those who possess those characteristics which Congress has
34 forbidden.” *Boutilier v. Immigration and Naturalization Service*, 387 U.S. 118, 123 (1967). “[O]ver no
35 conceivable subject is the legislative power of Congress more complete than it is over” the admission of
36 aliens. *Oceanic Navigation Co. v. Stranahan*, 214 U.S. 320, 339 (1909).
37 [Kleindienst v. Mandel, 408 U.S. 753 (1972)]

38 6.8.3. Chae Chan Ping v. U.S., 130 U.S. 581 (1889)

39 *While under our constitution and form of government the great mass of local matters is controlled by local*
40 *authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one*
41 *nation, invested with powers which belong to independent nations, the exercise of which can be invoked for*
42 *the maintenance of its absolute independence and security throughout its entire territory. The powers to*
43 *declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure*
44 *republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign*
45 *powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice*
46 *which control, more or less, the conduct of all civilized nations. As said by this court in the case of Cohens v.*
47 *Virginia*, 6 Wheat. 264, 413, speaking by the same great chief justice: **That the United States form, for many,**
48 **and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In**
49 **making peace, we are one people. In all commercial regulations, we are one and the same people. In many**
50 **other respects, the American people are one; and the government which is alone capable of controlling and**
51 **managing their interests in all these respects is the government of the Union.** *It is their government, and in*
52 *that character they have no other. America has chosen to [130 U.S. 581, 605] be in many respects, and*
53 *to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is*
54 *competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It*
55 *can, then, in effecting these objects, legitimately control all individuals or governments within the American*
56 *territory.”*

57 [. . .]

58 **“The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the**
59 **United States as a part of those sovereign powers delegated by the constitution, the right to its exercise at any**

1 time when, in the judgment of the government, the interests of the country require it, cannot be granted away or
2 restrained on behalf of any one. **The powers of government are delegated in trust to the United States, and are**
3 **incapable of transfer to any other parties. They cannot be abandoned or surrendered. Nor can their exercise**
4 **be hampered, when needed for the public good, by any considerations of private interest. The exercise of**
5 **these public trusts is not the subject of barter or contract.**
6 [*Chae Chan Ping v. U.S., 130 U.S. 581 (1889)*]

7 **11.7 Effect of Federal Franchises and Offices Upon Your Citizenship and Standing in Court**

8 Another important element of citizenship is that artificial entities like corporations are statutory but not Constitutional
9 citizens in the context of civil litigation.

10 "A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was
11 created, and of that state or country only."
12 [*19 Corpus Juris Secundum, Corporations, §886*]

14 "A corporation is not a citizen within the meaning of that provision of the Constitution, which declares that the
15 citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."
16 [*Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed. 357 (1868)*]

17 Likewise, all governments are "corporations" as well.

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

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

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

42 "A federal corporation operating within a state is considered a domestic corporation rather than a foreign
43 corporation. **The United States government is a foreign corporation with respect to a state.**"
44 [*19 Corpus Juris Secundum (C.J.S.), Corporations, §883*]

45 Those who are acting in a representative capacity on behalf of the national government as "public officers" therefore
46 assume the same status as their employer pursuant to Federal Rule of Civil Procedure 17(b). To wit:

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

49 (b) Capacity to Sue or be Sued.

50 Capacity to sue or be sued is determined as follows:
51 (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
52 (2) for a corporation [the "United States", in this case, or its officers on official duty representing the
53 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.

1 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes
2 of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States*
3 *v. Reese*, 92 U.S. 214, 218 (1876); *United States v. Harris*, 106 U.S. 629, 639 (1883); *James v. Bowman*, 190
4 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or
5 modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964); *United States v. Guest*,
6 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not
7 been questioned."
8 [*City of Boerne v. Flores, Archbishop of San Antonio*, 521 U.S. 507 (1997)]

9 Note also that ordinary "employees" are NOT "public officers":

10 *Treatise on the Law of Public Offices and Officers*
11 *Book 1: Of the Office and the Officer: How Officer Chosen and Qualified*
12 *Chapter I: Definitions and Divisions*
13 §2 *How Office Differs from Employment.-*

14 A public office differs in material particulars from a public employment, for, as was said by Chief Justice
15 MARSHALL, "although an office is an employment, it does not follow that every employment is an office. A man
16 may certainly be employed under a contract, express or implied, to perform a service without becoming an
17 officer."

18 "We apprehend that the term 'office,'" said the judges of the supreme court of Maine, "implies a delegation of a
19 portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of
20 such power within legal limits constitutes the correct discharge of the duties of such office. The power thus
21 delegated and possessed may be a portion belonging sometimes to one of the three great departments and
22 sometimes to another; still it is a legal power which may be rightfully exercised, and in its effects it will bind the
23 rights of others and be subject to revision and correction only according to the standing laws of the state. An
24 employment merely has none of these distinguishing features. A public agent acts only on behalf of his
25 principal, the public, whose sanction is generally considered as necessary to give the acts performed the
26 authority and power of a public act or law. **And if the act be such as not to require subsequent sanction, still it**
27 **is only a species of service performed under the public authority and for the public good, but not in the**
28 **exercise of any standing laws which are considered as roles of action and guardians of rights."**

29 "The officer is distinguished from the employee," says Judge COOLEY, "in the greater importance, dignity and
30 independence of his position; in being required to take an official oath, and perhaps to give an official bond; in
31 the liability to be called to account as a public offender for misfeasance or non-feasance in office, and usually,
32 though not necessarily, in the tenure of his position. In particular cases, other distinctions will appear which
33 are not general."

34 [A *Treatise on the Law of Public Offices and Officers*, Floyd Russell Mechem, 1890, pp. 3-4, §2;
35 SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]

36 The ruse described in this section of making corporations into "citizens" and those who work for them into "public
37 officers" of the government and "taxpayers" started just after the Civil War. Congress has always been limited to taxing
38 things that it creates, which means it has never been able to tax anything but federal and not state corporations. The
39 Supreme Court has confirmed, for instance, that the income tax is and always has been a franchise or privilege tax upon
40 profit of federal corporations.

41 "**Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon**
42 **licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes**
43 **involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand**
44 **is lacking..**

45 ...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the
46 right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the
47 measure of taxation is found in the income produced in part from property which of itself considered is
48 nontaxable...

49 Conceding the power of Congress to tax the business activities of private corporations.. the tax must be
50 measured by some standard..."
51 [*Flint v. Stone Tracy Co.*, 220 U.S. 107 (1911)]

52
53 "The Sixteenth Amendment declares that Congress shall have power to levy and collect taxes on income, "from
54 [271 U.S. 174] whatever source derived," without apportionment among the several states and without regard
55 to any census or enumeration. It was not the purpose or effect of that amendment to bring any new subject
56 within the taxing power. Congress already had power to tax all incomes. But taxes on incomes from some
57 sources had been held to be "direct taxes" within the meaning of the constitutional requirement as to

1 apporportionment. Art. 1, § 2, cl. 3, § 9, cl. 4; *Pollock v. Farmers' Loan & Trust Co.*, 158 U.S. 601. The
2 Amendment relieved from that requirement, and obliterated the distinction in that respect between taxes on
3 income that are direct taxes and those that are not, and so put on the same basis all incomes "from whatever
4 source derived." *Brushaber v. Union P. R. Co.*, 240 U.S. 1, 17. **"Income" has been taken to mean the same**
5 **thing as used in the Corporation Excise Tax Act of 1909, in the Sixteenth Amendment, and in the various**
6 **revenue acts subsequently passed. *Southern Pacific Co. v. Lowe*, 247 U.S. 330, 335; *Merchants' L. & T. Co.***
7 ***v. Smietanka*, 255 U.S. 509, 219. After full consideration, this Court declared that income may be defined as**
8 **gain derived from capital, from labor, or from both combined, including profit gained through sale or**
9 **conversion of capital. *Stratton's Independence v. Howbert*, 231 U.S. 399, 415; *Doyle v. Mitchell Brothers***
10 ***Co.*, 247 U.S. 179, 185; *Eisner v. Macomber*, 252 U.S. 189, 207. And that definition has been adhered to and**
11 **applied repeatedly. See, e.g., *Merchants' L. & T. Co. v. Smietanka*, supra; 518; *Goodrich v. Edwards*, 255 U.S.**
12 **527, 535; *United States v. Phellis*, 257 U.S. 156, 169; *Miles v. Safe Deposit Co.*, 259 U.S. 247, 252-253; *United***
13 ***States v. Supplee-Biddle Co.*, 265 U.S. 189, 194; *Irwin v. Gavit*, 268 U.S. 161, 167; *Edwards v. Cuba Railroad*,**
14 **268 U.S. 628, 633. In determining what constitutes income, substance rather than form is to be given**
15 **controlling weight. *Eisner v. Macomber*, supra, 206. [271 U.S. 175]"**
16 **[*Bowers v. Kerbaugh-Empire Co.*, 271 U.S. 170, 174, (1926)]**

17
18
19 "As repeatedly pointed out by this court, the Corporation Tax Law of 1909, **imposed an excise or privilege tax,**
20 **and not in any sense, a tax upon property or upon income merely as income.** It was enacted in view of the
21 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,
22 39 L.Ed. 1108, 15 Sup.Ct.Rep. 912, which held the income tax provisions of a previous law to be
23 unconstitutional because amounting in effect to a direct tax upon property within the meaning of the
24 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)]

25 To create and expand a national income tax, the federal government therefore had to make the municipal government of the
26 District of Columbia into a federal corporation in 1871 and then impose an income tax upon the officers of the corporation
27 ("public officers") by making all of their earnings from the office into "profit" and "gross income" subject to excise tax
28 upon the franchise they participate in. Below is the history of this transformation. You can find more in Great IRS Hoax,
29 Form #11.302, Chapter 6:

30 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>

31 2. The License Tax Cases was heard in 1866 by the Supreme Court, in which the Supreme Court said that Congress could
32 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>

33 3. The Fourteenth Amendment was ratified in 1868. This Amendment uses the phrase "citizens of the United States" in
34 order to confuse it with statutory "citizens of the United States" domiciled on federal territory in the exclusive
35 jurisdiction of Congress.

36 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.

39 5. Congress incorporated the District of Columbia in 1871. The incorporation of the District of Columbia was done to
40 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>

41 If you would like to know more about how franchises such as a "public office" affect your effective citizenship and
42 standing in court, see:

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

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

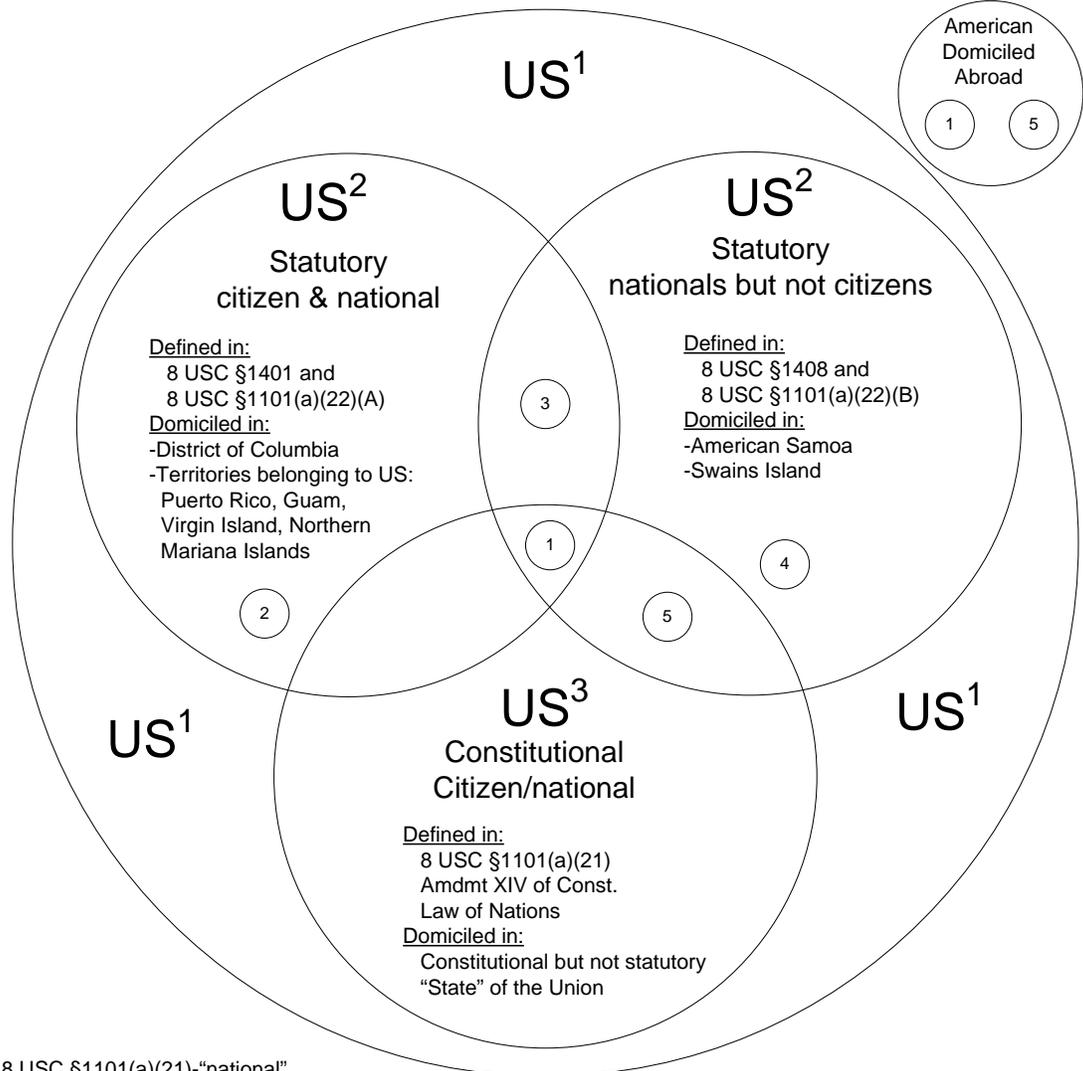
11.8 Federal Statutory Citizenship Statuses Diagram

Figure 3: Federal Statutory Citizenship Statuses Diagram

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)]

US¹ - Context used in matters describing our sovereign country within the family of nations.
US² - Context used to designate the territory over which the Federal Government is sovereign.
US³ - Context used regarding the sovereign states of the Union united by and under the Constitution.



- ① 8 USC §1101(a)(21)-"national"
- ② 8 USC §1401-"citizen & national of the United States²ⁿ"
- ③ 8 USC §1101(a)(22)-"national of the United States²ⁿ"
- ④ 8 USC §1408-"national but not citizen of the United States² at birth"
- ⑤ 8 USC §1452-"non-citizen national"

① and ⑤ Describe those born within and domiciled within states of the Union.

Rev. 9/16/09

12. 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 SS-5 form, 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 SS-5 form use the STATUTORY context, not the CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SS-5 form 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 CFR §1.1441-1(c)(3), which defines the term to include ONLY STATUTORY “aliens”.
4. 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

5. Information in the NUMIDENT record is shared with:
 - 5.1. The Department of Homeland Security (DHS).
 - 5.2. State Department of Motor Vehicles in verifying SSNs.
 - 5.3. E-Verify.

About E-Verify, Form #04.107

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

6. The procedures for requesting NUMIDENT information using the Freedom of Information Act or Privacy Act are described in:

Social Security Program Operations Manual (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>

13. 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 "Legal Alien Allowed To Work" for the purposes of Form SS-5 so long as he/she maintains a domicile (actual or declared) in one of the 50 states or outside of the United States*.
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 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 while “United States” in other Titles or in the Constitution itself often means the entire country.

We will clarify in the following sections techniques for avoiding the above road blocks.

13.1 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 means a STATUTORY alien domiciled outside the federal zone, which we also call the “statutory United States***”. It includes both people domiciled in a constitutional state and those domiciled in a foreign country. "Alien" is always relative to domicile and not nationality.
 - 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 included in the definition at 26 U.S.C. §7701(b)(1)(B). It is therefore IMPOSSIBLE to conclude based on any 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 persons 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 an “alien” under Title 26 of the U.S. Code. 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 in Title 26.
- 2.5. That “non-citizen nationals” (per 8 U.S.C. §1101(a)(21)) or “nationals of the United States” (per 8 U.S.C. §1408) are NOT “aliens” under the Internal Revenue Code, 26 U.S.C..
- 2.6. That a Fourteenth Amendment “citizen of the United States” is equivalent to any of the following:
 - 2.6.1. 8 U.S.C. §1401 “national and citizen of the United States”.
 - 2.6.2. 26 CFR §1.1-1 “citizen”.
 - 2.6.3. 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 USA Constitution.
- 2.7. 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 alien per 26 U.S.C. §7701(b)(1)(A) for the purposes of the federal income tax.

4. If the recipient of the form says they won’t accept attachments or won’t allow you to write explanatory information on the form needed to prevent perjury on the form, then send them an update via certified mail AFTER they accept your submission so that you have legal evidence that they tried to tamper with a federal witness and conspired to commit perjury on the form.

5. For detailed instructions on how to fill out the Department of State 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 CFR §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 CFR §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 CFR §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-citizen national”, 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 “nonresident NON-individual”, 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 all 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 Citizen of 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) and 8 U.S.C. §1452 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) or 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1452 who owes their permanent allegiance to the confederation of states called the “United States”. 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.

1 **13.2 Tabular summary of citizenship status on all federal forms**

2 The table on the next page resurrects and expands upon the table found earlier in section 11.2. It presents a tabular
3 summary of each permutation of nationality and domicile as related to the major federal forms and the Social Security
4 NUMIDENT record.

1

2

Table 12: 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	IRS Form W-8 Block 3	Department of State I-9	E-Verify System
1	"U.S. citizen" or "Statutory U.S. citizen"	Anywhere in America	District of Columbia, Puerto Rico, Guam, Virgin Islands	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	CSP=A	Block 5="U.S. Citizen"	Can't use Form W-8	Section 1="A citizen of the United States"	See Note 1.
2	"U.S. national"	Anywhere in America	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		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A noncitizen national of the United States"	See Note 1.
3.1	"national" or "state national" or "Constitutional but not statutory citizen"	Anywhere in America	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A noncitizen national of the United States)" OR "An alien authorized to work (statutory)"	See Note 1.
3.2	"national" or "state national" or "Constitutional but not statutory citizen"	Anywhere in America	Foreign country	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A noncitizen national of the United States)" OR "An alien authorized to work (statutory)"	See Note 1.
3.3	"national" or "state national" or "Constitutional but not statutory citizen"	Anywhere in America	Foreign country	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A noncitizen national of the United States)" OR "An alien authorized to work (statutory)"	See Note 1.
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)(3)		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A lawful permanent resident" OR "An alien authorized to work"	See Note 1.
4.2	"alien" or "Foreign national"	Foreign country	State of the Union	8 U.S.C. §1101(a)(3)		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A lawful permanent resident" OR "An alien authorized to work"	See Note 1.
4.3	"alien" or "Foreign national"	Foreign country	State of the Union	8 U.S.C. §1101(a)(3)		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A lawful permanent resident" OR "An alien authorized to work"	See Note 1.
4.4	"alien" or "Foreign national"	Foreign country	Foreign country	8 U.S.C. §1101(a)(3)		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A lawful permanent resident" OR "An alien authorized to work"	See Note 1.
4.5	"alien" or "Foreign national"	Foreign country	Foreign country	8 U.S.C. §1101(a)(3)		Block 5="Legal alien authorized to work. (statutory)"	"Nonresident NON-Individual Nontaxpayer"	Section 1="A lawful permanent resident" OR "An alien authorized to work"	See Note 1.

1 **NOTES:**

- 2 1. E-Verify CANNOT be used by those who are a NOT lawfully engaged in a public office in the U.S. government at the
3 time of making application. Its use is VOLUNTARY and cannot be compelled. Those who use it MUST have a
4 Social Security Number or Taxpayer Identification Number and it is ILLEGAL to apply for, use, or disclose said
5 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>

- 6 2. For instructions useful in filling out the forms mentioned in the above table, see:
7 2.1. Social Security Form SS-5:

Why You Aren't Eligible for Social Security, Form #06.001
<http://sedm.org/Forms/FormIndex.htm>

- 8 2.2. IRS Form W-8:

About IRS Form W-8BEN, Form #04.202
<http://sedm.org/Forms/FormIndex.htm>

- 9 2.3. Department of State Form I-9:

I-9 Form Amended, Form #06.028
<http://sedm.org/Forms/FormIndex.htm>

- 10 2.4. E-Verify:

About E-Verify, Form #04.107
<http://sedm.org/Forms/FormIndex.htm>

11 **13.3 Now the corrupt government CONCEALS and OBFUSCATES citizenship information on government**
12 **forms to ENCOURAGE misapplication of federal franchises to states of the Union**

13 The following key omissions from government forms are deliberately implemented universally by federal agencies as a
14 way to encourage and even mandate the MISAPPLICATION of federal law to legislatively foreign jurisdictions and to
15 KIDNAP your legal identity and transport it stealthily and without your knowledge to the District of Criminals:

- 16 1. Not distinguishing which type of "alien" they are referring to: STATUTORY or CONSTITUTIONAL.
17 2. Not offering a "non-citizen national" option IN ADDITION to a "non-citizen national of the United States".
18 3. Refusing to define WHICH of the three "United States" they mean in EACH option presented, as described by the U.S.
19 Supreme Court in *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945) and described earlier in section 2.

20 In addition, the Social Security Administration (SSA) deliberately conceals key information about citizenship in their
21 Program Operations Manual System (POMS) in order to encourage the misapplication of federal franchises to places they
22 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>

23 Here are the obfuscation tactics you will encounter from the SSA:

- 24 1. If you ask the Social Security Administration WHAT all of the valid values are for the CSP code in your NUMIDENT
25 record, they will pretend like they don't know AND they will refuse to find out.
26 2. If you visit a local Social Security Administration office and do demand to see and print out their complete
27 NUMIDENT records on you, they will resist.
28 3. Key sections of the Program Operations Manual System (POMS) within the Records Manual (RM) are omitted from
29 public view dealing with the meaning of "CSP code" and "IDN" code in their NUMIDENT records.
30 3.1. The "CSP code", according to the SSA POMS, is a "citizenship code". It is defined in POMS RM 00208.001D.4,
31 which is not available online.
32 3.2. The "IDN code" appears to be an evidence code that synthesizes the CSP and other factors to determine your exact
33 status. "RM 00202.235, Form SS-5 Evidence (IDN) Codes" describes this code and is not available online.
34 3.3. BOTH POMS RM 00208.001D.4 AND RM 00202.235 sections are "conveniently omitted" from the online POMS
35 because they are hiding something:

1 If you want something to FOIA for, ask for the POMS sections and any other SSA internal documents that define these
2 codes. SCUM BAGS!

3 Finally, HERE is how the POMS system describes how to request one's records from the SSA:

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>

4 **13.4 The Social Security Administration and Form SS-5**

5 Let us start with Form SS-5, or what would be the nowadays equivalent of an SS-5 -- an agreement entered into as part of
6 the birth registration process. There are multiple issues here. Each issue must be taken into consideration as this is where
7 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
8 conditions at birth which describe his complete legal condition -- nationality/political status, and domicile/civil status. Form
9 SS-5 is brilliantly constructed to take both of these issues into consideration by virtue of **Block 3 -- BIRTHPLACE**, and
10 **Block 5 -- CITIZENSHIP**. **Block 3** and **Block 5** work together to paint a complete picture, which can be very unique
11 depending on many factors. For example, there are American Nationals born in one of the 50 states, or born in Germany, or
12 Canada. There are foreign nationals born in China or Italy who have since gone through the process of naturalization --
13 maybe they are domiciled in the United States** or one of the 50 states (United States***). There are former American
14 Nationals who have since expatriated (i.e. surrendered United States* citizenship/nationality). The point, is that **Block 3 --**
15 **BIRTHPLACE** paints only part of the picture. The total status is only fully established when an applicable domicile is
16 considered. But most importantly, the applicable jurisdiction changes depending on whether or not the person in
17 consideration is an American National or a foreign national. This is key -- and this concept applies to Form I-9 also!

18 We know that Congress exercises plenary legislative jurisdiction over a foreign "national" occupying ANY portion of the
19 territory of the United States* (the nation). The nation has two territorial divisions, United States**, and United States***.
20 A foreign national occupying either territorial subdivision is a LEGAL "alien," NOT TO BE CONFUSED with his status as
21 a POLITICAL "alien" who may or may not be in the country LEGALLY. What I mean, is that a "legal alien" or an "illegal
22 alien" are both considered to be a LEGAL "alien" within the context of law that is -- a LEGAL appellation. This is what the
23 status is communicating. It is simply presenting a LEGAL status that can apply to anyone who happens to be "alien" to the
24 jurisdiction at issue, whether here legally or not, or possessing a right-to-work status or not. The issue of whether or not the
25 "alien" is here legally or not then commutes a right-to-work status. Conversely, an American National automatically has a
26 right-to-work status by virtue of his/her American nationality. But the jurisdiction and the status of the American National
27 is considered differently because Congress does not have legislative jurisdiction within the 50 states -- only subject matter
28 jurisdiction. Thus, if an American National establishes a domicile in one of the 50 states, then he too is a LEGAL "alien" . .
29 . not a POLITICAL "alien," but a LEGAL "alien" domiciled in a territorially foreign legislative jurisdiction with a right-to-
30 work status commuted through American nationality, which is either commuted through the Fourteenth Amendment (50
31 states), or an Act of Congress (D.C., Federal possessions, or naturalization). The following examples will show how both
32 **Block 3 -- BIRTHPLACE**, and **Block 5 -- CITIZENSHIP** on Form SS-5 work in tandem to paint the total picture as the
33 Supreme Court said in *Wong Kim Ark*.

34 In the following examples A - E, I will provide 3 data points, 1.POLITICAL STATUS/NATIONALITY, 2. SS-5 **Block 3--**
35 **BIRTHPLACE**, 3. CIRCUMSTANCE, and finally, a conclusory civil status 4. SS-5 **Block 5--CITIZENSHIP STATUS**,
36 which is determined by taking the first three items into consideration collectively.

- 37 A. 1. Mexican National, 2. BIRTHPLACE -- Mexico City, 3. visiting = 4. "Legal Alien Not Allowed to Work"
38 B. 1. American National, 2. BIRTHPLACE -- Phoenix, AZ, 3. work in the U.S.A. with an Arizona domicile = 4. "Legal
39 Alien Allowed to Work"
40 C. 1. American National, 2. BIRTHPLACE -- Phoenix, AZ, 3. work in the U.S.A. with a United States** domicile = 4.
41 "U.S. Citizen"
42 D. 1. American National, 2. BIRTHPLACE -- American Samoa, 3. work in the U.S.A. with a United States** domicile =
43 4. "Other"
44 E. 1. German National, 2. BIRTHPLACE -- Frankfurt, Germany, 3. work in the U.S.A. with a work visa = 4. "Legal
45 Alien Allowed to Work"

1 Notice how B. and E. have the same civil status, but a different political status. This is not an issue as these differences are
2 reconciled within the tax system, as a "U.S. person" is a "citizen" or "resident" of the "United States" with the context of the
3 "United States" changing depending on the nationality of the "taxpayer."

4 How do I know the above is true? Because the SSA will not issue an SS-1042-S to anyone with a CSP Code of "A" (U.S.
5 Citizen). An SS-1042-S is an information return issued to a "nonresident alien" under Title 26 who receives "United States"
6 sourced payments from the SSA. A "U.S. person" will receive an SS-1099R. Furthermore, if an "employer" sends "wage"
7 information to the SSA, the SSA will then transmit that "wage" information together with the CSP Code of the "individual"
8 to the IRS. If the IRS receives "wage" information with a CSP Code of "A", and the "taxpayer" subsequently tries to file a
9 1040NR, it will be flagged as being an incorrect or fraudulent return-- after all, how can an SS-5 "U.S. Citizen" file a
10 "nonresident alien" tax return? I think they would call this "frivolous." However, if an "individual" has a CSP Code of "B"
11 ("Legal Alien Allowed To Work") on file with the SSA, a CSP Code "B" will be transmitted with the "wage" information
12 and the taxpayer could file EITHER a 1040 ("resident alien") or a 1040NR ("nonresident alien"), as both a "resident alien"
13 and a "nonresident alien" would qualify as a "Legal Alien Allowed To Work" for the purposes of the *Social Security Act*.
14 The **Block 5 -- CITIZENSHIP** status on the SS-5 is designed to get people to declare a federal domicile in the United
15 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
16 is based on domicile. And since the SSA issues two types of information returns (SS-1099R & SS-1042-S), and since SSA
17 will not issue an SS-1042-S to an "individual" with a CSP Code of "A" ("U.S. Citizen"), then we know that the **Block 5 --**
18 **CITIZENSHIP** status of "U.S. Citizen" is not referring to political citizenship/nationality, but a civil status based partly on
19 the **Block 3 -- BIRTHPLACE**, nationality, AND domicile . . . precisely as pointed out by the Supreme Court in Wong Kim
20 Ark.

21 Now, watch this . . .

22 **13.5 The Department of Homeland Security and Form I-9**

23 Form I-9 also plays a very important role in protecting the status quo of the tax system. We know that the I-9 has a very
24 narrow application under the *Immigration Reform and Control Act of 1986*, as there are a very few number of people who
25 would be in a "position" of "employment" in the agricultural section under an executive "department."

26 The Department of Homeland Security administers the *E-Verify* program which receives two sources of data input -- the
27 Social Security Numident Record, which is what the SSA has on file based on an applicant's SS-5, and the United States
28 Customs and Immigration Service, which deals with the immigration status of FOREIGN NATIONALS. If USCIS deals
29 with the immigration status of foreign nationals who are political aliens and *ipso facto* legal aliens only, then there is
30 absolutely no information with regard to the legal "alien" status of an American National since they are not politically
31 foreign. Furthermore, the government's regulation of private conduct is repugnant to the Constitution. And since the First
32 Amendment guarantees the right to freedom of association, neither the SSA nor USCIS can even address or regulate the
33 legal "alien" status of an American National when he/she chooses a foreign domicile. Since they cannot regulate it, they
34 simply don't address it -- out of sight, out of mind!!! This has the practical effect of creating a psychological barrier that
35 very few are able to overcome. After all, the thought process is as follows: "*The E-Verify system does not recognize your*
36 *declared status, therefore you must be wrong.*" It's absolutely brilliant if I do say so myself. I tell you . . . I admire the
37 craftiness of these banksters more and more every day!!!

38 Form I-9 offers the following civil status designations which are determined precisely in the same manner in which they are
39 determined for the purposes of Form SS-5.

- 40 1. "A citizen of the United States" (this would be someone described by 8 U.S.C. §1401)
- 41 2. "A noncitizen national of the United States*", or of the United States** (8 U.S.C. §1408 and 8 U.S.C. §1452)
- 42 3. "A lawful permanent resident"
- 43 4. "An alien authorized to work" (8 U.S.C. §1101(a)(3))-- the meaning of which is dependent completely on the
44 applicable definition of "United States"

45 Now, just like on Form SS-5, status number 4. changes applicability just like 8 U.S.C. §1101(a)(3) can change based on the
46 meaning of the term "United States" which is used. A political "alien" is going to be "alien" to the political nation called the
47 United States* and legally "alien" to ALL territory within the political jurisdiction of the nation -- United States** and
48 United States***. However, an American National domiciled in any of the 50 states is legally "alien" to the territorial
49 subdivision of the United States* where an Act of Congress is locally applicable, this is otherwise known as United

1 States** and is comprised of the "States" of 8 U.S.C. §1101(a)(36) and the "outlying possessions of the United States"
2 pursuant to 8 U.S.C. §1101(a)(29). So the civil statuses of Section 1. on Form I-9 are predicated on BOTH nationality and
3 domicile -- and again, we see that what the Supreme Court said in *Wong Kim Ark* is true -- both nationality and domicile
4 must be considered to ascertain the complete legal status of the person in question. Thus, the statuses on Form I-9 are
5 determined differently for American Nationals and foreign nationals.

6 Now, here is the rub. Solicitors of Form I-9 will then take that form and query the DHS *E-Verify* system. If an American
7 National domiciled in the 50 states correctly declares an I-9 status of "An alien authorized to work" commensurate with the
8 "Legal Alien Allowed To Work" status on the SSA's Form SS-5 and with the "nonresident alien" status under Title 26, a
9 non-conclusory response will come back from the DHS *E-Verify* system. Why? **Because DHS and USCIS deal only with**
10 **LEGAL aliens who are foreign nationals.** The "alien" status of American Nationals falls 100% outside of the purview of
11 the Federal government. This is why the reference to an A# or Admission# on Form I-9 says "if applicable." Notice how a
12 U.S. passport is used as evidence of "identity" and "employment" eligibility -- NOT CITIZENSHIP. Furthermore, the
13 boxed Anti-Discrimination Notice on page 1 of the Form I-9 instructions states in bold, all-caps, that an "employer"
14 CANNOT specify which documents an "employee" may submit in the course of establishing "employment" eligibility.

15 So, why not just state that you are "A citizen of the United States" and then define the United States to mean the United
16 States* or the United States***? Two reasons: 1. This would be avoiding the dual-element aspect of a person's legal status
17 as addressed by the Supreme Court under *Wong Kim Ark*, and 2. An "employer" will not accept a W-8 from a worker with
18 an I-9 election of "U.S. citizen" -- I know this first-hand.

19 I believe it is safe to say that the vast majority of Americans have snared themselves in the "U.S. person" tax trap. The
20 Federal government provides the remedy by stating that a person may change personal information such as citizenship
21 status in the Social Security Numident record by submitting a corrected Form SS-5. This is detailed in 20 CFR §422.110(a).
22 We also know that the IRS has stated that an "individual" may change the status of his/her SSN by following the regulatory
23 guidance of 26 CFR §301.6109-1(g)(1)(i). Since we know the IRS deals with "taxpayers" and NOT non-"taxpayers," there
24 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
25 "nonresident alien" "taxpayer" would file -- namely a W-4, W-8ECI or a W-8BEN with a SSN included. Had a Citizen of
26 the 50 states NEVER declared the "U.S. citizen" federal domicile in the first place which most have done in the course of
27 obtaining an SSN, filling out a Bank Signature Card (Substitute W-9), and filing a Form 1040, this "unwrapping oneself"
28 from the damage done would never have to be done, as one would have always maintained a legislatively foreign status.
29 But a deceived man does not know that he has been deceived. But once he figures it out, I believe he must follow the
30 method provided by the government to remedy it. The government does provide the remedy.

31 A Citizen of Florida who wishes to serve his nation in the Armed Forces would obtain a SSN as a "Legal Alien Allowed to
32 Work," file an IRS Form W-4 as a "wage" earner who is in a "position" of "service" within the "department" of Defense,
33 and file a 1040NR on or before tax day. Then, upon returning to the private-sector, simply provide the private-sector payer
34 with a modified W-8BEN without the SSN. The Florida Citizen's status on file with the SSA reflects his foreign civil status
35 to the United States**, and this is further evidenced in his IRS IMF which would identify him as a "nonresident alien"
36 "taxpayer." All of the evidence the "United States" (non-geographical sense) would otherwise use against a "U.S. person"
37 claiming a "nonresident alien" status does not exist. In fact, it all supports his sovereign foreign status as an American
38 National and State Citizen under the Constitution as well as the various Acts of Congress. Additionally, the private-sector
39 payer is indemnified by the Form I-9 submission (which isn't really required anyway in the private-sector) and the W-
40 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
41 "payroll," but is nothing more than a contractor who receives non-taxable personal payments from the company's 'accounts
42 payable' pot of money. Of course, this "nonresident alien" may of course still be a "taxpayer" due to "United States"
43 sourced payments received from a military retirement (Form 1099R), and Social Security Payments (if applied for and
44 received, SS-1042-S). Because he is a "nonresident alien," his "United States" sourced payments are of course taxed, but in
45 his private life, any payment he receives constitutes a foreign estate, the taxation of which must be accomplished through
46 the process of apportionment pursuant to Art I, Sec 9, Cl 4.

47 Be certain, the SSA Form SS-5, DHS Form I-9, and the "U.S. Citizen" ruse is designed to box people into a federal "United
48 States***" domicile. 99.99% of the people don't understand the Fourteenth Amendment or the complexities of civil status
49 and how it is established based on both nationality and domicile. For this reason, the matrix tax system is protected by those
50 who feed off of it. The government has provided everyone with the remedy. But it involves many government agencies and
51 a complete understanding of how information is shared between agencies, what applies when and how, and also knowing
52 when it doesn't. Furthermore, one has to be able to articulate this to others so that they also feel indemnified in the process.

1 For further information about the subjects in this section, see:

[Developing Evidence of Citizenship and Sovereignty Course](http://sedm.org/Forms/FormIndex.htm), Form #12.002
<http://sedm.org/Forms/FormIndex.htm>

2 **14. ANSWERING QUESTIONS FROM THE GOVERNMENT ABOUT YOUR** 3 **CITIZENSHIP SO AS TO PROTECT YOUR SOVEREIGN STATUS**

4 When a federal officer asks you if you are a “citizen”, consider the context! The only basis for him asking this is *federal*
5 *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
6 admitting that you are subject to federal law, because that’s what it means to be a “citizen” under federal law! Watch out!
7 Therefore, as people born in and domiciled within a state of the Union on land that is not federal territory, we need to be
8 very careful how we describe ourselves on government forms. Below is what we should say in each of the various contexts
9 to avoid misleading those asking the questions on the forms. In this context, let’s assume you were born in California and
10 are domiciled there. This guidance also applies to questions that officers of the government might ask you in each of the
11 two contexts as well:

12 **Table 13: Describing your citizenship and status on government forms**

#	Question on form	Context	
		State officer or form	Federal officer or form
1	Are you a “citizen”?	Yes. Of California, but not the “State of California”.	No. Not under federal law.
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 <i>not</i> a federal “citizen” because I don’t maintain a domicile on federal territory.
4	Are you subject to the political jurisdiction of the United States[**]?	Yes. I’m a state elector who influences federal elections indirectly by the representatives I elect.	Yes. I’m a state elector who influences federal elections indirectly by the representatives I elect.
5	Are you subject to the legislative jurisdiction of the United States[**]?	No. I am only subject to the legislative jurisdiction of California but not the “State of California”. The “State of” California is a corporate subdivision of the federal government that only has jurisdiction in federal areas within the state.	No. I am only subject to the laws and police powers of California but not the State of California, and not the federal government, because I don’t maintain a domicile on federal territory subject to “its” jurisdiction.
6	Are you a “citizen of the United States[***]” under the Fourteenth Amendment?	Yes, but under federal law, I’m a “national”. Being a “citizen” under state law doesn’t make me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn’t make me subject to federal law.	Yes, but under federal law, I’m a “national”. Being a “citizen” under state law doesn’t make me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn’t make me subject to federal law.

13 Below is a sample interchange from a deposition held by a U.S. attorney against a sui juris litigant who knows his rights
14 and his citizenship status. The subject is the domicile and citizenship of the litigant. This dialog helps to demonstrate how
15 to keep the discussion focused on the correct issues and to avoid getting too complicated. If you are expecting to be called
16 into a deposition by a U.S. attorney, we strongly suggest rehearsing the dialog below so that you know it inside and out:

17 **Questions 1:** Please raise your right hand so you can take the required oath.

18 **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
19 have said that I can substitute an affirmation for an oath, and that I can freely prescribe whatever I want to go
20 into the affirmation.

1 [8:222] Affirmation: A witness may testify by affirmation rather than under oath. An affirmation 'is simply a
2 solemn undertaking to tell the truth.' [See FRE 603, Acv. Comm. Notes (1972); FRCP 43(d); and Ferguson v.
3 Commissioner of Internal Revenue (5th Cir. 1991) 921 F.2d. 488, 489—affirmation is any form or statement
4 acknowledging 'the necessity for telling the truth'

5 [. . .]

6 [8:224] 'Magic words' not required: A person who objects to taking an 'oath' may pledge to tell the truth by
7 any 'form or statement which impresses upon the mind and conscience of a witness the necessity for telling the
8 truth.' [See FRE 603, Adv. Comm. Notes (1972)—'no special verbal formula is required"; United States v.
9 Looper (4th Cir. 1969), 419 F.2d. 1405, 1407; United States v. Ward (9th Cir. 1992) 989 F.2d. 1015, 1019]
10 [Rutter Group, Federal Civil Trials and Evidence, 2005, pp. 8C-1 to 8C-2]

11 **Questions 2:** Please provide or say your chosen affirmation

12 **Answer 2:** Here is my affirmation:

14 "I promise to tell the truth, the whole truth, and nothing but the truth. Do not interrupt me at any point in this
15 deposition or conveniently destroy or omit the exhibits I submit for inclusion in the record because you will
16 cause me to commit subornation of perjury in violation of [18 U.S.C. §1622](#) and be guilty of witness tampering
17 in violation of [18 U.S.C. §1512](#). This deposition constitutes religious and political beliefs and speech that are
18 NOT factual and not admissible as evidence pursuant to Federal Rule of Evidence 610 if any portion of it is
19 redacted or removed from evidence or not allowed to be examined or heard in its entirety by the jury or judge.
20 It is ONLY true if the entire thing can be admitted and talked about and shown to the jury or fact finder at any
21 trial that uses it.

22 Non-acceptance of this affirmation or refusal to admit all evidence submitted during this deposition into the
23 record by the court shall constitute:

- 24 1. Breach of contract (this contract).
- 25 2. Compelled association with a foreign tribunal in violation of the First Amendment and in disrespect of the
26 choice of citizenship and domicile of the deponent.
- 27 3. Evidence of unlawful duress upon the deponent.
- 28 4. Violation of this Copyright/User/Shrink wrap license agreement applying to all materials submitted or
29 obtained herein.

30 The statements, testimony, and evidence herein provided impose a license agreement against all who use it.
31 The deposer and the government, by using any portion of this deposition as evidence in a civil proceeding,, also
32 agree to grant witness immunity to the deponent in the case of any future criminal proceeding which might use
33 it pursuant to [18 U.S.C. §6002](#).

34 Any threats of retaliation or court sanctions or punishment because of this Affirmation shall also constitute
35 corruptly threatening and tampering with a witness in violation of [18 U.S.C. §1512](#).

36 This affirmation is an extension of my right to contract guaranteed under [Article I](#), Section 10 of the United
37 States Constitution and may not be interfered with by any court of the United States.

38 I am appearing here today as a fiduciary, foreign ambassador, minister of a foreign state, and a foreign
39 government, God's government on earth. The ONLY civil laws which apply to this entire proceeding are the
40 laws of my domicile, being God's Kingdom and the Holy Bible New King James Version, pursuant to
41 [Fed.Rule.Civ.Proc. 17\(b\)](#) and [Fed.Rule.Civ.Proc. 44.1](#). The Declaration of Independence says that all just
42 powers of government derive from the consent of the governed, and the ONLY laws that I consent to are those
43 found in the Holy Bible. Domicile is the method of describing the laws that a person voluntarily consents to,
44 and the Bible forbids me to consent to the jurisdiction of any laws other than those found in the Holy Bible.

45 **Questions 3:** Where do you live

46 **Answer 3:** In my body.

47 **Question 4:** Where does your body sleep at night?

48 **Answer 4:** In a bed.

49 **Question 5:** Where is the bed geographically located?

50 **Answer 5:** On the territory of my Sovereign, who is God. The Bible says that God owns all the Heavens and the Earth,
51 which leaves nothing for Caesar to rule. See Gen. 1:1, Psalm 89:11-13, Isaiah 45:12, Deut. 10:14. You're
52 trying to create a false presumption that I have allegiance to you and must follow your laws because I live on
53 your territory. It's not your territory. God is YOUR landlord, and if my God doesn't exist, then the
54
55
56

1 government doesn't exist either because they are *both* religions and figments of people's imagination. You
2 can't say that God doesn't exist without violating the First Amendment and disestablishing my religion and
3 establishing your own substitute civil religion called "government". What you really mean to ask is what is
4 my domicile because that is the origin of all of your civil jurisdiction over me, now isn't it?
5

6 Questions 6: Where is your domicile?

7 Answer 6: My domicile establishes to whom I owe exclusive allegiance, and that allegiance is exclusively to God, who is
8 my *ONLY* King, Lawgiver, and Judge. Isaiah 33:22. The Bible forbids me to have allegiance to anyone but
9 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.
10 Consequently, the only place I can have a domicile is in God's Kingdom on Earth, and since God owns all the
11 earth, I'm a citizen of Heaven and not any man-made government, which the Bible confirms in Phil. 3:20.
12 You're trying to recruit me to commit idolatry by placing a civil ruler above my allegiance to God, which is
13 the worst sin of all documented in the Bible and violates the first four commandments of the Ten
14 Commandments. The Bible also says that I am a pilgrim and stranger and sojourner on earth who cannot be
15 conformed to the earth, and therefore cannot have a domicile within any man-made government, but only
16 God's government. Hebrews 11:13, 1 Pet. 2:1, Romans 12:2.
17

18 Questions 7: Are you a "U.S. citizen"?

19 Answer 7: Which of the three "United States" do you mean? The U.S. Supreme Court identified three distinct definitions
20 of "United States" in [Hooven & Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#)? If there are three different
21 "United States", then it follows that there are three different types of "U.S. citizens", now doesn't it?
22

23 Questions 8: You don't know which one of the three are most commonly used on government forms?

24 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
25 must define exactly what you mean so that I can give you an *unambiguous* answer that is consistent with
26 prevailing law. I'm not going to do your job for you, and I'm not going to encourage injurious presumptions
27 about what you mean by the audience who will undoubtedly read this deposition. Presumption is a biblical
28 sin. See Numbers 15:30, New King James version. I won't sit here and help you manufacture presumptions
29 about my status that will prejudice my God given rights.
30

31 Questions 9: Are you a "resident" of the United States?

32 Answer 9: A "resident" is an alien with a domicile within your territory. I don't have a domicile within any man-made
33 government so I'm not a "resident" ANYWHERE. I am not an "alien" in relation to you because I was born
34 here. That makes me a "national" pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) but not a statutory "citizen" as defined in
35 [8 U.S.C. §1401](#). All statutory citizens are persons born somewhere in the United States and who have a
36 domicile on federal territory, and I'm NOT a statutory "citizen".
37

38 Questions 10: What kind of "citizen" are you?

39 Answer 10: I'm not a "citizen" or "resident" or "inhabitant" of any man-made government, and what all those statuses
40 have in common is domicile within the jurisdiction of the state or forum. I already told you I'm a citizen of
41 God's Kingdom and not Earth because that is what the Bible requires me to be as a Christian. Being a
42 "citizen" implies a domicile within the jurisdiction of the government having general jurisdiction over the
43 country or state of my birth. I can only be a "citizen" of one place at a time because I can only have a
44 domicile in one place at a time. A human being without a domicile in the place that he is physically located is
45 a transient foreigner, a stranger, and a stateless person in relation to the government of that place. That is
46 what I am. I can't delegate any of my God-given sovereignty to you or nominate you as my protector by
47 selecting a domicile within your jurisdiction because the Bible says I can't conduct commerce with any
48 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.
49 The Bible forbids oaths, including perjury oaths, which means I'm not allowed to participate in any of your
50 franchises or excise taxes, submit any of your forms, or sign any contracts with you that would cause a
51 surrender of the sovereignty God gave me as his fiduciary and "public officer". See Matt. 5:33-37. I also
52 can't serve as your "public officer", which is what all of your franchises do to me, because no man can serve
53 two masters. Luke 16:13. I have no delegated authority from the sovereign I represent here today, being God,
54 to act as your agent, fiduciary, or public officer, all of which is what a "taxpayer" is.

55 *"You were bought at a price; **do not become slaves of men** [and remember that
56 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\(a\)\(21\)](#) and [8 U.S.C. §1452](#). 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.

*"...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.

*"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)]

1 *"It is impossible to construe the words 'subject to the jurisdiction thereof,' in the opening sentence [of the*
2 *Fourteenth Amendment, Section 1], as less comprehensive than the words 'within its jurisdiction,' in the*
3 *concluding sentence of the same section; or to hold that persons 'within the jurisdiction' of one of the states of*
4 *the Union are not 'subject to the jurisdiction of the United States'***.*
5 *"* [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898), *emphasis added*]

6 A constitutional citizen, which is what you are describing, is not a statutory "U.S. citizen" pursuant to 8
7 U.S.C. §1401 and may not describe himself as a "citizen" of any kind on any federal form. If I have ever
8 done that, I was in error and you should disregard any evidence in your possession that I might have done
9 such a thing because now I know that it was wrong.

10 **15. ARGUING OR EXPLAINING YOUR CITIZENSHIP IN LITIGATION** 11 **AGAINST THE GOVERNMENT**

12 A very common misconception about citizenship employed by IRS and Dept. of Justice Attorneys in the course of litigation
13 is the following false statement:

14 *"Constitutional citizens born within states of the Union and domiciled there are statutory "citizens of the*
15 *United States" pursuant to 8 U.S.C. §1401, the Internal Revenue Code at 26 CFR §1.1-1(c), 26 U.S.C. §911."*

16 The reasons why the above is false are explained elsewhere in this document. An example of such false statements is found
17 in the Dept. of Justice Criminal Tax Manual, Section 40.05[7]:

18 *40.05[7] Defendant Not A "Person" or "Citizen"; District Court Lacks Jurisdiction Over Non-Persons and*
19 *State Citizens*

20 *40.05[7][a] Generally*

21 *Another popular protester argument is the contention that the protester is not subject to federal law because he*
22 *or she is not a citizen of the United States, but a citizen of a particular "sovereign" state. This argument seems*
23 *to be based on an erroneous interpretation of 26 U.S.C. §3121(e)(2), which states in part: "The term 'United*
24 *States' when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands,*
25 *Guam, and American Samoa." The "not a citizen" assertion directly contradicts the Fourteenth Amendment,*
26 *which states "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are*
27 *citizens of the United States and of the state wherein they reside." The argument has been rejected time and*
28 *again by the courts. See United States v. Cooper, 170 F.3d. 691, 691(7th Cir. 1999) (imposed sanctions on tax*
29 *protester defendant making "frivolous squared" argument that only residents of Washington, D.C. and other*
30 *federal enclaves are citizens of United States and subject to federal tax laws); United States v. Mundt, 29 F.3d.*
31 *233, 237 (6th Cir. 1994) (rejected "patently frivolous" argument that defendant was not a resident of any*
32 *"federal zone" and therefore not subject to federal income tax laws); United States v. Hilgford, 7 F.3d. 1340,*
33 *1342 (7th Cir. 1993) (rejected "shop worn" argument that defendant is a citizen of the "Indiana State Republic"*
34 *and therefore an alien beyond the jurisdictional reach of the federal courts); United States v. Gerads, 999*
35 *F.2d. 1255, 1256-57 (8th Cir. 1993) (imposed \$1500 sanction for frivolous appeal based on argument that*
36 *defendants were not citizens of the United States but instead "Free Citizens of the Republic of Minnesota" not*
37 *subject to taxation); United States v. Silevan, 985 F.2d. 962, 970 (8th Cir. 1993) (rejected as "plainly frivolous"*
38 *defendant's argument that he is not a "federal citizen"); United States v. Jagim, 978 F.2d. 1032, 1036 (9th Cir.*
39 *1992) (rejected "imaginative" argument that defendant cannot be punished under the tax laws of the United*
40 *States because he is a citizen of the "Republic" of Idaho currently claiming "asylum" in the "Republic" of*
41 *Colorado) United States v. Masat, 948 F.2d. 923, 934 (5th Cir. 1991); United States v. Sloan, 939 F.2d. 499,*
42 *500-01 (7th Cir. 1991) ("strange argument" that defendant is not subject to jurisdiction of the laws of the*
43 *United States because he is a "freeborn natural individual" citizen of the State of Indiana rejected); United*
44 *States v. Price, 798 F.2d. 111, 113 (5th Cir. 1986) (citizens of the State of Texas are subject to the provisions of*
45 *the Internal Revenue Code).*

46 [SOURCE: [http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05\[7\]](http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05[7])]

47 Notice the self-serving and devious "word or art" games and "word tricks" played by the Dept. of Injustice in the above:

- 48 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
49 worms that they could never explain in a way that is consistent with everything that people know other than the way it
50 is explained here.

1 2. They FALSELY and PREJUDICIALLY “presume” that there is no separation of powers between federal territory and
2 states of the Union, which is a violation of your rights and Treason punishable by death. The separation of powers is
3 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>

4 3. They deliberately refuse to recognize that the context in which the term “United States” is used determines its meaning.
5 4. They deliberately refuse to recognize that there are THREE definitions of the term “United States” according to the
6 U.S. Supreme Court in section 2 earlier.
7 5. They deliberately refuse to reconcile *which* of the three mutually exclusive and distinct definitions of “United States”
8 applies in each separate context and WHY they apply based on the statutes they seek to enforce.
9 6. They deliberately refuse to recognize or admit that the term “United States” as used in the Constitution includes states
10 of the Union and excludes federal territory.
11 7. They deliberately refuse to apply the rules of statutory construction to determine what is “included” within the
12 definition of “United States” found in 26 U.S.C. §3121(e)(2). They don’t want to admit that the definition is ALL
13 inclusive and limiting, because then they couldn’t collect any tax, even though it is.

14 [TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121](#)
15 [§ 3121. Definitions](#)

16 (e) State, United States, and citizen

17 For purposes of this chapter—

18 (1) State

19 The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,
20 Guam, and American Samoa. [WHERE are the states of the Union?]

21 (2) United States

22 The term “United States” when used in a geographical sense includes the Commonwealth of Puerto Rico, the
23 Virgin Islands, Guam, and American Samoa. [WHERE are the states of the Union?]

24
25 “When a statute includes an explicit definition, we must follow that definition, even if it varies from that
26 term’s ordinary meaning. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory

27 definition of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n.
28 10 (“As a rule, “a definition which declares what a term “means” . . . excludes any meaning that is not stated”);
29 *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S.
30 87, 95-96 (1935) (*Cardozo, J.*); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* §
31 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at
32 998 [530 U.S. 943] (*THOMAS, J.*, dissenting), leads the reader to a definition. That definition does not include
33 the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the
34 contrary.”
35 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

36 “It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. *Colautti v.*
37 *Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed
38 in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe**
39 **legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who**
40 **has not even read it.”**
41 [*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

42 “As a rule, “a definition which declares what a term “means” . . . excludes any meaning that is not stated”
43 [*Colautti v. Franklin*, 439 U.S. 379 (1979), n. 10]

44 Therefore, if you are going to argue citizenship in federal court, we STRONGLY suggest the following lessons learned by
45 reading the DOJ Criminal Tax Manual article above:

46 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>

- 1 2. If someone from the government asks you whether you are a “citizen of the United States” or a “U.S. citizen”:
2 2.1. Cite the three definitions of the “United States” explained by the Supreme Court and then ask them to identify
3 which of the three definitions of “U.S.” they mean in the 2 earlier. Tell them they can choose ONLY one of the
4 definitions.
5 2.1.1. The COUNTRY “United States*”.
6 2.1.2. Federal territory and no part of any state of the Union “United States**”
7 2.1.3. States of the Union and no part of federal territory “United States***”
8 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
9 them they can only choose ONE:
10 2.2.1. 8 U.S.C. §1401 statutory “citizen of the United States**”. Born in and domiciled on a federal territory and
11 possession and NOT a state of the Union.
12 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
13 domiciled in American Samoa or Swains Island.
14 2.2.3. 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452 “non-citizen national” of the “United States***”. Born in and
15 domiciled in a state of the Union and not subject to federal legislative jurisdiction but only subject to
16 political jurisdiction.
17 2.3. Hand them the following short form printed on double-sided paper and signed by you. Go to section 7 and point
18 to the “national” status in diagram. Tell them you want this in the court record or administrative record and that
19 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>

20 If you want more details on how to field questions about your citizenship, fill out government forms describing your
21 citizenship, or rebut arguments that you are wrong about your citizenship, we recommend sections 11 through 13 of the
22 following:

Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006

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

- 23 3. If your opponent won’t answer the above questions, then forcefully accuse him of engaging in TREASON by trying to
24 destroy the separation of powers that is the foundation of the United States Constitution. Tell them you won’t help
25 them engage in treason or undermine the main protection for your constitutional rights, which the Supreme Court said
26 comes from the separation of powers. Then direct them at the following document that proves the existence of such
27 TREASON.

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

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

- 28 4. Every time you discuss citizenship with a government representative, emphasize the three definitions of the “United
29 States” explained by the Supreme Court and that respecting and properly applying these definitions consistently is how
30 we respect and preserve the separation of powers. Those definitions appear in section 2 earlier.
31 5. Admit to being a constitutional “citizen of the United States***” but not a statutory “citizen of the United States**”.
32 This will invalidate almost all the case law they cite and force them to expose their presumptions about WHICH
33 “United States” they are trying to corn-hole you into.
34 6. Emphasize that the context in which the term “United States” is used determines WHICH of the three definitions
35 applies and that there are two main contexts.

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

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

- 41 6.1. The Constitution: states of the Union and no part of federal territory. This is the “Federal government”
42 6.2. Federal statutory law: Community property of the states that includes federal territory and possession that is no
43 party of any state of the Union. This is the “National government”.
44 7. Emphasize that you can only be a “citizen” in ONE of the TWO unique geographical places above at a time because
45 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
46 allegiance to ONE MASTER at a time and won’t serve two masters, and domicile is based on allegiance.

47 *“domicile. A person’s legal home. That place where a man has his true, fixed, and permanent home and
48 principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith,
49 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one’s
50 home are the requisites of establishing a “domicile” therein. The permanent residence of a person or the place*

1 to which he intends to return even though he may actually reside elsewhere. A person may have more than one
2 residence but only one domicile. The legal domicile of a person is important since it, rather than the actual
3 residence, often controls the jurisdiction of the taxing authorities and determines where a person may
4 exercise the privilege of voting and other legal rights and privileges.
5 [Black's Law Dictionary, Sixth Edition, p. 485]

6 "Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in
7 transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the
8 Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates
9 universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter
10 obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,
11 the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most
12 obvious illustration being a tax on realty laid by the state in which the realty is located."
13 [Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

- 14 8. Emphasize that it is a violation of due process of law and an injury to your rights for anyone to PRESUME anything
15 about which definition of "United States" applies in a given context or which type of "citizen" you are.
16 EVERYTHING must be supported with evidence as we have done here.

17 (1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be
18 defeated where its application would impair a party's constitutionally-protected liberty or property interests. In
19 such cases, conclusive presumptions have been held to violate a party's due process and equal protection
20 rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct 2230, 2235; Cleveland Bd. of Ed. v. LaFleur
21 (1974) 414 US 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are
22 unfit violates process]
23 [Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]

- 24 9. Emphasize that applying the CORRECT definition is THE MOST IMPORTANT JOB of the court, as admitted by the
25 U.S. Supreme Court, in order to maintain the separation of powers between the federal zone and the states of the
26 Union, and thereby protect your rights:

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

- 38 10. Emphasize that anything your opponent does not rebut with evidence under penalty of perjury is admitted pursuant to
39 Federal Rule of Civil Procedure 8(b)(6) and then serve them with a Notice of Default on the court record of what they
40 have admitted to by their omission in denying.
41 11. Focus on WHICH "United States" is implied in the definitions within the statute being enforced.
42 12. Avoid words that are not used in statutes, such as "state citizen" or "sovereign citizen" or "natural born citizen", etc.
43 because they aren't defined and divert attention away from the core definitions themselves.
44 13. Rationally apply the rules of statutory construction so that your opponent can't use verbicide or word tricks to wiggle
45 out of the statutory definitions with the word "includes". See:

Meaning of the Words "includes" and "including", Form #05.014
<http://sedm.org/Forms/FormIndex.htm>

- 46 14. State that all the cases cited in the Criminal Tax Manual are inapposite, because:
47 14.1. You aren't arguing whether you are a "citizen of the United States", but whether you are a STATUTORY "citizen
48 of the United States".
49 14.2. They don't address the distinctions between the statutory and constitutional definitions nor do they consistently
50 apply the rules of statutory construction.
51 15. Emphasize that a refusal to stick with the legal definitions and include only what is expressly stated and not "presume"
52 or read anything into it that isn't there is an attempt to destroy the separation of powers and engage in a conspiracy
53 against your Constitutionally protected rights.

54 "Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our
55 government of laws with a judicial oligarchy."

1 [Senator Sam Ervin, during Watergate hearing]
2

3 "When words lose their meaning, people will lose their liberty."
4 [Confucius, 500 B.C.]

5 If you would like a more thorough treatment of the subject covered in this section, we recommend section 5.1 of the
6 following:

Flawed Tax Arguments to Avoid, Form #08.004
<http://sedm.org/Forms/FormIndex.htm>

7 **16. QUESTIONS AND ANSWERS**

8 **16.1 Are those Born Abroad to American National Parents or those who Marry American Nationals still “non- 9 citizen nationals”?**

10 **QUESTION:**

11 A friend of mine was born in another country while her American parents were missionaries overseas. I have read some
12 references on your website about children born to American parents being citizens, but that's all it says. Does anyone have
13 any more specific cites to backup that statement? Specifically, here are the questions I have:

- 14 1. Is she considered "natural-born"? Or does this term even matter?
- 15 2. Is there a procedure she must follow to be considered an American and not run the risk of being deported when she
16 sends in the *Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States*, Form
17 #10.001?
- 18 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
19 States", so what would be the proper wording? (Something like "I was born in another country to American parents"?)
- 20 4. Will she be able to fully gain/regain her Sovereignty as an American national, or is this hopeless for all people born in
21 other countries?
- 22 5. Where does the INS, etc. really come into the picture? Should all of this only be done through her State's immigration
23 laws, or how is it really supposed to work?
- 24 6. She is recently married to an American born in a union State. Would that help/change her status in any way? (Ignoring
25 the whole marriage license issue which is a whole other can of worms.)

26 **ANSWER:**

27 Those born to American nationals while overseas become American nationals the same as those born within a state of the
28 Union under the Fourteenth Amendment.

29 *7 FAM 1131.6 Nature of Citizenship Acquired by Birth Abroad to U.S. Citizen Parents*
30 *7 FAM 1131.6-1 Status Generally*
31 *(TL:CON-68; 04-01-1998)*

32 *Persons born abroad who acquire U.S. citizenship at birth by statute generally have the same rights and are*
33 *subject to the same obligations as citizens born in the United States who acquire citizenship pursuant to the*
34 *14th Amendment to the Constitution. One exception is that they may be subject to citizenship retention*
35 *requirements.*
36 *[7 FAM 1131.6: Nature of Citizenship Acquired by Birth Abroad to U.S. Citizen Parents]*

37 Now some answers to your specific questions:

- 38 1. A "natural born" American is one born anywhere in the American confederation, whether federal territory or a state of
39 the Union. She is not "natural born" by that definition. The term doesn't matter. The only thing that matters is whether
40 you are a constitutional or a statutory citizen, and which of the three definitions of "U.S." you claim citizenship within.
41 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
42 the U.S. Constitution so it's irrelevant.

1 "It has never been determined definitively by a court whether a person who acquired U.S. citizenship by birth
2 abroad to U.S. citizens is a natural born citizen within the meaning of Article II of the Constitution and,
3 therefore, eligible for the Presidency."
4 [7 FAM 1131.6-2: Eligibility for Presidency
5 SOURCE: <http://www.state.gov/documents/organization/86757.pdf>]

- 6 2. There are no special precautions to be taken by those who were born abroad to American parents because the *Legal*
7 *Notice of Changed in Domicile/Citizenship and Divorce from the United States*, Form #10.001 does not cause
8 abandonment of one's nationality, but their domicile on federal territory and correcting all government records to
9 reflect that fact. Read the form and you will see that:

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

- 10 3. It is sufficient to say one is born in another country to American parents and who is therefore a non-citizen national
11 under 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452 and not a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 in order
12 to accurately describe their citizenship.
13 4. Those born to American parents are American nationals. American nationals include:
14 4.1. Those born anywhere in the American Union.
15 4.2. Those born overseas to American parents. A subset of these are describe in 8 U.S.C. §1408, but they only
16 include those in American Samoa and Swains Island and NOT those born within a state of the Union.
17 4.3. Those who are lawfully naturalized pursuant to 8 U.S.C. §1421.
18 4.4. Those who start out as foreign nationals, marry an American national.
19 Since all the above are equal under American law, all can be sovereign and a non-citizen national. What makes them
20 sovereign is that they don't confuse themselves with statutory "U.S. citizens" pursuant to 8 U.S.C. §1401 or statutory
21 "U.S. Nationals" pursuant to 8 U.S.C. §1101(a)(22)(b) and 8 U.S.C. §1408, and correct every form and information
22 system the government has that describes their citizenship status in order to clarify this fact.
23 5. There is no longer an Immigration and Naturalization Service (INS). INS was replaced by U.S. Citizenship and
24 Immigration Services (USCIS) when the Department of Homeland Security was formed with the Homeland Security
25 Act of 2002. USCIS officially absorbed INS on March 1, 2003. The USCIS comes in because those born abroad to
26 American Parents may be subject to what is called "retention requirements". Otherwise, their citizenship is identical to
27 those born within a state of the Union. For details, see:

28 *7 FAM 1131.7 Citizenship Retention Requirements*
29 (TL:CON-68; 04-01-1998)

30 *a. Persons who acquired U.S. citizenship by birth abroad were not required to take any affirmative action to*
31 *keep their citizenship until May 24, 1934, when a new law imposed retention requirements on persons born*
32 *abroad on or after that date to one U.S. citizen parent and one alien parent.*

33 *b. Retention requirements continued in effect until October 10, 1978, when section 301(b) INA was repealed.*
34 *Because the repeal was prospective in application, it did not benefit persons born on or after May 24, 1934, and*
35 *before October 10, 1952 (see 7 FAM 1133.5-13).*

36 *c. Persons born abroad on or after October 10, 1952, are not subject to any conditions beyond those that apply*
37 *to all citizens.*

38 *d. Persons whose citizenship ceased as a result of the operation of former section 301(b) were provided a*
39 *means of regaining citizenship in March 1995 by an amendment to section 324 INA. A more detailed discussion*
40 *of the retention requirements and remedies for failure to comply with them is provided in 7 FAM 1133.5.*
41 *[7 FAM 1131.7: Citizenship Retention Requirements]*

- 42 6. Marriage only affects nationality for a spouse if that spouse started out as an alien, which means a national of a
43 different country. Once they marry an American National, they can apply to be naturalized and thereby become a non-
44 citizen national. Details are found in:
45 6.1. 8 CFR §216.
46 6.2. Immigration and Nationality Act, Section 216
47 6.3. Immigration and Nationality Act, Section 320: Children born outside the United States and residing permanently
48 in the United States; conditions under which citizenship automatically acquired
49 6.4. USCIS Form I-751: Petition to Remove Conditions on Residence. See:
50 6.4.1. Form I-751: <http://www.uscis.gov/files/form/I-751.pdf>
51 6.4.2. Form I-751 Instructions: <http://www.uscis.gov/files/form/I-751instr.pdf>

1 For further details see:

Dept. of State Foreign Affairs Manual, 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>

2 **16.2 Am I a Statutory “U.S. citizen” if My Parents were in the Military and I was born Abroad?**

3 **QUESTION:**

4 I've been doing some research on this website. I was wanting to apply for a passport as a non-citizen national. Is this
5 possible if my father was in the U.S. Army abroad when I was born? My mom was also a school teacher (not sure if she
6 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
7 if it might. Can you elaborate on this subject?

8 **ANSWER:**

9 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
10 9. Then and only then should you be asking us questions. We aren't here to think for you, but to answer questions not
11 already explained in this document. The answer is that:

- 12 1. All those born anywhere in the country are "nationals" as described in 8 U.S.C. §1101(a)(21).
- 13 2. Those born anywhere in the world under American law take on the nationality (e.g. "national") of their parents, and in
14 particular their father at the time of birth. This is called "jus sanguinis" in legal jargon. Our system of citizenship is
15 patterned after the British system in which “nationality” means “birth within allegiance to the king”. The "king", in
16 this case is "We the People" and NONE of our elected or appointed politicians. Even if your parents were statutory
17 "U.S. citizens" at the time, they were also "nationals" pursuant to 8 U.S.C. §1401 because that is what it says in that
18 section.
- 19 3. Whether one is also a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 in addition to being a "national" is
20 determined by their domicile at any given time. Since their domicile can change and is elective, one can lose their
21 statutory "U.S. citizen" status pursuant to 8 U.S.C. §1401 and revert back to a "non-citizen national" pursuant to 8
22 U.S.C. §1101(a)(21) and 8 U.S.C. §1452 simply by changing their domicile or making a different "election" on
23 government forms describing their "domicile", "permanent address", or "residence".
- 24 4. Your parents were probably non-citizen nationals while abroad when you were born, regardless of what they "thought"
25 they were. One cannot be a statutory "U.S. citizen" without a domicile on federal territory and one cannot choose a
26 domicile or residence in a place that they have never physically been. Chances are, your parents were never physically
27 present on federal territory before you were born and therefore couldn't practically or legally have a domicile there.
- 28 5. Therefore, you can choose to be a "national" even if your parents were statutory "U.S. citizens" when you were born.
29 Read the above article and you will see.
- 30 6. If you would like to learn more about the affect of domicile upon one's citizenship status, see:

[Why Domicile and Becoming a “Taxpayer” Require Your Consent](http://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm)
<http://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm>

31 Between this document and the domicile article above, the truth should become very clear in your mind, especially after
32 you read some of the links at the beginning of the domicile article.

33 Please be patient with yourself and carefully study this document. The only reason to become impatient is because you
34 have no time to study, which is usually because of no self-discipline or an addiction to unhealthy habits and mental junk
35 food. As it says in the following document, quit watching mental junk food on TV, quit wasting time on unhealthy media
36 saturation, quit surfing porn (if you are), take your television to the dump, and sit down in the quiet and clear your mind and
37 read the word of God, and the extensive materials on this website, and your whole world view will change and you will
38 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>

39 The above document is also on the opening page of our website at the top of the page in big letters "START HERE".

1 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
2 and lies you learned in the communist, government run propaganda academy that you picked up as you were growing up.
3 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
4 ground for it to germinate in. Like the gentle farmer, you must till the ground, fertilize, plant the seed, water, pull the
5 weeds, and carefully tend it and defend it as it grows. Parents must follow the same path with their growing and maturing
6 children.

7 **16.3 Doesn't a "Consular Report of Birth" for a person born abroad make one into a statutory "U.S. citizen"**
8 **rather than constitutional "citizen of the United States"?**

9 **QUESTION:**

10 I am a constitutional but not statutory citizen and have a child that was born overseas. That child was granted a "**Consular**
11 **Report of Birth Abroad**" certificate. It has a number in the top right-hand corner, and even has that creepy pyramid
12 'Annuity Coepris' seal on it just like the one on the back of the dollar.

13 The biggest problem however is at the bottom of this certificate where it says:

14 *"A Consular Report of Birth is proof of United States citizenship by law: 22 U.S.C. 2705"*

15 *This document is on file with the government and could most certainly be used as evidence that the person to*
16 *whom it applies is in fact NOT a "nonresident alien."*

17 How in the world is this guy going to rebut this piece of state evidence?

18 **ANSWER:**

19 1. 22 U.S.C. §2705 is found at:

20 <http://codes.lp.findlaw.com/uscode/22/38/2705>

21 2. The context is clear from reading 22 U.S.C. §1731.

22 *22 U.S.C. §1731 : US Code - Section 1731: Protection to naturalized citizens abroad*

23 *All naturalized citizens of the United States while in foreign countries are entitled to and shall receive from*
24 *this Government the same protection of persons and property which is accorded to native-born citizens.*
25 *[SOURCE: <http://codes.lp.find...ode/22/23/1731>]*

26 The party described in section 2705 is a person "abroad". This same party is described in 22 U.S.C. §1731 as a
27 "naturalized citizen of the United States" while abroad. The term "naturalization", in turn, is described as the process of
28 making one a "national", and NOT a "citizen".

29 **8 U.S.C. §1101(a)(23) naturalization defined**

30 *(a)(23) The term "naturalization" means the conferring of nationality*
31 *[NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a state upon a person*
32 *after birth, by any means whatsoever.*

33 Here is a definition of "nationality". Note that "citizen" in a statutory context is tied to domicile, while "citizen" in a
34 constitutional context is tied to "nationality". Two COMPLETELY different things.

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

1 The source of your confusion is caused once again and as usual, by a failure to distinguish the CONTEXT in which the
2 word is used. Domicile is what determines your LEGAL status while place of birth establishes your POLITICAL
3 status. A political status DOES NOT imply federal jurisdiction or legal jurisdiction, but simply a right to travel freely
4 within the respective country.

5 3. The term "United States citizenship" is nowhere made equivalent to the phrase "national and citizen of the United
6 States" as used in 8 U.S.C. §1401. It is a violation of due process to PRESUME they are the same.

7 4. WHICH of the three "United States" are implied in the term "United States citizenship" are not defined, and the
8 definitions from Title 8 do not apply in Title 22. Consequently, the term can mean whatever the hearer wants it to
9 mean. So long as you define WHICH "United States" you choose to be a member of, they can't interfere with it.

10 5. Until someone shows me a definition of which "United States" is implied WITHIN TITLE 22 and NOT TITLE 8, we
11 are entitled to both define and presume that which suits our First Amendment right to politically associate.

12 As we have said many times before, being a "citizen" of anything is a voluntary choice that is a product of your First
13 Amendment right to associate. ONLY YOU get to define what groups you want to join and therefore WHICH of the three
14 "United States" you want to be a citizen and a member of. Furthermore, you can change your mind after you know that
15 there are multiple choices instead of only one choice. You change your mind by how you describe yourself on government
16 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
17 with it EXCLUSIVELY allegiance is that of a "national".

18 **17. REBUTTED ARGUMENTS AGAINST THOSE WHO DISAGREE WITH** 19 **THIS PAMPHLET**

20 A few people have disagreed with our position on the "national" and "state national" citizenship status of persons born in
21 states of the Union. These people have sent us what at first glance might "appear" to be contradictory information from
22 websites maintained by the federal government. We thank them for taking the time to do so and we will devote this section
23 to rebutting all of their incorrect views.

24 **17.1 Contradictions in Government publications**

25 Below are some of the arguments against our position on "state national" citizenship that we have received and enumerated
26 to facilitate rebuttal. We have boldfaced the relevant portions to make the information easier to spot.

27 1. U.S. Supreme Court, *Miller v. Albright*, [523 U.S. 420](#) (1998), footnote #2:

28 *"2. Nationality and citizenship are not entirely synonymous; one can be a national of the United States[**] and*
29 *yet not a citizen. 8 U.S.C. § 1101(a)(22). The distinction has little practical impact today, however, for the only*
30 *remaining noncitizen nationals [only under federal law, not state law] are residents of American Samoa and*
31 *Swains Island. See T. Aleinikoff, D. Martin, & H. Motomura, *Immigration: Process and Policy* 974-975, n. 2*
32 *(3d ed. 1995). The provision that a child born abroad out of wedlock to a United States[**] citizen mother*
33 *gains her nationality has been interpreted to mean that the child gains her citizenship as well; thus, if the*
34 *mother is not just a United States[**] national, but also a United States[**] citizen, the child is a United*
35 *States[**] citizen. See 7 Gordon § 93.04[2][b], p. 93-42; id., § 93.04[2][d][viii], p. 93-49."*
36 *[Miller v. Albright, [523 U.S. 420](#) (1998)]*

37 2. Foreign Affairs Manual (FAM), Volume 7, Section 1111.3 published by the Dept. of States at
38 <http://foia.state.gov/REGS/Search.asp> says the following about nationals but not citizens of the United States**:

39 *c. Historically, Congress, through statutes, granted U.S. nationality, but not citizenship, to persons born or*
40 *inhabiting territory acquired by the United States[**] through conquest or treaty. At one time or other natives*
41 *and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama*
42 *Canal Zone were U.S. non-citizen nationals.*

43 *d. Under current law (the Immigration and Nationality Act of 1952, as amended through October 1994), only*
44 *persons born in American Samoa and the Swains Islands are U.S. nationals (Secs. 101(a)(29) and 308(1)*
45 *INA).*

1 [Foreign Affairs Manual (FAM), Volume 7, Section 1111.3
2 SOURCE: <http://foia.state.gov/REGS/Search.asp>]

- 3 3. The Social Security Program Operations Manual System (POMS) at <http://policy.ssa.gov/poms.nsf/poms> says the
4 following:

5 RS 02001.003 “U.S. Nationals”
6 Most of the agreements refer to “U.S. nationals.”

7 The term includes both U.S. citizens and persons who, though not citizens, owe permanent allegiance to the
8 United States[***]. As noted in RS 02640.005 D., the only persons who are nationals but not citizens are
9 American Samoans and natives of Swains Island.

10 [Social Security Program Operations Manual System (POMS), Section RS 02001.003;
11 SOURCE: <http://policy.ssa.gov/poms.nsf/poms>]

- 12 4. The USDA Food Stamp Service, website says at <http://www.fns.usda.gov/fsp/rules/Memo/Support/02/polimgrt.htm>:

13 Non-citizens who qualify outright

14 There are some immigrants who are immediately eligible for food stamps without having to meet other
15 immigrant requirements, as long as they meet the normal food stamp requirements:

- 16 • Non-citizen nationals (people born in American Samoa or Swains Island).
- 17 • American Indians born in Canada.
- 18 • Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-
19 Determination and Education Assistance Act.
- 20 • Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era,
21 and who are legally living in the U.S., and their spouses or surviving spouses and dependent
22 children.

23 [SOURCE: <http://www.fns.usda.gov/fsp/rules/Memo/Support/02/polimgrt.htm>]

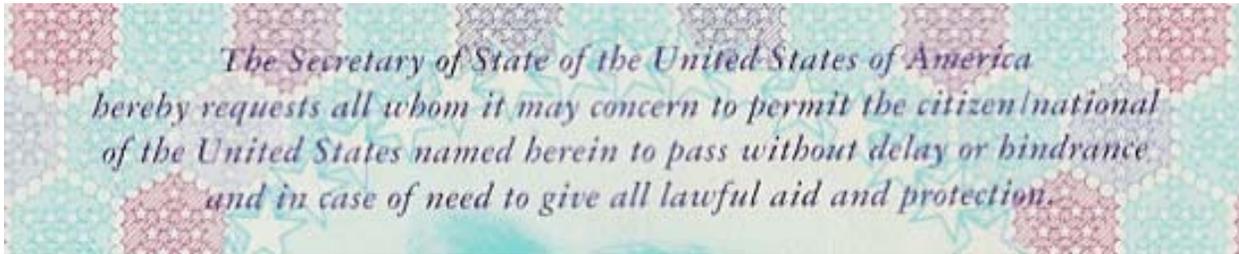
24 The defects that our detractors fail to realize about the above information are the following points:

- 25 1. The term “United States**” as used in [8 U.S.C. §1408](#) means the federal zone based on the definitions provided in [8](#)
26 [U.S.C. §1101\(a\)\(36\)](#), [8 U.S.C. §1101\(a\)\(38\)](#), and [8 CFR §215.1\(f\)](#). See our *Tax Deposition Questions*, Form #03.016,
27 Section 14, Questions 77 through 82 at the following address for more details:
28 <http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section 14.htm>
29 2. All of the cites that our detractors quote come from federal statutes and “acts of Congress”. The federal government is
30 not authorized under our Constitution or under international law to prescribe the citizenship status of persons who
31 neither reside within nor were born within its territorial jurisdiction. The only thing that federal statutes can address
32 are the status of persons who either reside in, were born in, or resided in the past within the territorial jurisdiction of the
33 federal government. People born within states of the Union do not satisfy this requirement and their citizenship status
34 resulting from that birth is determined only under state and not federal law. State jurisdiction is foreign to federal
35 jurisdiction EXCEPT in federal areas within a state. The quote below confirms this, keeping in mind that Title 8 of the
36 U.S. Code qualifies as “legislation”:

37 “While states are not sovereign in true sense of term but only quasi sovereign, yet in respect of all powers
38 reserved to them [under the Constitution] they are supreme and independent of federal government as that
39 government within its sphere is independent of the states.”

40 “It is no longer open to question that the general government, unlike the states, *Hammer v. Dagenhart*, [247](#)
41 [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
42 internal affairs of the states; and emphatically not with regard to legislation.”
43 [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

- 44 3. The only thing you need in order to obtain a USA passport is “allegiance”. 22 U.S.C. §212. If the federal government
45 is willing to issue you a passport, then they regard you as a “national”, because the only type of citizenship that carries
46 with it exclusively allegiance is that of a “national”. 8 U.S.C. §1101(a)(21). See:
47 <http://famguardian.org/Subjects/Taxes/Citizenship/ApplyingForAPassport.htm>
48 4. USA passports indicate that you are a “citizen OR national”:



1 “citizen/national”= “citizen” OR “national”

2 “/”= “virgule”

- 3
- 4 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 human being 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 but not citizen of the United States** at birth”.
- 6
- 7 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.
- 8
- 9 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 in section 5.2.14 of the *Great IRS Hoax*, Form #11.302 that this is emphatically not the case. A “citizen” as used in the Internal Revenue Code and most federal statutes means a “person” born or created in a territory or possession of the United States**, and *not* in a state of the Union. Federal corporations, for instance, are created on federal territory and domiciled there. Americans born in states of the Union are a different type of “citizen”, and we show in section 5.2.14 that these types of people are “nationals” and not “citizens” or “U.S. citizens” in the context of any federal statute.

23 *“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.”*

24

25

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

32 We therefore challenge those who make this unwarranted presumption to provide law and evidence proving us wrong on this point. We request that you read section 4.11.10 of the *Great IRS Hoax*, Form #11.302 **before** you prepare your rebuttal, because it clarifies several important definitions that you might otherwise be inclined to overlook that may result in misunderstanding.

- 33
- 34
- 35
- 36 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 and section 4.11.9 of the *Great IRS Hoax*, Form #11.302. “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 in section 4.11.6.1 of the *Great IRS Hoax*, Form #11.302. 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.
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47 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

1 “naturalization” is only one of *two* ways of acquiring citizenship. Birth is the other way, and the states have exclusive
2 jurisdiction and legislative authority over the citizenship status of those people who acquire their federal citizenship by
3 virtue of birth within states of the Union. Here is what the Supreme Court said on this subject:

4 “The power of naturalization, vested in congress by the constitution, is a power to confer citizenship, not a
5 power to take it away. ‘A naturalized citizen,’ said Chief Justice Marshall, ‘becomes a member of the society,
6 possessing all the rights of a native citizen, and standing, in the view of the constitution, on the footing of a
7 native. The constitution does not authorize congress to enlarge or abridge those rights. The simple power of
8 the national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power
9 exhausts it, so far as respects the individual.”
10 [U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]
11

12 “A naturalized citizen is indeed made a citizen under an act of Congress, but the act does not proceed to give,
13 to regulate, or to prescribe his capacities. He becomes a member of the society, possessing all the rights of a
14 native citizen, and standing, in the view of the constitution, on the footing of a native. The constitution does
15 not authorize Congress to enlarge or abridge those rights. The simple power of the national Legislature, is to
16 prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the
17 individual. The constitution then takes him up, and, among other rights, extends to him the capacity of suing
18 in the Courts of the United States, precisely under the same circumstances under which a native might sue.
19 He is *828 distinguishable in nothing from a native citizen, except so far as the constitution makes the
20 distinction. The law makes none.”
21 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

22 The rules of comity prescribe whether or how this citizenship is recognized by the federal government, and by reading [8](#)
23 [U.S.C. §1408](#), it is evident that the federal government chose *not* to directly recognize within Title 8 of the U.S.C. the
24 citizenship status of persons born within states of the Union to parents neither of whom were “U.S. citizens” under [8 U.S.C.](#)
25 [§1401](#) and neither of whom “resided” inside the federal zone prior to the birth of the child. We suspect that this is because
26 not only does the Constitution not give them this authority, but more importantly because doing so would spill the beans on
27 the true citizenship of persons born in states of the Union and result in a mass exodus from the tax system by most
28 Americans.

29 As we said, there are four ways identified in [8 U.S.C. §1408](#) that a person may become a “national but not citizen of the
30 United States**” **at birth**. We have highlighted the section that our detractors are ignoring, and which we quote frequently
31 on our treatment of the subject of citizenship.

32 [TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > Sec. 1408.](#)
33 [Sec. 1408. - Nationals but not citizens of the United States\[**\] at birth](#)

34 *Unless otherwise provided in section [1401](#) of this title, the following shall be nationals, but not citizens, of the*
35 *United States[**] at birth:*

- 36 (1) *A person born in an outlying possession of the United States[**] on or after the date of formal acquisition*
37 *of such possession;*
38
39 (2) *A person born outside the United States[**] and its outlying possessions of parents both of whom are*
40 *nationals, but not citizens, of the United States[**], and have had a residence[domicile] in the United*
41 *States[**], or one of its outlying possessions prior to the birth of such person;*
42
43 (3) *A person of unknown parentage found in an outlying possession of the United States[**] while under the*
44 *age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such*
45 *outlying possession; and*
46
47 (4) *A person born outside the United States[**] and its outlying possessions of parents one of whom is an alien,*
48 *and the other a national, but not a citizen, of the United States[**] who, prior to the birth of such person, was*
49 *physically present in the United States[**] or its outlying possessions for a period or periods totaling not less*
50 *than seven years in any continuous period of ten years -*
51 *(A) during which the national parent was not outside the United States[**] or its outlying possessions for a*
52 *continuous period of more than one year, and*
53 *(B) at least five years of which were after attaining the age of fourteen years.*

54 *The proviso of section [1401](#)(g) of this title shall apply to the national parent under this paragraph in the same*
55 *manner as it applies to the citizen parent under that section*

1 Subsections (1), (3), and (4) above deal with persons who are born in outlying possessions of the United States**, and
2 Swains Island and American Samoa would certainly be included within these subsections. These people would be the
3 people who are addressed by the information cited by our detractors from federal websites above. Subsection (2), however,
4 deals with persons who are born *outside* of the *federal* United States** (federal zone) to parents who are “nationals but not
5 citizens of the United States**” and who resided at one time in the *federal* United States**. Anyone born overseas to
6 American parents is a “non-citizen national” under this section and this status is one that is not recognized in any of the
7 cites provided by our detractors but is recognized by the law itself. Since states of the Union are outside the *federal* United
8 States** and outside the “United States**” used in Title 8, then parents born in states of the Union satisfy the requirement
9 for “national but not citizen of the United States**” status found in [8 U.S.C. §1408\(2\)](#).

10 One of the complaints we get from our readers is something like the following:

11 *“Let’s assume you’re right and that 8 U.S.C. §1408(2) prescribes the citizenship status of some persons born in*
12 *a state of the Union. The problem I have with that view is that ‘United States[**]’ means the federal zone in*
13 *that section, and subsection (2) requires that the parents must reside within the ‘United States[**]’ prior to the*
14 *birth of the child. This means they must have ‘resided’ in the federal zone before the child was born, and most*
15 *people don’t satisfy that requirement.”*

16 Let us explain why the above concern is unfounded. According to [8 U.S.C. §1408\(2\)](#), the parents must also reside in the
17 *federal* United States** prior to the birth of the child. We assert that most people born in states of the Union do in fact
18 meet this requirement and we will now explain why. They can meet this requirement by any one of the following ways:

- 19 1. Serving in the military or residing on a military base or occupied territory.
- 20 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
21 “U.S. individual” is defined in 26 CFR §1.1441-1(c)(3) as either an “alien” residing within the federal zone or a
22 “nonresident alien” with income from within the federal zone. Since “nonresident aliens” file the 1040NR form, the
23 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
24 CFR §1.1-1(a)(2)(ii) or a “citizen” residing abroad who attaches a form 2555 to the 1040. See section 5.2.11 for
25 further details on this if you are curious. Consequently, being a “resident alien” qualifies you as a “resident”. You are
26 not, in fact a resident because you didn’t physically occupy the federal zone for the year covered by the tax return, but
27 if the government is going to treat you as a “resident” by accepting and processing your tax return, then they have an
28 obligation to treat either you or your parents as “residents” in all respects, including those related to citizenship. To do
29 otherwise would be inconsistent and hypocritical.
- 30 3. Spending time in a military hospital.
- 31 4. Visiting federal property or a federal reservation within a state routinely as a contractor working for the federal
32 government.
- 33 5. Working for the federal government on a military reservation or inside of a federal area.
- 34 6. Sleeping in a national park.
- 35 7. Spending time in a federal courthouse.

36 The reason why items 3 through 7 above satisfy the requirement to be a “resident” of the federal United States** is because
37 the term “resident” is nowhere defined in Title 8 of the U.S. Code, and because of the definition of “resident” in Black’s
38 Law Dictionary:

39 *“Resident. Any person who occupies a dwelling within the State, has a present intent to remain within the State*
40 *for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical*
41 *presence within the State together with indicia that his presence within the State is something other than*
42 *merely transitory in nature.”*
43 *[Black’s Law Dictionary, Sixth Edition, p. 1309]*

44 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:

45 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101](#)
46 [Sec. 1101. - Definitions](#)

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

1 Since Title 8 does not define the term “lasting” or “ongoing” or “transitory”, we referred to the regular dictionary, which
2 says:

3 *“lasting: existing or continuing a long while: ENDURING.”*
4 *[Webster’s Ninth Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 675]*

5 *“ongoing: 1. being actually in process 2: continuously moving forward; GROWING”*
6 *[Webster’s Ninth Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 825]*

7 *“transitory: 1: tending to pass away: not persistent 2: of brief duration: TEMPORARY syn see TRANSIENT.”*
8 *[Webster’s Ninth Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 825]*

9 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,
10 we were still there “permanently”. The Bible also says in Matt. 6:26-31 that we should not be anxious or presumptuous
11 about tomorrow and take each day as a new day. The last verse in that sequence says:

12 *“Therefore **do not worry about tomorrow**, for tomorrow will worry about its own trouble.”*
13 *[Matt. 6:31, Bible, NKJV]*

14 In fact, we are not allowed to be presumptuous at all, which means we aren’t allowed to assume or intend anything about
15 the future. Our future is in the hands of a sovereign Lord, and we exist by His good graces alone.

16 *“Come now, you who say, ‘Today or tomorrow we will go to such and such a city, spend a year there, buy and
17 sell, and make a profit’; whereas you do not know what will happen tomorrow. For what is your life? It is even
18 a vapor that appears for a little time and then vanishes away. Instead you ought to say, ‘If the Lord wills, we
19 shall live and do this or that.’ But now you boast in your arrogance. All such boasting is evil.”*
20 *[James 4:13-16, Bible, NKJV]*

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

24 Consequently, the Christian’s definition of “permanent” is anything that relates to what we intend for today only and *does*
25 *not* include anything that might happen starting tomorrow or at any time in the future beyond tomorrow. Being
26 presumptuous about the future is “boastful” and “evil”, according to the Bible! The future is uncertain and our lives are
27 definitely not “permanent” in God’s unlimited sense of eternity. Therefore, wherever we are is where we “intend” to
28 permanently reside as Christians.

29 Even if you don’t like the above analysis of why most Americans born in states of the Union are “nationals but not citizens
30 of the United States**” under [8 U.S.C. §1408](#)(2), we still explained above that you have the right to abandon only the
31 “citizen” portion and retain the “national” portion of any imputed dual citizenship status under 8 U.S.C. §1401. We also
32 show you how to have that choice formally recognized by the U.S. Department of State in section 2.5.3.13 of our
33 *Sovereignty Forms and Instructions Manual*, Form #10.005 under the authority of [8 U.S.C. §1452](#), and we know people
34 who have successfully employed this strategy, so it must be valid.

35 Furthermore, even if you don’t want to believe that any of the preceding discussion is valid, we also explained that the
36 federal government cannot directly prescribe the citizenship status of persons born within states of the Union under
37 international law. To illustrate this fact, consider the following extension of a popular metaphor:

38 *“If a tree fell in the forest, and Congress refused to pass a law recognizing that it fell and forced the agencies in
39 the executive branch to refuse to acknowledge that it fell because doing so would mean an end to income tax
40 revenues, then did it **really** fall?”*

41 The answer to the above questions is emphatically “yes”. We said that the rules of comity prevail in the case of the federal
42 government’s decision to recognize the citizenship status of those born in states of the Union, which are “foreign states” in
43 relation to federal government legislative jurisdiction. But what indeed is their status under federal law? [8 U.S.C.
44 §1101](#)(a)(21) defines a “national” as:

45 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)
46 [Sec. 1101. - Definitions](#)

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

2 If you were born in a state of the Union, you are a "national of the United States***" (a national of the United States *of*
3 *America*) because the "state" that you have allegiance to is the confederation of states called the "United States***". As
4 further confirmation of this fact, if "naturalization" is defined as the process of *conferring* "nationality" under [8 U.S.C.](#)
5 [§1101\(a\)\(23\)](#), and "expatriation" is defined as the process of *abandoning* "nationality and allegiance" by the Supreme
6 Court in *Perkins v. Elg*, 307 U.S. 325 (1939), then "nationality" is the key that determines citizenship status. What makes a
7 person a "national" is "allegiance" to a state. The only type of citizenship which carries with it the notion of "allegiance" is
8 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"
9 mentioned anywhere in Title 8 in connection with those persons who claim to be "citizens and nationals of the United
10 States***" as defined in [8 U.S.C. §1401](#):

11 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)
12 [Sec. 1101. - Definitions](#)

13 (a) (22) The term "national of the United States[**]" means

14 (A) a citizen of the United States[**], or

15 (B) a person who, though not a citizen of the United States[**], owes permanent [but not necessarily exclusive]
16 allegiance to the United States[***].

17 People born in states of the Union can and most often do have allegiance to the confederation of states called the "United
18 States***" (or "United States of America") just as readily as people who were born on federal property, and the federal
19 government under the rules of comity should be willing to recognize that allegiance *without* demanding that such persons
20 surrender their sovereignty, become tax slaves, and come under the exclusive jurisdiction of federal statutes by pretending
21 to be people who are domiciled in the federal zone. Not doing so would be an injury and oppression of their rights, and
22 would be a criminal conspiracy against rights, because remember, people who are domiciled inside the federal zone have no
23 rights, by the admission of the Supreme Court in *Downes v. Bidwell*, 182 U.S. 244 (1901):

24 [TITLE 18 > PART 1 > CHAPTER 13 > Sec. 241.](#)
25 [Sec. 241. - Conspiracy against rights](#)

26 *If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory,*
27 *Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to*
28 *him by the Constitution or laws of the United States[***], or because of his having so exercised the same; or*

29 *If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or*
30 *hinder his free exercise or enjoyment of any right or privilege so secured -*

31 *They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the*
32 *acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap,*
33 *aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be*
34 *fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death*

35 It would certainly constitute a conspiracy against rights to force or compel a person to give up their true citizenship status in
36 order to acquire any kind of citizenship recognition from a corrupted federal government. The following ruling by the
37 Supreme Court plainly agrees with these conclusions:

38 *"It would be a palpable incongruity to strike down an act of state legislation which, by words of express*
39 *divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by*
40 *which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable*
41 *privilege which the state threatens otherwise to withhold. **It is not necessary to challenge the proposition that,***
42 ***as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as***
43 ***it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is***
44 ***that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may***
45 ***compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a***
46 ***surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States[***]***
47 ***may thus be manipulated out or existence."***
48 *[Frost v. Railroad Commission, 271 U.S. 583; 46 S.Ct. 605 (1926)]*

49 17.2 Legal Profession contradictions

Larry Becraft, a famous patriot attorney, sent out the following email in March 2007 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:

*From: Larry Becraft
Sent: Thursday, March 15, 2007 7:50 PM
Subject: National of US*

I know there are people erroneously claiming to be nationals of the United States and I just chanced across a good definition of this term in the Iowa Regs:

Iowa Administrative Code

871-24.60 (96) Alien.

**** 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. ****

Our position on the above statement by Mr. Becraft is this:

1. We don't advocate that people using this website claim to be "nationals of the United States", but instead simply "nationals" or "state nationals".
2. People should NOT be using the word "United States" in describing any aspect of themselves. This is clarified at:

<u>http://sedm.org/Forms/FormIndex.htm</u> , Form #12.002

3. People born in states of the Union and domiciled there are NOT:
 - 3.1. Statutory "U.S. citizens" pursuant to [8 U.S.C. §1401](#).
 - 3.2. "nationals of the United States at birth" or "U.S. nationals" pursuant to [8 U.S.C. §1408](#) or 8 U.S.C. §1101(a)(22)(B).
4. Instead, people born in states of the Union and domiciled there are simply "nationals", which are defined in [8 U.S.C. §1101\(a\)\(21\)](#). A "national" is defined as anyone having allegiance to a "state", which "state" is a state of the Union and a "foreign state" because it is in lower case:
5. 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 "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:
 - 5.1. "United States"
 - 5.2. "United States of America"
 - 5.3. "USA"
6. To avoid confusion, its best:
 - 6.1. To avoid the use of the term "citizen" in describing yourself, because 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.
 - 6.2. 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.
 - 6.3. When presented with a government form asking if you are a "U.S. citizen" should answer NO and then write next to it " national". 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 with Larry Becraft, and what he says does NOT conflict with anything in this pamphlet. Our position found in this pamphlet is also completely consistent with 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:

<u>http://www.state-citizen.org/</u>
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17.3 Freedom Advocate Flawed Argument: 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 You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>
2. Fourteenth Amendment Annotated, Findlaw
<http://www.findlaw.com/casecode/constitution/>
3. Citizenship and Sovereignty Course, Form #12.001
<http://sedm.org/Forms/FormIndex.htm>
4. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001
<http://sedm.org/Forms/FormIndex.htm>
5. Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>
6. Family Guardian Forums, Forum 6.1: Citizenship, Domicile, and Nationality
<http://famguardian.org/forums/index.php?showforum=6>

1 A number of freedom advocates situated in states of the Union and who are state citizens and therefore non-citizen
2 nationals falsely allege that:

3 *“People in states of the Union are NOT Fourteenth Amendment “citizens of the United States”. A Fourteenth*
4 *Amendment “citizen of the United States” is domiciled on federal territory and subject to the exclusive*
5 *LEGISLATIVE jurisdiction of Congress.”*

6 This is what we call a “conspiracy theory” and it is actually a over-reaction to the verbicide abused by the government as
7 described in:

Flawed Tax Arguments to Avoid, Form #08.004, Section 6.1
<http://sedm.org/Forms/FormIndex.htm>

8 In fact, this view is COMPLETELY FALSE, as we will explain.

9 The first thing we must understand to fully comprehend constitutional citizenship is that there are the TWO types of
10 jurisdiction:

- 11 1. POLITICAL JURISDICTION: based upon allegiance, nationality, and being a national under 8 U.S.C. §1101(a)(21)
12 and 8 U.S.C. §1101(a)(22).
- 13 2. LEGISLATIVE JURISDICTION: based upon domicile and being a statutory "citizen" under the civil law.

14 One can be subject to the POLITICAL JURISDICTION without being subject to the LEGISLATIVE JURISDICTION. An
15 example would be an American Citizen domiciled in a state of the Union on land within the exclusive jurisdiction of the
16 state that is not federal territory. THAT person would be subject to the POLITICAL JURISDICTION of the United States
17 by virtue of possessing BOTH of the following characteristics:

- 18 1. Being born or naturalized anywhere within the country “United States*” AND
- 19 2. Having allegiance to the United States*.

20 That person does not have a domicile on federal territory and therefore:

- 21 1. Is NOT a “person” under federal statutory civil law.

- 1 2. Is therefore not subject to exclusive federal civil LEGISLATIVE JURISDICTION under Article 1, Section 8, Clause
 2 17 of the United States Constitution.
 3 3. Would be subject to federal criminal law within Title 18 of the U.S. Code only by setting foot temporarily on federal
 4 territory and committing a crime while there.

5 The next thing we must understand about citizenship are the various jurisdictional phrases used to describe it in the USA
 6 Constitution and within federal statutory law. These phrases are summarized below.

7 **Table 14: 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", including birth or naturalization in the United States*	States of the Union, federal territories, federal possessions
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

8 Below is the case law upon which the above table is based:

9 1. Meaning of "subject to THE jurisdiction":

10 *"This section contemplates two sources of citizenship, and two sources only: birth and naturalization. The*
 11 *persons declared [112 U.S. 94, 102] to be citizens are 'all persons born or naturalized in the United States, and*
 12 *subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some*
 13 *respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction,*
 14 *and owing them direct and immediate allegiance. And the words relate to the time of birth in the one case, as*
 15 *they do to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United*
 16 *States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by*
 17 *proceedings under the naturalization acts; or collectively, as by the force of a treaty by which foreign territory*
 18 *is acquired."*
 19 *[Elk v. Wilkins, 112 U.S. 94 (1884)]*

20
 21 *"This section contemplates two sources of citizenship, and two sources only,-birth and naturalization. The*
 22 *persons declared to be citizens are 'all persons born or naturalized in the United States, and **subject to the***
 23 ***jurisdiction thereof.'** The evident meaning of these last words is, not merely subject in some respect or degree*
 24 *to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of*
 25 *the Union] **political jurisdiction,** and owing them [the state of the Union] direct and immediate allegiance. And*
 26 *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*
 27 *in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become*
 28 *so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts,*
 29 *or collectively, as by the force of a treaty by which foreign territory is acquired."*

30
 31 [. . .]

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

37 2. Meaning of "subject to THEIR jurisdiction" found in the Thirteenth Amendment:

38 *"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the*
 39 *Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary*
 40 *servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections*
 41 *denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. This*
 42 *legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the*
 43 *states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this*

1 *legislation, or of its applicability to the case of any person holding another in a state of peonage, and this*
2 *whether there be municipal ordinance or state law sanctioning such holding. It operates directly on every*
3 *citizen of the Republic, wherever his residence may be."*
4 *[Clyatt v. U.S., 197 U.S. 207 (1905)]*

5
6 *"The 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude 'within the United*
7 *States, or in any place subject to their jurisdiction,' is also significant as showing that there may be places*
8 *within the jurisdiction of the United States that are no part of the Union. To say that the phraseology of this*
9 *amendment was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible*
10 *interpretation that those states were no longer a part of the Union, is to confess the very point in issue, since it*
11 *involves an admission that, if these states were not a part of the Union, they were still subject to the jurisdiction*
12 *of the United States [because they were federal territory until the rejoined the Union].*

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

18 Within the United States Constitution, there are two types of citizens mentioned:

19 **1. Upper case "Citizen" of the original constitution**

- 20 1.1. Mentioned in:
21 1.1.1. Article 1, Section 2, Clause 2.
22 1.1.2. Article 1, Section 3, Clause 3.
23 1.2. No doubt, was a white male ONLY. Excluded:
24 1.2.1. Blacks. 15th Amendment.
25 1.2.2. Women. 19th Amendment.
26 1.3. Rights defined are in the CONTEXT of ONLY the relationship between the national government and people in the
27 several constitutional States.
28 1.4. Upper case because these people were the sovereigns who wrote the original constitution.

29 **2. Lower case "citizen of the United States" in the constitution:**

- 30 2.1. Mentioned first in the Fourteenth Amendment, Section 1.
31 2.2. Mentioned also in Constitutional Amendments 15, 19, and 26.
32 2.3. Includes people other than white males, such as blacks (15th Amend.), women (19th Amend.).
33 2.4. Since the passage of the Fourteenth Amendment, has been made a SUPERSET of the capital "C" Citizen in the
34 earlier constitution, not a subset.
35 2.5. Rights defined are in the context of ONLY the relationship between the STATE government and the people in the
36 several States. NOT the national government.
37 2.6. Lower case because the people protected are NOT the capital "C" citizen, are located in a foreign state, and
38 THESE people were not among the original capitalized sovereigns. Therefore, they cannot be given the same
39 name or use the same capitalization. It is a maxim of law that what is similar is not the same.
40 2.7. Is not inferior AT THIS TIME to a capital "C" Citizen. At one time it was, but right now, everyone is equal
41 because of Amendments 14 and on.

42 The U.S. Supreme Court admitted that the "citizen of the United States****" described Fourteenth Amendment included
43 EVERYONE and people of ALL RACES, and therefore was a superset of the capital "C" citizen of the original
44 constitution, which was a white male only:

45 *"The fourteenth amendment, by the language, 'all persons born in the United States, and subject to the*
46 *jurisdiction thereof,' was intended to bring all races, without distinction of color, within the rule which prior*
47 *to that time pertained to the white race.' Benny v. O'Brien (1895) 58 N. J. Law, 36, 39, 40, 32 Atl. 696.*

48 *The foregoing considerations and authorities irresistibly lead us to these conclusions: The fourteenth*
49 *amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the*
50 *allegiance and under the protection of the country [not the "United States**", but the "COUNTRY"],*
51 *including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule*
52 *itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within*
53 *and during a hostile occupation of part of our territory, and with the single additional exception of children of*
54 *members of the Indian tribes owing direct allegiance to their several tribes. The amendment, in clear words*
55 *and in manifest intent, includes the children born within the territory of the United States of all other*

1 persons, of whatever race or color, domiciled within the United States. Every citizen or subject of another
2 country, while domiciled here, is within the allegiance and the protection, and consequently subject to the
3 jurisdiction, of the United States. His allegiance to the United States is direct and immediate, and, although but
4 local and temporary, continuing only so long as he remains within our territory, is yet, in the words of Lord
5 Coke in Calvin's Case, 7 Coke, 6a, 'strong enough to make a natural subject, for, if he hath issue here, that
6 issue is a natural-born subject'; and his child, as said by Mr. Binney in his essay before quoted, 'If born in the
7 country, is as much a citizen as the natural-born child of a citizen, and by operation of the same principle.' It
8 can hardly be denied that an alien is completely subject to the political jurisdiction of the country in which he
9 resides, seeing that, as said by Mr. Webster, when secretary of state, in his report to the president on Thrasher's
10 case in 1851, and since repeated by this court: 'Independently of a residence with intention to continue such
11 residence; independently of any domiciliation; independently of the taking of any oath of allegiance, or of
12 renouncing any former allegiance,—it is well known that by the public law an alien, or a stranger born, for so
13 long a time as he continues within the dominions of a foreign government, owes obedience to the laws of that
14 government, and may be punished for treason or other crimes as a native-born subject might be, unless his case
15 is varied by some treaty stipulations.' Executive Documents H. R. No. 10, 1st Sess. 32d Cong. p. 4; 6 Webster's
16 Works, 526; U.S. v. Carlisle, 16 Wall. 147, 155; Calvin's Case, 7 Coke, 6a; Ellesmere, Postnati, 63; 1 Hale, P.
17 C. 62; 4 Bl.Comm. 74, 92.

18 To hold that the fourteenth amendment of the constitution excludes from citizenship the children born in the
19 United States of citizens or subjects of other countries, would be to deny citizenship to thousands of persons of
20 English, Scotch, Irish, German, or other European parentage, who have always been considered and treated as
21 citizens of the United States.

22 [. . .]

23 *But, as already observed, it is impossible to attribute to the words, 'subject to the jurisdiction thereof' (that is*
24 *to say, of the United States), at the beginning, a less comprehensive meaning than to the words 'within its*
25 *jurisdiction' (that is, of the state), at the end of the same section; or to hold that persons, who are*
26 *indisputably 'within the jurisdiction' of the state, are not 'subject to the jurisdiction' of the nation. “*
27 *[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

28 Obviously, the two types of citizenship started out as unequal in the POLITICAL RIGHTS they had at the time the “citizen
29 of the United States*” mentioned in the Fourteenth Amendment was first created in 1868. They were not unequal in
30 OTHER rights, but only in POLITICAL RIGHTS. Political rights include voting and serving on jury duty. Over time, the
31 above two types of citizens have converged to the point where they are now essentially equal in RIGHTS. That
32 convergence has occurred by:

- 33 1. The addition of several new amendments after Amendment 14 that add additional rights to the “citizen of the United
34 States” status. These amendments include Amendments 15, 19, and 26, for instance.
- 35 2. Additional federal legislation that enforce the new rights found in 42 U.S.C. §1983.

36 The U.S. Supreme Court acknowledged the convergence of rights between “Citizens” within the original USA Constitution
37 and “citizens of the United States” within the Fourteenth Amendment when it held:

38 *There is no occasion to attempt again an exposition of the views of this Court as to the proper limitations of the*
39 *privileges and immunities clause. There is a very recent discussion in Hague v. Committee Industrial*
40 *Organization. The appellant purports to accept as sound the position stated as the view of all the justices*
41 *concurring in the Hague decision. This position is that the privileges and immunities clause protects all citizens*
42 *against abridgement by states of rights of national citizenship as distinct from the*
43 ***fundamental or** [309 U.S. 83, 91] **natural rights inherent in state***
44 ***citizenship.** This Court declared in the Slaughter-House Cases¹⁵ that the **Fourteenth Amendment as***
45 ***well as the Thirteenth and Fifteenth were adopted to protect the negroes in their freedom.** This almost*
46 *contemporaneous interpretation extended the benefits of the privileges and immunities clause to other rights*
47 *which are inherent in national citizenship but denied it to those which spring from [309 U.S. 83, 92] state*
48 *citizenship.*

49 *'We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which*
50 *are familiar to us all; and on the most casual examination of the language of these amendments, no one can fail*
51 *to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without*
52 *which none of them would have been even suggested; we mean the freedom of the slave race, the security and*
53 *firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the*
54 *oppressions of those who had formerly exercised unlimited dominion over him. ...*

55 *'And so if other rights are assailed by the States which properly and necessarily fall within the protection of*
56 *these articles, that protection will apply, though the party interested may not be of African descent. But what*

1 *we do say, and what we wish to be understood is, that in any fair and just construction of any section or phrase*
2 *of these amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them*
3 *all, the evil which they were designed to remedy, and the process of continued addition to the Constitution, until*
4 *that purpose was supposed to be accomplished, as far as constitutional law can accomplish it.'*
5 *[Madden v. Commonwealth of Kentucky, 309 U.S. 83 (1940)]*

6 Note, however, that even though these two types of constitutional citizens are EFFECTIVELY the same in RIGHTS:

- 7 1. We are not saying that they apply to the same CONTEXTS.
 - 8 1.1. "Citizen" applies to the relationship between the national government and the state citizen.
 - 9 1.2. "citizen of the United States" applies to the relationship between the constitutional state governments and THEIR
10 citizens.
- 11 2. We are not saying their NAME or their GENESIS is equivalent.
- 12 3. We are not saying that they were ALWAYS equivalent in the RIGHTS they enjoy, but that they have EVOLVED to be
13 equivalent AT THIS TIME.
- 14 4. We are not saying that a Fourteenth Amendment constitutional "citizen of the United States" is the equivalent to a
15 statutory "national and citizen of the United States" found in 8 U.S.C. §1401. In fact, the two are mutually exclusive.

16 With regard to the last item in the above list, we must emphasize that the government only has the authority to
17 LEGISLATIVELY regulate PUBLIC conduct, not private conduct, on government territory. Hence, civil statutes are law
18 for government and not private people. Those mentioned in the constitution are PRIVATE people and statutory "aliens"
19 under all federal civil law. Statutes are written to protect these PRIVATE, "foreign", and "sovereign" people, but not to
20 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](http://sedm.org/Forms/FormIndex.htm), Form #05.037
<http://sedm.org/Forms/FormIndex.htm>

21 In fact, the two types of citizens are just different subsets of the same sovereign state citizens within states of the Union.
22 The only difference is the CONTEXT described above. For both types of citizens:

- 23 1. The term "United States", in the constitutional geographic context, means ONLY states of the Union. This jurisdiction
24 excludes federal territory and statutory "States", and therefore statutory jurisdiction of Congress.
- 25 2. The method of enforcing civil rights is found in 42 U.S.C. §1983.
 - 26 2.1. That provision applies to state officers and not private parties.
 - 27 2.2. This provision was enacted pursuant to Fourteenth Amendment, Section 5.
 - 28 2.3. The definition of "person" applicable to that provision and found in 42 U.S.C. §1981(a) refers to the "person" in
29 the constitution and not the statutory "person" found either in Title 26 of the U.S. Code (26 CFR §1.1-1(c)) or in
30 the Social Security Act (see 26 U.S.C. §3121(e)).
- 31 3. One only becomes a subject of federal LEGISLATIVE jurisdiction by:
 - 32 3.1. Being a state officer but not a PRIVATE person subject to 42 U.S.C. §1983. The ability to regulate PRIVATE
33 conduct is "repugnant to the constitution", as held repeatedly by the U.S. Supreme Court.
 - 34 3.2. Changing your domicile to federal territory.
 - 35 3.3. Setting foot on federal territory and committing a crime under Title 18 of the U.S. Code while there.

36 Our official position on the position that state citizens are NOT Fourteenth Amendment "citizens of the United States"
37 therefore summarized in the following list based on the evidence presented in this section:

- 38 1. Fourteenth Amendment "citizens of the United States" are a SUPERSET of those the "Citizen" mentioned in the
39 original United States Constitution. Based on amendments and legislation created after the Fourteenth Amendment, it
40 adds the following demographic groups to the "Citizen" found in the original USA Constitution:
 - 41 1.1. Blacks. See the 15th Amendment.
 - 42 1.2. Women. See the 19th Amendment.
 - 43 1.3. Voters under age 21, INCLUDING white males. See 26th Amendment.
- 44 2. Those who are white males and therefore eligible to claim the "Citizen" status found in the original constitution will be
45 faced with the following upon their approach that will limit its usefulness and applicability to a small subset of those
46 that our official position can reach:
 - 47 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 statutory alien under federal law. 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) and (a)(22) and a statutory "alien" under the Internal Revenue Code and Social Security Act because.
- 4.1. You only become a statutory "citizen" under 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 CFR §1.1-1(c) by having a domicile on federal territory, so this moniker should be avoided, but the constitutional citizen moniker is not a problem.
- 4.2. There is no harm in being a "non-citizen national" under 8 U.S.C. §1101(a)(21), 8 U.S.C. §1101(a)(22), or 8 U.S.C. §1452. Those with this status maintain their sovereignty and sovereign immunity and do not meet any of the exceptions to the Foreign Sovereign Immunities Act found in 28 U.S.C. §1605 or 28 U.S.C. §1603(b)(3).
- 4.3. 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.
- 4.4. 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 CIVIL RIGHTS. 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 type of "subject to..." that corresponds to it, and hence are assuming the wrong context.
- 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:

Meaning of the Words "includes" and "including", 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

- 1 7.2. Aliens born in a foreign country who are citizens of a state of the Union but who were never naturalized.
- 2 8. The subject of constitutional citizenship is a broadly contested subject in courts across the nation, including up to this
- 3 day. The reason it is still widely contested is because:
- 4 8.1. Those who controvert it or argue that they are NOT Fourteenth Amendment "citizens of the United States" in fact,
- 5 DO NOT understand the context, or the nuances of the subject and are making a mountain out of a mole hill.
- 6 8.2. Disputes over the subject are used by the government to distract attention away from MUCH more important and
- 7 central issues, like what a "trade or business" is and how they can force you to occupy a public office without
- 8 your consent without violating the Thirteenth Amendment.
- 9 8.3. Those who make a mountain of the mole hill that is this subject are what the government truthfully and accurately
- 10 calls "conspiracy nuts" and little more.
- 11 9. Whether you, as a member and a reader decide to call yourself a "Citizen" of the original USA Constitution or a
- 12 "citizen of the United States" within the Fourteenth Amendment is not our concern. You can choose either.
- 13 Regardless of WHICH status you decide to choose, all members who wish to use our materials are REQUIRED to
- 14 attach the following forms to the government forms they fill out as a way to prevent being victimized by the false
- 15 presumptions of others, and to remove ALL discretion from every judge and bureaucrat to decide your citizenship
- 16 status or civil status in a court of law or in an administrative franchise court:
- 17 9.1. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001-use with tax or withholding forms
- 18 <http://sedm.org/Forms/FormIndex.htm>
- 19 9.2. USA Passport Application Attachment, Form #06.007
- 20 <http://sedm.org/Forms/FormIndex.htm>
- 21 9.3. Voter Registration Attachment, Form #06.003
- 22 <http://sedm.org/Forms/FormIndex.htm>
- 23 9.4. Citizenship, Domicile, and Tax Status Options, Form #10.003-use at depositions and with court pleadings.
- 24 <http://sedm.org/Forms/FormIndex.htm>

25 Below is a list of case law relevant to the subject of what a constitutional "citizen of the United States" is and its

26 relationship to that of state citizenship. All of the case law provided is entirely consistent with our position on citizenship.

27 The cases are listed in chronological sequence, so you can see the historical evolution of jurisprudence on the subject over

28 time:

29 *"The [14th] amendment referred to slavery. Consequently, the only persons embraced by its provisions, and*

30 *for which Congress was authorized to legislate in the manner were those then in slavery."*

31 *[Bowlin v. Commonwealth, 65 Kent.Rep. 5, 29 (1867)]*

32 *"No white person. . . owes the status of citizenship to the recent amendments to the Federal Constitution."*

33 *[Van Valkenbrg v. Brown (1872), 43 Cal. Sup.Ct. 43, 47]*

34 *"The rights of the state, as such, are not under consideration in the 14th Amendment, and are fully guaranteed*

35 *by other provisions."*

36 *[United States v. Anthony, 24 Fed. Cas. 829 (No. 14,459), 830 (1873)]*

37 *"The first clause of the fourteenth amendment made negroes citizens of the United States**, and citizens of*

38 *the State in which they reside, and thereby created two classes of citizens, one of the United States** and the*

39 *other of the state."*

40 *[Cory et al. v. Carter, 48 Ind. 327, (1874) headnote 8, emphasis added]*

41 *"We have in our political system a Government of the United States** and a government of each of the several*

42 *States. Each one of these governments is distinct from the others, and each has citizens of its own "*

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

44 *"One may be a citizen of a State and yet not a citizen of the United States. Thomasson v. State, 15 Ind. 449;*

45 *Cory v. Carter, 48 Ind. 327 (17 Am. R. 738); McCarthy v. Froelke, 63 Ind. 507; In Re Wehlitz, 16 Wis. 443."*

46 *[McDonel v. State, 90 Ind. 320, 323(1883) underlines added]*

47 *"A person who is a citizen of the United States** is necessarily a citizen of the particular state in which he*

48 *resides. But a person may be a citizen of a particular state and not a citizen of the United States**. To hold*

49 *otherwise would be to deny to the state the highest exercise of its sovereignty, -- the right to declare who are its*

50 *citizens."*

51 *[State v. Fowler, 41 La. Ann. 380, 6 S. 602 (1889), emphasis added]*

1 "The rights and privileges, and immunities which the fourteenth constitutional amendment and Rev. St. section
2 1979 [U.S. Comp. St. 1901, p. 1262], for its enforcement, were designated to protect, are such as belonging to
3 citizens of the United States as such, and not as citizens of a state".
4 [Wadleigh v. Newhall 136 F. 941 (1905)]

5 "The first clause of the fourteenth amendment of the federal Constitution made negroes citizens of the United
6 States**, and citizens of the state in which they reside, **and thereby created two classes of citizens, one of the**
7 **United States** and the other of the state."**
8 [4 Dec. Dig. '06, p. 1197, sec. 11, "Citizens" (1906), emphasis added]

9 "A fundamental right inherent in "state citizenship" is a privilege or immunity **of that citizenship only.**
10 Privileges and immunities of "citizens of the United States," **on the other hand, are only such as arise out of**
11 **the nature and essential character of the national government,** or as specifically granted or secured to all
12 citizens or persons by the Constitution of the United States."
13 [Twining v. New Jersey, 211 U.S. 78 (1908)]

14 "There are, then, under our republican form of government, two classes of citizens, one of the United States and
15 one of the state".
16 [Gardina v. Board of Registrars of Jefferson County, 160 Ala. 155, 48 So. 788 (1909)]

17 "**There are, then, under our republican form of government, two classes of citizens, one of the United States****
18 **and one of the state. One class of citizenship may exist in a person, without the other, as in the case of a**
19 **resident of the District of Columbia; but both classes usually exist in the same person. "**
20 [Gardina v. Board of Registrars, 160 Ala. 155, 48 S. 788, 791 (1909), emphasis added]

21 "... **citizens of the District of Columbia** were not granted the privilege of litigating in the federal courts on the
22 ground of diversity of citizenship. Possibly no better reason for this fact exists than **such citizens were not**
23 **thought of when the judiciary article [III] of the federal Constitution was drafted. ... citizens of the United**
24 **States** ... were also not thought of; but in any event a citizen of the United States**, who is not a citizen of**
25 **any state, is not within the language of the [federal] Constitution."**
26 [Pannill v. Roanoke, 252 F. 910, 914 (1918)]

27 "United States citizenship does not entitle citizen to rights and privileges of state citizenship."
28 [K. Tashiro v. Jordan, 201 Cal. 236, 256 P. 545, 48 Supreme Court. 527 (1927)]

29 "A citizen of the United States is ipso facto and at the same time a citizen of the state in which he resides. While
30 the 14th Amendment does not create a national citizenship, it has the effect of making **that citizenship**
31 **'paramount and dominant' instead of 'derivative and dependent' upon state citizenship."**
32 [Colgate v. Harvey, 296 U.S. 404, 427 (1935)]

33 "As applied to a citizen of another State, or to a citizen of the United States residing in another State, a state
34 law forbidding sale of convict made goods does not violate the privileges and immunities clauses of Art. IV, Sec.
35 2 and the Fourteenth Amendment of the Federal Constitution if it applies also and equally to the citizens of the
36 State that enacted it." (Syllabus)
37 [Whitfield v. State of Ohio: 297 U.S. 431 (1936)]

38 "There is a **distinction between** citizenship of the United States** and citizenship of a particular state, and a
39 **person may be the former without being the latter. "**
40 [Alla v. Kornfeld, 84 F.Supp. 823 (1949) headnote 5, emphasis added]

41 "A person **may be a citizen of the United States** and yet be not identified or identifiable as a citizen of any**
42 **particular state."**
43 [Du Vernay v. Ledbetter, 61 So.2d. 573 (1952), emphasis added]

44 "On the other hand, there is a significant historical fact in all of this. Clearly, one of the purposes of the 13th
45 and 14th Amendments and of the 1866 act and of section 1982 was to give the Negro citizenship. . ."
46 [Jones v. Alfred H. Mayer Co., 379 F.2d. 33, 43 (1967)]

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

50 If you would like to learn more about citizenship, we encourage you to read:

<http://sedm.org/Forms/FormIndex.htm>, Form #05.006, Sections 2 and 3

1 If you would like to read an excellent debate between a freedom fighter who advocates the flawed argument addressed by
2 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>

3 **18. RESOURCES FOR FURTHER STUDY AND REBUTTAL**

4 If you liked the content of this whitepaper, thousands of additional pages of research and evidence are available that
5 supports absolutely everything revealed here. You are encouraged to read and rebut the supporting research and evidence
6 found below:

- 7 1. *Treatise on American Citizenship*, John Wise, 1906:
8 <http://famguardian.org/Publications/TreatiseOnCitizenship/citiztoc.htm>
- 9 2. *A Treatise on the Law of Domicil*, M.W. Jacobs, 1887, Little Brown and Company:
10 HTML: <http://books.google.com/books?id=MFQvAAAAIAAJ&printsec=titlepage>
11 PDF: http://famguardian.org/Publications/TreatOnLawOfDomicile/A_Treatise_on_the_Law_of_Domicil_Nation.pdf
- 12 3. *Nonresident Alien Position*, Form #05.020. Describes the tax status of a “state national”, which is that of a
13 “nonresident alien”. Available at:
14 <http://sedm.org/Forms/FormIndex.htm>
- 15 4. *Why Domicile and Becoming a “Taxpayer” Require Your Consent*:
16 HTML: <http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisForTaxation.htm>
17 PDF, Form #05.002: <http://sedm.org/Forms/MemLaw/Domicile.pdf>
- 18 5. *Tax Deposition Questions*, Form #03.016, Section 14: Citizenship:
19 <http://sedm.org/Forms/FormIndex.htm>
- 20 6. *Great IRS Hoax*, Form #11.302, Sections 4.11 through 4.11.13 on citizenship, available for free downloading at:
21 <http://sedm.org/Forms/FormIndex.htm>
- 22 7. *Legal Basis for the Term “Nonresident alien”*, Form #05.036
23 <http://sedm.org/Forms/FormIndex.htm>
- 24 8. *Sovereignty Forms and Instructions Online*, Form #10.004: Instructions, Step 3.13, entitled “IMPORTANT!: Correct
25 Government Records documenting your Citizenship status”, available at:
26 <http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm>
- 27 9. *Family Guardian Discussion Forums, forum called “‘national’ and ‘state national’ citizenship”* available at:
28 <http://famguardian.org/forums/index.php?showforum=6>
- 29 10. *How to Apply for a Passport as a “National”*, Form #09.007:
30 <http://sedm.org/Forms/FormIndex.htm>
- 31 11. *You’re Not a “citizen” under the Internal Revenue Code*:
32 <http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>
- 33 12. *You’re Not a “resident” under the Internal Revenue Code*:
34 <http://famguardian.org/Subjects/Taxes/Citizenship/Resident.htm>

35
36 We encourage your rebuttal and well-researched feedback on the issues discussed in this whitepaper. The truth is all we
37 seek and we are certainly not beyond modifying our position if you can support your rebuttal with court admissible legal
38 evidence.

39 God bless you!

41 **19. QUESTIONS THAT READERS, GRAND JURORS, AND PETIT JURORS** 42 **SHOULD BE ASKING THE GOVERNMENT**

43 *“Test all things; hold fast what is good. Abstain from every form of evil.”*
44 *[1 Thess. 5:21-22, Bible, NKJV]*

45 Lastly, we will close this pamphlet with a list of questions aimed at those who still challenge our position on being a
46 “national” or “state national”. If you are going to lock horns with us or throw rocks, please start your rebuttal by answering
47 the following questions or your inquiry will be ignored. Remember Abraham Lincoln’s famous saying:

1 "He has a right to criticize who has a heart to help."

2 If you are a Christian, please ensure that you consider and apply the following requirements of [God's law](#) in all your
3 answers:

4 "You shall have no other gods [including political rulers, governments, or earthly laws] before Me [or [My](#)
5 [commandments](#)]."
6 [[Exodus 20:3](#), Bible, NKJV]

7 "Do you not know that friendship with the world is enmity with God? **Whoever therefore wants to be a friend**
8 **["citizen", "resident", "taxpayer", "inhabitant", or "subject" under a king or political ruler] of the world**
9 **[or any man-made kingdom other than God's Kingdom] makes himself an enemy of God.**"
10 [[James 4:4](#), Bible, NKJV]

11 "Above all, **you must live as citizens of heaven [INSTEAD of citizens of earth. You can only be a citizen of**
12 **ONE place at a time because you can only have a domicile in one place at a time**, conducting yourselves in a
13 manner worthy of the Good News about Christ. Then, whether I come and see you again or only hear about
14 you, I will know that you are standing together with one spirit and one purpose, fighting together for the faith,
15 which is the Good News."
16 [[Philippians 1:27](#), Bible, NLT]

17 "Therefore, my brethren, you also have become dead to the law [man's law] through the body of Christ [[by](#)
18 [shifting your legal domicile to the God's Kingdom](#)], that you may be married to another [Christ]—to Him
19 who was raised from the dead, that we should bear fruit [as agents, fiduciaries, and trustees] to God. For when
20 we were in the flesh, the sinful passions which were aroused by the law were at work in our members to bear
21 fruit to death. But now we have been delivered from the law, having died to what we were held by, so that we
22 should serve in the newness of the Spirit [and newness of the law, God's law] and not in the oldness of the
23 letter."
24 [[Rom. 7:4-6](#), Bible, NKJV]

25 "Do not walk in the statutes [[PAGAN civil laws](#)] of your fathers [the heathens], nor observe their
26 judgments, nor defile yourselves with their idols. I am the LORD your God: Walk in [My statutes](#), keep [My](#)
27 [judgments](#), and do them: hallow [My Sabbaths](#), and they will be a sign between Me and you, that you may
28 know that I am the LORD your God."
29 [[Ezekial 20:10-20](#), Bible, NKJV]

30 "You shall make no covenant with them [foreigners], nor with their [pagan government] gods [or judges].
31 They shall not dwell in your land [and you shall not dwell in theirs [by becoming a "resident" in the process](#)
32 [of contracting with them](#)], lest they make you sin against Me [God]. For if you serve their gods [under
33 [contract or agreement or franchise](#)], it will surely be a snare to you."
34 [[Exodus 23:32-33](#), Bible, NKJV]

35 19.1 Admissions

36 These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who
37 would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain
38 financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the
39 questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an
40 admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We
41 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>

42 Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person
43 against whom you are attempting to unlawfully enforce federal law.

44 1. Admit that all law is territorial in nature.

45 "The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be
46 confined in its operation and effect to the territorial limits over which the lawmaker has general and
47 legitimate power. 'All legislation is prima facie territorial.' *Ex parte Blain*, L. R. 12 Ch. Div. 522, 528; *State*
48 *v. Carter*, 27 N. J. L. 499; *People v. Merrill*, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such
49 as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of

1 course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able
2 to catch. In the case of the present statute, the improbability of the United States attempting to make acts done
3 in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives
4 a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the
5 scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but
6 need not be discussed.
7 [*American Banana Co. v. U.S. Fruit*, 213 U.S. 347 at 357-358]

8 YOUR ANSWER (circle one): Admit/Deny

9 2. Admit that the United States Constitution establishes two separate and distinct political and legal communities, each
10 with its own distinct types of “citizens”, courts, and jurisdictions: 1. States of the Union under the Constitution; 2. Federal
11 territory not under the jurisdiction of any Constitutional state.

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

17
18 “The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this
19 country substantially two national governments; one to be maintained under the Constitution, with all of its
20 restrictions; the other to be maintained by Congress outside the independently of that instrument, by
21 exercising such powers [of absolutism] as other nations of the earth are accustomed to.. I take leave to say
22 that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical
23 and mischievous change in our system of government will result. We will, in that event, pass from the era of
24 constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.. It
25 will be an evil day for American liberty if the theory of a government outside the supreme law of the land
26 finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full
27 authority to prevent all violation of the principles of the Constitution.”
28 [*Downes v. Bidwell*, 182 U.S. 244 (1901)]

29 YOUR ANSWER (circle one): Admit/Deny

30 3. Admit that the separation between the two jurisdictions established by the Constitution is the basis for the protection of
31 Constitutional rights and is called the Separation of Powers Doctrine:

32 “We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.
33 Const., Art. I, 8. As James Madison wrote, “[t]he powers delegated by the proposed Constitution to the federal
34 government are few and defined. Those which are to remain in the State governments are numerous and
35 indefinite.” *The Federalist* No. 45, pp. 292-293 (C. Rossiter ed. 1961). This constitutionally mandated division
36 of authority “was adopted by the Framers to ensure protection of our fundamental liberties.” *Gregory v.*
37 *Ashcroft*, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). “Just as the separation and
38 independence of the coordinate branches of the Federal Government serves to prevent the accumulation of
39 excessive power in any one branch, a healthy balance of power between the States and the Federal
40 Government will reduce the risk of tyranny and abuse from either front.” *Ibid.*
41 [*U.S. v. Lopez*, 514 U.S. 549 (1995)]

42
43 See also:

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

46 4. Admit that states of the Union are “foreign states” for the purposes of legislative jurisdiction and therefore not within the
47 civil legislative or territorial jurisdiction of the national government

48 “The States between each other are sovereign and independent. They are distinct and separate sovereignties,
49 except so far as they have parted with some of the attributes of sovereignty by the Constitution. They continue
50 to be nations, with all their rights, and under all their national obligations, and with all the rights of nations
51 in every particular; except in the surrender by each to the common purposes and objects of the Union, under
52 the Constitution. The rights of each State, when not so yielded up, remain absolute.”
53 [*Bank of Augusta v. Earle*, 38 U.S. (13 Pet.) 519; 10 L.Ed. 274 (1839)]

1
2 "Foreign States: Nations outside of the United States**...Term may also refer to another state; i.e. a sister
3 state. The term 'foreign nations', ...should be construed to mean all nations and states other than that in which
4 the action is brought; and hence, one state of the Union is foreign to another, in that sense."
5 [Black's Law Dictionary, Sixth Edition, p. 648]
6

7 "§1. Definitions, Nature, and Distinctions

8 **"The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal**
9 **meaning under the political institutions of the United States, and does not necessarily include all the**
10 **territorial possessions of the United States, but may include only the portions thereof which are organized**
11 **and exercise governmental functions under act of congress."**

12 "While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions
13 of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which
14 the United States exercises dominion, the word 'territory,' when used to designate a political organization, has
15 a distinctive, fixed, and legal meaning under the political institutions of the United States, and the term
16 'territory' or 'territories' does not necessarily include only a portion or the portions thereof which are organized
17 and exercise government functions under acts of congress. The term 'territories' has been defined to be
18 political subdivisions of the outlying dominion of the United States, and in this sense the term 'territory' is not a
19 description of a definite area of land but of a political unit governing and being governed as such. The question
20 whether a particular subdivision or entity is a territory is not determined by the particular form of government
21 with which it is, more or less temporarily, invested.

22 **"Territories' or 'territory' as including 'state' or 'states." While the term 'territories of the'**
23 **United States may, under certain circumstances, include the states of the**
24 **Union, as used in the federal Constitution and in ordinary acts of**
25 **congress "territory" does not include a foreign state.**

26 "As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,
27 and not within the boundaries of any of the several states."

28 [86 Corpus, Juris, Secundum (C.J.S.), Territories, §1: Definitions, Nature, and Distinctions]

29 YOUR ANSWER: _____

30 5. Admit that the U.S. government enjoys no civil statutory or legal jurisdiction within the bounds of a Constitutional state
31 of the Union:

32 "It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, **247**
33 **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**
34 **internal affairs of the states; and emphatically not with regard to legislation.**"
35 [Carter v. Carter Coal Co., **298 U.S. 238**, 56 S.Ct. 855 (1936)]

36 YOUR ANSWER: _____

37 6. Admit that a "national" is statutorily defined as a person who owes allegiance to a "state":

38 TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.
39 Sec. 1101. - Definitions

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

41 YOUR ANSWER: _____

42 7. Admit that the lower case term "state" as used in 8 U.S.C. §1101(a)(21) above means a foreign state, and that it would
43 be capitalized if it were a domestic "State" mentioned in 4 U.S.C. §110(d), and which is a federal territory or possession.

44 TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
45 CHAPTER 4 - THE STATES
46 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, SEDM
<http://sedm.org/SampleLetters/DefinitionsAndConventions.htm>]

YOUR ANSWER: _____

8. Admit that the U.S. Supreme Court has identified three 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 15: 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 <u>united States</u> ," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States***"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found

#	U.S. Supreme Court Definition of "United States" in Hooven	Context in which usually used	Referred to in this article as	Interpretation
				in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The <u>several States</u> which is the <u>united States of America</u> ." Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not</u> have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a " <u>Citizen of these united States</u> ." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

YOUR ANSWER (circle one): Admit/Deny

9. 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

10. Admit that because there are three 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

11. Admit that a human being who is a "citizen of the United States" as that term is used in the Fourteenth Amendment to the U.S. Constitution is NOT equivalent to a statutory "national and citizen of the United States" as defined in 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."*
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

"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

1 12. Admit that a “citizen of the United States” domiciled within Puerto Rico, which is federal territory under 8 U.S.C.
2 §110(d), is a statutory “citizen of the United States” as defined in [8 U.S.C. §1401](#) and is not protected by the Constitution.

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

19
20 YOUR ANSWER (circle one): Admit/Deny

21 13. Admit that a “citizen of the United States” domiciled within Puerto Rico, which is federal territory under 8 U.S.C.
22 §110(d), is “subject to ITS jurisdiction” as referred to in 26 CFR §1.1-1(c) rather than “subject to THE jurisdiction” as
23 referred to in the Fourteenth Amendment.

24 *Fourteenth Amendment*

25 *Section 1. All persons born or naturalized in the [federal] United States, and subject to THE [political*
26 *jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make*
27 *or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall*
28 *any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person*
29 *within its jurisdiction the equal protection of the laws.*

30
31
32 [26 CFR §1.1-1\(c\):](#)

33 (c) Who is a [statutory] citizen.

34 *Every person born or naturalized in the United States[**] and subject to ITS [that is, LEGISLATIVE]*
35 *jurisdiction is a [statutory and not constitutional] citizen. For other rules governing the acquisition of*
36 *citizenship, see Chapters 1 and 2 of Title III of the Immigration and Nationality Act (8 U.S.C. 1401-1459). For*
37 *rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489),*
38 *Schneider v. Rusk, (1964) 377 U.S. 163, and Rev. Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons*
39 *who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act*
40 *(8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal*
41 *purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of*
42 *becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is*
43 *an alien.*

44
45 YOUR ANSWER (circle one): Admit/Deny

46 14. Admit that one can be “subject to THE” POLITICAL jurisdiction while NOT being “subject to ITS” LEGISLATIVE
47 jurisdiction of a specific nation by having a civil domicile outside the territory of that jurisdiction and in a “foreign state”,
48 which could be either a foreign country or a state of the Union.

49 *“This section contemplates two sources of citizenship, and two sources only,-birth and naturalization. The*
50 *persons declared to be citizens are 'all persons born or naturalized in the United States, and subject to the*
51 *jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree*
52 *to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of*
53 *the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate*
54 *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*
55 *of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth*
56 *cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the*
57 *naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”*
58 *[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]*

1 YOUR ANSWER (circle one): Admit/Deny

2 15. Admit that it is possible to be a statutory “alien” under 26 U.S.C. §7701(b)(1)(A) and a Constitutional “citizen” under
3 the Fourteenth Amendment AT THE SAME TIME, if one is domiciled in a constitutional state of the Union and the term
4 “United States” as used below refers to federal territory ONLY.

5 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101](#)
6 [§ 1101. Definitions](#)

7 (a) As used in this chapter—

8 (3) The term “alien” means any person not a citizen or national of the United States.

9 YOUR ANSWER: _____

10 16. Admit that all federal legislation, excepting the following subject matters, is limited to federal territory, federal
11 property, and those domiciled on federal territory and therefore protected by federal law:

12 16.1 Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.

13 16.2 Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution..

14 16.3 Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.

15 16.4 Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.

16 16.5 Jurisdiction over naturalization and exportation of Constitutional aliens.

17 16.6 Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581.
18 and 18 U.S.C. §1589(3).

19 *“Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the*
20 *Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary*
21 *servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these*
22 *sections denouncing peonage, and punishing one who holds another in that condition of involuntary*
23 *servitude. **This legislation is not limited to the territories or other parts of the strictly national domain,***
24 ***but is operative in the states and wherever the sovereignty of the United States extends.** We entertain no*
25 *doubt of the validity of this legislation, or of its applicability to the case of any person holding another in*
26 *a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding.*
27 ***It operates directly on every citizen of the Republic, wherever his residence may be.**”*
28 *[Clyatt v. U.S., 197 U.S. 207 (1905)]*

29 YOUR ANSWER (circle one): Admit/Deny

30
31 17. Admit that a statutory “citizen of the United States” as defined in [8 U.S.C. §1401](#) and a *constitutional* “citizen of the
32 United States” as defined in section 1 of the [Fourteenth Amendment](#) are mutually exclusive types of citizens and that a
33 person CANNOT be BOTH types of citizens at the same time.

34 YOUR ANSWER (circle one): Admit/Deny

35 18. Admit that the following definition describes federal territory that is not within the exclusive jurisdiction of any state of
36 the Union.

37 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. \[Aliens and Nationality\]](#)
38 [Sec. 1101. - Definitions](#)

39 (a)(38) The term “United States”, except as otherwise specifically herein provided, when used in a geographical
40 sense, means the [continental United States](#), Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the
41 United States.

42 YOUR ANSWER (circle one): Admit/Deny

43
44 19. Admit that the definition of “continental United States” below does not pertain to the above but ALSO adds areas
45 under the exclusive jurisdiction of states of the Union, and that this addition was necessary because jurisdiction over
46 constitutional but not statutory aliens is enjoyed by the federal government EVERYWHERE in the American Union.

5 [Section 215.1: Definitions](#)
6

7 (f) The term continental United States[**] means the District of Columbia and the several [States](#), except Alaska
8 and Hawaii.
9

10 While under our constitution and form of government the great mass of local matters is controlled by local
11 authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one
12 nation, invested with powers which belong to independent nations, the exercise of which can be invoked for
13 the maintenance of its absolute independence and security throughout its entire territory. The powers to
14 declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure
15 republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign
16 powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice
17 which control, more or less, the conduct of all civilized nations. As said by this court in the case of Cohens v.
18 Virginia, 6 Wheat. 264, 413, speaking by the same great chief justice: That the United States form, for many,
19 and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In
20 making peace, we are one people. In all commercial regulations, we are one and the same people. In many
21 other respects, the American people are one; and the government which is alone capable of controlling and
22 managing their interests in all these respects is the government of the Union. It is their government, and in
23 that character they have no other. America has chosen to [\[130 U.S. 581, 605\]](#) be in many respects, and
24 to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is
25 competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It
26 can, then, in effecting these objects, legitimately control all individuals or governments within the American
27 territory.”
28

29 [. . .]
30

31 “The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the
32 United States as a part of those sovereign powers delegated by the constitution, the right to its exercise at any
33 time when, in the judgment of the government, the interests of the country require it, cannot be granted away or
34 restrained on behalf of any one. The powers of government are delegated in trust to the United States, and are
35 incapable of transfer to any other parties. They cannot be abandoned or surrendered. Nor can their exercise
36 be hampered, when needed for the public good, by any considerations of private interest. The exercise of
37 these public trusts is not the subject of barter or contract.”
38 [\[Chae Chan Ping v. U.S., 130 U.S. 581 \(1889\)\]](#)
39

40 YOUR ANSWER (circle one): Admit/Deny

41 20. Admit that a Constitutional “citizen of the United States” born within or naturalized while domiciled within a
42 constitutional state of the Union is defined as a “national” under [8 U.S.C. §1101\(a\)\(21\)](#) and a “non-citizen national” under [8](#)
43 [U.S.C. §1452\(b\)](#);

44 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)
45 [Sec. 1101. - Definitions](#)

46 (21) The term "national" means a person owing permanent allegiance to a state.
47

48 [TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part II > § 1452](#)
49 [§ 1452. Certificates of citizenship or U.S. non-citizen national status; procedure](#)

50 (b) Application to Secretary of State for certificate of non-citizen national status; proof; oath of allegiance

51 A person who claims to be a national, but not a citizen, of the United States may apply to the Secretary of State
52 for a certificate of non-citizen national status. Upon—

53 (1) proof to the satisfaction of the Secretary of State that the applicant is a national, but not a citizen, of the
54 United States, and

55 (2) in the case of such a person born outside of the United States or its outlying possessions, taking and
56 subscribing, before an immigration officer within the United States or its outlying possessions, to the oath of
57 allegiance required by this chapter of a petitioner for naturalization,

1 the individual shall be furnished by the Secretary of State with a certificate of non-citizen national status, but
2 only if the individual is at the time within the United States or its outlying possessions.

3 YOUR ANSWER (circle one): Admit/Deny

4 21. Admit that neither the “federal government” nor the “national government” have civil legislative jurisdiction within a
5 state of the Union, according to the U.S. Supreme Court.

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

10 YOUR ANSWER (circle one): Admit/Deny

11 22. Admit that because neither the “federal government” nor the “national government” have civil legislative jurisdiction
12 within a state of the Union, then no statute or “legislation” that it might write can prescribe the status or condition,
13 including the citizenship status, of those born within the exclusive jurisdiction of a state of the Union.

14 “Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the
15 law of comity must necessarily rest, the following maxims: First ‘that every nation possesses an exclusive
16 sovereignty and jurisdiction within its own territory’; secondly, ‘that no state or nation can by its laws directly
17 affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural
18 born subjects or others.’ The learned judge then adds: ‘From these two maxims or propositions there follows a
19 third, and that is that whatever force and obligation the laws of one country have in another depend solely upon
20 the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and
21 upon its own express or tacit consent.’ Story on Conflict of Laws §23.”
22 [*Baltimore & Ohio Railroad Co. v. Chambers*, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

23 YOUR ANSWER (circle one): Admit/Deny

24 23. Admit that the “national government” and the “federal government” legislate for two distinctly different and mutually
25 exclusive territorial jurisdictions.

26 “It is clear that Congress as a legislative body, exercises two species of legislative power: the one, limited as to
27 its objects but extending all over the Union; the other, an absolute, exclusive legislative power over the District
28 of Columbia.”
29 [*Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]

30
31 “**NATIONAL GOVERNMENT.** The government of a whole nation, as distinguished from that of a local or
32 territorial division of the nation, and also as distinguished from that of a league or confederation.

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

39
40 “**FEDERAL GOVERNMENT.** The system of government administered in a state formed by the union or
41 confederation of several independent or quasi independent states; also the composite state so formed.

42 In strict usage, there is a distinction between a confederation and a federal government. The former term
43 denotes a league or permanent alliance between several states, each of which is fully sovereign and
44 independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the
45 central authority a controlling power for a few limited purposes, such as external and diplomatic relations.
46 In this case, the component states are the units, with respect to the confederation, and the central
47 government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the
48 allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive
49 them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the
50 central power is erected into a true state or nation, possessing sovereignty both external and internal,-while
51 the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as
52 units, but by the people of all, in their collective capacity, as citizens of the nation. The distinction is

1 expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaat;" the former
2 denoting a league or confederation of states, and the latter a federal government, or state formed by means of a
3 league or confederation.
4 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

5 YOUR ANSWER (circle one): Admit/Deny

6 24. Admit that the "national government" legislates ONLY for federal territory, domiciliaries, and property and not for any
7 component of the states of the Union, and that it does so under the authority of Article 4, Section 3, Clause 2 of the
8 Constitution, and that the U.S. Supreme Court calls this jurisdiction the "national domain".

9 "A person arbitrarily or forcibly held against his will for the purpose of compelling him to render personal
10 services in discharge of a debt is in a condition of peonage. It was not claimed in that case that peonage was
11 sanctioned by or could be maintained under the Constitution or laws either of Florida or Georgia. The
12 argument there on behalf of the accused was, in part, that the 13th Amendment was directed solely against the
13 states and their laws, and that its provisions could not be made applicable to individuals whose illegal conduct
14 was not authorized, permitted, or sanctioned by some act, resolution, order, regulation, or usage of the state.
15 That argument was rejected by every member of this court, and we all agreed that Congress had power, under
16 the 13th Amendment, not only to forbid the existence of peonage, but to make it an offense against the United
17 States for any person to hold, arrest, return, or cause to be held, arrested or returned, or who in any manner
18 aided in the arrest or return, of another person, to a condition of peonage. After quoting the above sentences
19 from the opinion in the Civil Rights Cases, Mr. Justice Brewer, speaking for the court, said: 'Other authorities
20 to the same effect might be cited. It is not open to doubt that Congress may enforce the 13th Amendment by
21 direct legislation, punishing the holding of a person in slavery or in involuntary servitude, except as a
22 punishment for crime. In the exercise of that power Congress has enacted these sections denouncing peonage,
23 and punishing one who holds another in that condition of involuntary servitude. *34 **This legislation is**
24 **not limited to the territories or other parts of the strictly national**
25 **domain, but is operative in the states and wherever the sovereignty of the**
26 **United States extends.** We entertain no doubt of the validity of this legislation, or of its applicability
27 to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance
28 or state law sanctioning such holding. It operates directly on every citizen of the republic, wherever his
29 residence may be.'
30 [Hodges v. U.S., 203 U.S. 1, 27 S.Ct. 6 (U.S. 1906)]
31

32 "It is contended that we should dismiss this action on the ground that the Attorney General has not been
33 granted power either to file or to maintain it. It is *27 not denied that Congress has given a very broad
34 authority to the Attorney General to institute and conduct litigation in order to establish and safeguard
35 government rights and properties.⁸ The argument is that Congress has for a long period of years acted in such a
36 way as to manifest a clear policy to the effect that the states, not the Federal Government, have legal title to the
37 land under the three-mile belt. **Although Congress has not expressly declared such a policy, we are asked to**
38 **imply it from certain conduct of Congress and other governmental agencies charged with responsibilities**
39 **concerning the national domain.** And, in effect, we are urged to infer that Congress has by implication
40 amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain
41 court proceedings in order to safeguard national interests.

42 An Act passed by Congress and signed by the President could, of course, limit the power previously granted the
43 Attorney General to prosecute claims for the Government. **For Article IV, s 3, Cl. 2 of the Constitution vests in**
44 **Congress 'Power to dispose of and make all needful Rules and Regulations respecting the Territory or other**
45 **Property belonging to the United States.'** We have said that the constitutional power of Congress in this
46 respect is without limitation. **United States v. City and County of San Francisco, 310 U.S. 16, 29, 30, 60 S.Ct.**
47 **749, 756, 757, 84 L.Ed. 1050. Thus neither the courts nor the executive agencies, could proceed contrary to**
48 **an Act of Congress in this congressional area of national power.**
49 [U.S. v. State of Cal., 332 U.S. 19, 67 S.Ct. 1658 (U.S. 1947)]

50 YOUR ANSWER (circle one): Admit/Deny

51 25. Admit that persons not domiciled on federal territory nor participating in federal franchises are NOT part of the
52 "national domain" or the "national government" as defined earlier.

⁸ 5 U.S.C. ss 291, 309, 5 U.S.C.A. ss 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](#).

1 YOUR ANSWER (circle one): Admit/Deny

2 26. Admit that any attempt to “presume” or wrongfully conclude that a person or his private property is part of the
3 “national domain” who in fact is not constitutes an act of eminent domain in which private property is being unlawfully
4 converted to a “public use” in criminal violation of [18 U.S.C. §654](#).

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

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

13 YOUR ANSWER (circle one): Admit/Deny

14 27. Admit that the distinctions between the “national government” and the “federal government” is a product of the
15 separation of powers doctrine, which was put there by the framers of the constitution for the express purpose of protecting
16 our rights and liberties.

17 “We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.
18 Const., Art. I, 8. As James Madison wrote, “[t]he powers delegated by the proposed Constitution to the federal
19 government are few and defined. Those which are to remain in the State governments are numerous and

20 indefinite.” *The Federalist No. 45*, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally**
21 **mandated division of authority "was adopted by the Framers**
22 **to ensure protection of our fundamental liberties."** *Gregory v. Ashcroft*,
23 [501 U.S. 452, 458 \(1991\)](#) (internal quotation marks omitted). **Just as the separation and independence of**
24 **the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in**
25 **any one branch, a healthy balance of power between the States and the Federal Government will reduce the**
26 **risk of tyranny and abuse from either front.** *Ibid.* “

27 [*U.S. v. Lopez*, [514 U.S. 549](#) (1995)]

28 YOUR ANSWER (circle one): Admit/Deny

29 28. Admit that those in the legal profession or the government who refuse to acknowledge all of the implications of the
30 separation of powers doctrine are engaged in a willful oppression of the rights and liberties of those persons in states of the
31 Union who are protected by it.

32 See: <http://famguardian.org/Subjects/LawAndGovt/Articles/SeparationOfPowersDoctrine.htm>

33 YOUR ANSWER (circle one): Admit/Deny

34 29. Admit that a judge or public servant who refuses to recognize all of the implications of the separation of powers
35 doctrine is a de facto usurper and tyrant who is acting as a private individual and not an officer of the government.

36 “... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in
37 respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not
38 to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which
39 therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the
40 word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread
41 and act in its name.”

42 “This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the
43 line of demarcation that separates constitutional government from absolutism, free self- government based on
44 the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of
45 the state to declare and decree that he is the state; to say 'L'Etat, c'est moi.' Of what avail are written
46 constitutions, whose bills of right, for the security of individual liberty, have been written too often with the
47 blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power
48 may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce
49 them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect?

1 And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial
2 tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong,
3 whenever they interpose the shield of the state? **The doctrine is not to be tolerated.**
4 **The whole frame and scheme of the political institutions of**
5 **this country, state and federal, protest against it. Their**
6 **continued existence is not compatible with it. It is the doctrine**
7 **of absolutism, pure, simple, and naked, and of communism**
8 **which is its twin, the double progeny of the same evil birth."**
9 [/Poindexter v. Greenhow, 114 U.S. 270; 5 S.Ct. 903 \(1885\)/](#)

10 YOUR ANSWER (circle one): Admit/Deny

11 30. Admit that a judge or public servant who refuses to recognize all of the implications of the separation of powers
12 doctrine upon his authority is violating his oath of office and acting not as a judge, but a private individual who has
13 surrendered judicial and sovereign immunity and agreed to accept personal responsibility for his usurpations.

14 *"An officer who acts in violation of the Constitution ceases to represent the government."*
15 *[Brookfield Const. Co. v. Stewart, 284 F.Supp. 94]*
16

17 *"In another, not unrelated context, Chief Justice Marshall's exposition in Cohens v. Virginia, 6 Wheat, 264*
18 *(1821) TA \l "Cohens v. Virginia, 6 Wheat, 264 (1821)" \s "Cohens v. Virginia, 6 Wheat, 264 (1821)" \c 1 ,*
19 *could well have been the explanation of the Rule of Necessity; he wrote that a court "must take jurisdiction if it*
20 *should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the*
21 *constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a*
22 *case may be attended, we must decide it, if it be brought before us. **We have no more right to decline the***
23 ***exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be***
24 ***treason to the constitution.** Questions may occur which we would gladly avoid; but we cannot avoid them." *Id.*,*
25 *at 404 (emphasis added)*
26 *[U.S. v. Will, 449 U.S. 200 (1980)]*
27

28 *"In such case the judge has lost his judicial function, has become a mere private person, and is liable as a*
29 *trespasser for damages resulting from his unauthorized acts."*

30 *"Judge's honesty of purpose and sincere belief that he was acting in discharge of his official duty was not*
31 *available as defense in action."*

32 *"Where there is no jurisdiction there is no judge; the proceeding is as nothing. Such has been the law from the*
33 *days of the Marshalsea, 10 Coke 68; also Bradley v. Fisher, 13 Wall 335,351."*
34 *[Manning v. Ketcham, 58 F.2d. 948]*

35 YOUR ANSWER (circle one): Admit/Deny

36 31. Admit that Subtitle A of the Internal Revenue Code only applies to ONE of the three definitions of "United States"
37 indicated above, in which the "United States" is defined as the District of Columbia pursuant to [26 U.S.C. §7701\(a\)\(9\)](#) and
38 [\(a\)\(10\)](#).

39 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#) *[Internal Revenue Code]*
40 [Sec. 7701. - Definitions](#)

41 (a)(9) United States

42 *The term "United States" when used in a geographical sense includes only the [States](#) and the District of*
43 *Columbia.*

44 (a)(10) State

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

1 YOUR ANSWER (circle one): Admit/Deny

2 32. Admit that when a statutory definition of a word is provided, that definition supersedes and replaces, and NOT
3 enlarges, the common or ordinary meaning of the word.

4 *"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v.*
5 *Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed*
6 *in other legislation, has no pejorative connotation. As judges, it is our duty to [481 U.S. 485] construe*
7 *legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who*
8 *has not even read it."*
9 *[Meese v. Keene, 481 U.S. 465, 484 (1987)]*

10 YOUR ANSWER: _____

11 33. Admit that the things or classes of things described in a statutory definition exclude all things not specifically identified
12 somewhere within the statute or other related sections of the Title:

13 *"As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"*
14 *[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]*

15 *"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one*
16 *thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*
17 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons*
18 *or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be*
19 *inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*
20 *of a certain provision, other exceptions or effects are excluded."*
21 *[Black's Law Dictionary, Sixth Edition, p. 581]*

22 YOUR ANSWER: _____

23 34. Admit that no judge has the authority to enlarge or expand a definition to include things not explicitly stated in the
24 statute itself because judges are not part of the legislative branch of the government.

25 *"In the interpretation of statutes levying taxes, it is the established rule not to extend their provisions by*
26 *implication beyond the clear import of the language used, or to enlarge their operations so as to embrace*
27 *matters not specifically pointed out. In case of doubt they are construed most strongly against the government*
28 *and in favor of the citizen."*
29 *[Gould v. Gould, 245 U.S. 151 (1917)]*

30 YOUR ANSWER: _____

31 35. Admit that a judge who extends the meaning of a term beyond that clearly stated in the statute itself is effectively
32 "legislating from the bench", exceeding his or her delegated authority, and destroying the separation of powers which was
33 put there for the protection of our Constitutional rights.

34 *"But, allowing the people to make constitutions and unmake them, allowing their representatives to make laws*
35 *and unmake them, and without our interference as to their principles or policy in doing it, yet, when*
36 *constitutions and laws are made and put in force by others, then the courts, as empowered by the State or the*
37 *Union, commence their functions and may decide on the rights which conflicting parties can legally set up*
38 *under them, rather than about their formation itself. Our power begins after theirs ends. Constitutions and*
39 *laws precede the judiciary, and we act only under and after them, and as to disputed rights beneath them,*
40 *rather than disputed points in making them. We speak what is the law, jus dicere, we speak or construe what*
41 *is the constitution, after both are made, but we make, or revise, or control neither."*
42 *[Luther v. Borden, 48 U.S. 1 (1849)]*

43 YOUR ANSWER: _____

44 36. Admit that the ordinary or common definition of a word appearing within a revenue statute may only be implied when
45 there is no governing statutory definition.

46 *"When a statute includes an explicit definition, we must follow that definition, even if it varies from that*
47 *term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory*
48 *definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393,*

1 *n. 10 ("As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not*
2 *stated""); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of*
3 *N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory*
4 *Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a*
5 *whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition*
6 *does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial*
7 *portion," indicate the contrary."*
8 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

9 YOUR ANSWER: _____

10 37. Admit that when the word "include" is used within a statutory definition in its context of meaning "in addition to", the
11 other things that it adds to must also be specified in another section of the statutes as well or the statute is void for
12 vagueness.

13 *"When a statute includes an explicit definition, we must follow that definition, even if it varies from that*
14 *term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory*
15 *definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393,*
16 *n. 10 ("As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not*
17 *stated""); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of*
18 *N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory*
19 *Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a*
20 *whole [all sections considered TOGETHER]," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the*
21 *reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the*
22 *head." Its words, "substantial portion," indicate the contrary."*
23 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

24 YOUR ANSWER: _____

25 38. Admit that the First Amendment recognizes a natural right to both politically and legally associate, and a right to be
26 free of compelled association with any political or legal group.

27 *"The right to associate or not to associate with others solely on the basis of individual choice, not being*
28 *absolute, may conflict with a societal interest in requiring one to associate with others, or to prohibit one*
29 *from associating with others, in order to accomplish what the state deems to be the common good. The*
30 *Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association, has*
31 *nevertheless established certain basic rules which will cover many situations involving forced or prohibited*
32 *associations. Thus, where a sufficiently compelling state interest, outside the political spectrum, can be*
33 *accomplished only by requiring individuals to associate together for the common good, then such forced*
34 *association is constitutional. 9 But the Supreme Court has made it clear that compelling an individual to*
35 *become a member of an organization with political aspects, or compelling an individual to become a member*
36 *of an organization which financially supports, in more than an insignificant way, political personages or*
37 *goals which the individual does not wish to support, is an infringement of the individual's constitutional*
38 *right to freedom of association. 10 The First Amendment prevents the government, except in the most*
39 *compelling circumstances, from wielding its power to interfere with its employees' freedom to believe and*
40 *associate, or to not believe and not associate; it is not merely a tenure provision that protects public employees*
41 *from actual or constructive discharge. 11 Thus, First Amendment principles prohibit a state from compelling*

⁹ 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.

¹⁰ 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).

¹¹ 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.

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

15 YOUR ANSWER: _____

16 39. Admit that the product of choosing one's political and legal associations is the status they declare on government forms
17 using such words as "citizen", "resident", "inhabitant", and that any of the following activities by any government or officer
18 of the government to recognize that status is a direct interference with the First Amendment right to politically and legally
19 associate and constitutes a tort.

20 39.1 Refusing to recognize or give "force of law" to the status one declares on a government form.

21 39.2 Calling one's choice of status, such as "nonresident", frivolous, without merit, or false without.

22 39.3 Not providing ALL the possible choices on a government form, such as omitting the following statuses:
23 "nontaxpayer", "nonresident", "transient foreigner".

24 39.4 Forcing the applicant to choose from a filtered list of status options that does represent all possible choices and
25 saying they won't accept the form unless you choose only from the options presented. For instance, one is a
26 nonresident and not an "individual" and yet the form only provides "individual" and "resident" as choices.

27 39.5 Refusing to accept government forms submitted to them that have attachments that provide legal definitions of
28 the statuses indicated on the form, or which add status options deliberately omitted from the form.

29 YOUR ANSWER: _____

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

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

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

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

¹² 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).

¹³ 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).

¹⁴ 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).

¹⁵ McCloud v. Testa, 97 F.3d. 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 FED App. 335P (6th Cir. 1996), reh'g and suggestion for reh'g en banc denied, (Feb. 13, 1997).

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

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

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

As to political patronage jobs, see § 472.

¹⁶ Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

1 40. Admit that implicit in the First Amendment right of freedom to associate or disassociate is the right to CHOOSE what
2 political group one wishes to join and have allegiance to, and that domicile, or what the courts call “animus manendi” is the
3 method of making that choice of political association.

4 YOUR ANSWER: _____

5 41. Admit that “taxes” cause those paying them to subsidize “political personages” as described in the Am.Jur quote above.

6 YOUR ANSWER: _____

7 42. Admit that domicile and that statutory “U.S. citizen” status that associates with it, and not nationality, is what
8 determines whether “taxes” are owed.

9 *“Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in*
10 *transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the*
11 *Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates*
12 *universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter*
13 *obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,*
14 *the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most*
15 *obvious illustration being a tax on realty laid by the state in which the realty is located.”*
16 *[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]*

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

26 *“The power of taxation, indispensable to the existence of every civilized government, is exercised upon the*
27 *assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding*
28 *to the value of such property, or in the creation and maintenance of public conveniences in which he shares --*
29 *such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the*
30 *taxing power be in no position to render these services, or otherwise to benefit the person or property taxed,*
31 *and such property be wholly within the taxing power of another state, to which it may be said to owe an*
32 *allegiance, and to which it looks for protection, the taxation of such property within the domicil of the owner*
33 *partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be*
34 *beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v.*
35 *Jackson, 7 Wall. 262; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank, 19*
36 *Wall. 490, 499; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358. In Chicago &c. R. Co. v. Chicago,*
37 *166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without*
38 *compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New*
39 *Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v.*
40 *Boston, 158 Mass. 509, 519.”*
41 *[Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]*

42 YOUR ANSWER: _____

43 43. Admit that one cannot be a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 without a domicile on federal territory
44 subject to the exclusive jurisdiction of Congress under Article 1, Section 8, Clause 17 of the United States Constitution.

45 YOUR ANSWER: _____

46 44. 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
47 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,
48 then they cease to be a statutory “U.S. citizen” and instead become a “nonresident alien” pursuant to 26 U.S.C.
49 §771(b)(1)(B).

50 YOUR ANSWER: _____

1 45. Admit that you cannot be a jurist or a voter in most jurisdictions unless you have a domicile in a place, and that if
2 income tax liability attaches to ones choice of domicile, then income taxes in effect behave as “poll taxes”.

3 YOUR ANSWER: _____

4 **19.2 Interrogatories**

5 1. After this article was published starting in 2001, people began using it to apply for passports as a “non-citizen national”
6 using Dept. of State for DS-11. This included the authors. In 2006, the Dept. of State changed the DS-11 form to
7 recognize the existence of “non-citizen nationals”! They changed the perjury statement to add a reference to “non-
8 citizen national”. To wit:

9 *“I declare under penalty of perjury that I am a United States citizen (**or non-citizen national**) and have not,
10 since acquiring United States citizenship (**or U.S. nationality**), performed any of the acts listed under “Acts or
11 Conditions” on this application form (unless explanatory statement is attached). I declare under penalty of
12 perjury that the statements made on this application are true and correct.”*

13 *[Dept. of State, Form DS-011;*

14 *SOURCE: <http://famguardian.org/TaxFreedom/Forms/Emancipation/DS-0011.pdf>]*

15 Those who are “non-citizen nationals” can now simply check “NO” in answer to whether their parents are “U.S.
16 citizens” in Block 21 and sign the form and MUST be presumed to be a “non-citizen national” by the recipient of the
17 form in accordance with [8 U.S.C. §1452](#). This corroborating behavior of the government raises the following
18 questions:

19 1.1. Why would the Dept. of State, Form DS-011 change their passport application form to accommodate the research
20 in this pamphlet if we are wrong?

21 1.2. Why does the Dept. of State *continue* to approve passport applications that indicate that the application is a “non-
22 citizen national”, including the DS-011 application of the author?

23 2. “Expatriation” is defined in *Perkins v. Elg*, 307 U.S. 325 (1939) as:

24 *“Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.”*

25 *[Perkins v. Elg, [307 U.S. 325](#), 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]*

26 How can you abandon your nationality as a “national” or “state national” with the Secretary of the State of the United
27 States** under 8 U.S.C. §1481 if you didn't have it to begin with?

28 3. Naturalization is defined in 8 U.S.C. §1101(a)(23) as:

29 [TITLE 8 > CHAPTER 12 > SUBCHAPTER 1 > Sec. 1101.](#)

30 [Sec. 1101. - Definitions](#)

31 *(a)(23) The term “naturalization” means the conferring of **nationality** [NOT “citizenship” or “U.S. citizenship”,
32 but “nationality”, which means “**national**”] of a state upon a person after birth, by any means whatsoever. ”*

33 How can you say a person isn't a “national” after they were naturalized, and if they are, what type of “national” do they
34 become? As a “national” born outside of federal jurisdiction and the “United States**”, do they meet the requirements
35 of [8 U.S.C. §1452](#) and if not, why not?

36 4. The Supreme Court declared that the term “United States***” used in the Constitution is not a “nation”, but a “society”
37 in *Chisholm v. Georgia*:

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

43 *[Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 440 (1794)]*

44 What exactly does it mean to be a “national of the United States***” within the meaning of the Constitution and not
45 federal law?

1 5. The early U.S. Congress in 1796 enacted a law found in the Statutes at Large at 1 Stat. 477 in which they referred to
2 people born within states of the Union simultaneously as both “American citizens” and “citizens of the United States **of**
3 **America**”. This was shortly after the Constitution had been ratified that created the “United States”. They deliberately
4 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>

5 This is the same “United States of America” used in the Articles of Confederation that have never been repealed and
6 which the U.S. Supreme Court referred to as the collective states of the Union rather than the federal government
7 created by the Constitution.

8 *As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of external*
9 *sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and*
10 *corporate capacity as the United States of America. Even before the Declaration, the colonies were a unit in*
11 *foreign affairs, acting through a common agency—namely, the Continental Congress, composed of delegates*
12 *from the thirteen colonies.* That agency exercised the powers of war and peace, raised an army, created a
13 navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of
14 government change; but sovereignty survives. A political society cannot endure [299 U.S. 304, 317] without a
15 supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of
16 Great Britain in respect of the colonies ceased, it immediately passed to the Union. See *Penhallow v. Doane*, 3
17 Dall. 54, 80, 81, Fed.Cas. No. 10925. That fact was given practical application almost at once. The treaty of
18 peace, made on September 3, 1783, was concluded between his Britannic Majesty and the 'United States of
19 America.' 8 Stat., *European Treaties*, 80.

20 *The Union existed before the Constitution, which was ordained and established among other things to form 'a*
21 *more perfect Union.'* Prior to that event, it is clear that *the Union, declared by the Articles of Confederation to*
22 *be 'perpetual,' was the sole possessor of external sovereignty, and in the Union it remained without change*
23 *save in so far as the Constitution in express terms qualified its exercise. The Framers' Convention was called*
24 *and exerted its powers upon the irrefutable postulate that though the states were several their people in*
25 *respect of foreign affairs were one.* Compare *The Chinese Exclusion Case*, [130 U.S. 581, 604](#), 606 S., 9 S.Ct.
26 623. In that convention, the entire absence of state power to deal with those affairs was thus forcefully stated by
27 Rufus King:
28 [*United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936)]

29 Why can't I lawfully be the “citizen of the United States **of America**” described in this enactment and would this be a
30 constitutional citizen or a statutory citizen? If I can't, when was this type of citizenship outlawed?

31 6. If a "national" is defined in [8 U.S.C. §1101\(a\)\(21\)](#) simply as a person who owes "allegiance", then why can't a person
32 who is domiciled in a state of the Union have allegiance to the confederation of states called the "United States***",
33 which the Supreme Court said above was a "society" and not a "nation". And what would you call that “society”, if it
34 wasn't a “nation”? We call that society a “federation” which is served by a “federal government”. The Supreme Court
35 said in *Hooven and Allison v. Evatt* that there are three definitions of the term "United States" and one of those
36 definitions includes the following, which is what I claim to be a “national” of:

37 *"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the*
38 *family of nations."*
39 [*Hooven & Allison Co. v. Evatt*, [324 U.S. 652](#) (1945)]

40 7. How come I can't have allegiance to the “society” or “federation” called "United States*** of America" and define that
41 “society” as being the collective states of the Union, and exclude from that definition the municipal government of the
42 “United States***” in the District of Columbia? My allegiance is to the MASTER, which is the Sovereign People as
43 individuals domiciled within the states of the Union who are collectively called the “United States*** of America”,
44 rather than their SERVANT, who is the municipal government of the District of Columbia called the “United
45 States***”. By having this kind of allegiance to the people instead of their public servants, I am fulfilling the second
46 great commandment found in the Bible to love and protect my neighbor, aren't I?

47 7.1. Why would God want me as a Christian to have allegiance to a WORTHLESS thing called a government or its
48 agents, rather than to my fellow Sovereign Neighbor?

49 *"Behold, the nations [and governments and politicians of the nations] are as a drop in the bucket, and are*
50 *counted as the small dust on the scales."*
51 [[Isaiah 40:15](#), Bible, NKJV]

1 "All nations [and governments] before Him [God] are as nothing, and they are counted by Him *less than*
2 *nothing and worthless.*"
3 [Isaiah 40:17, Bible, NKJV]

4 "He [God] brings the princes [and Presidents] to nothing; He makes the judges of the earth useless."
5 [Isaiah 40:23, Bible, NKJV]

6 "Indeed *they [the governments and the men who make them up in relation to God] are all worthless; their*
7 *works are nothing; their molded images [and their bureaus and agencies and usurious "codes" that are not*
8 *law] are wind [and vanity] and confusion."*
9 [Isaiah 41:29, Bible, NKJV]

10 "Arise, O Lord,
11 Do not let man [or governments made up of men] prevail;
12 Let the nations be judged [and disciplined] in Your sight.
13 Put them in fear [with your wrath and the timeless principles of your perfect and **Glorious Law**], O Lord,
14 **That the nations may know themselves to be but men."**
15 [Psalm 9:19-20, Bible, NKJV]

16 7.2. The SERVANT, which is the municipal government of the District of Columbia and the public SERVANTS who
17 make it up, cannot be greater than the MASTER, who is the Sovereign People it was created to SERVE in the
18 states of the Union . Any other kind of allegiance is treason to the Constitution and idolatry towards political
19 rulers, isn't it?

20 7.3. Isn't idolatry towards political rulers inconsistent with the Christian faith, which requires our EXCLUSIVE
21 allegiance to God?

22 "Away with you , Satan! For it is written, 'You shall worship the Lord your God, and Him **ONLY** [NOT the
23 government!] you shall serve.'"
24 [Jesus in [Matt. 4:10](#), Bible, NKJV]

25 7.4. Remember, the Supreme Court said in *Hooven and Allison v. Evatt*, [324 U.S. 652](#) (1945) that there are THREE
26 definitions of the term "United States". The First Amendment to the United States*** Constitution guarantees
27 me a right of free speech. Doesn't that right BEGIN, not END, with me being able to define the precise meaning
28 of the words I use on government forms that ask about my citizenship so as to avoid leaving their meaning to
29 presumption or conjecture or some judge or bureaucrat? Isn't it a conflict of interest in violation of [18 U.S.C.](#)
30 [§208](#) for a judge or bureaucrat to be advising me on the meaning of words that describe my relationship to the
31 government, if telling the truth would reduce his retirement benefits or pay? And why would I want to trust or
32 believe any government form or publication that addressed citizenship issues to accurately portray the truth about
33 citizenship because of such a conflict of interest?

34 8. Why can't or won't the federal government recognize that very specific type of allegiance described in the preceding
35 question and characterize it as that of a "national but not citizen" as Title 8 of the United States** Code requires?
36 Could it be that the love of money and power and jurisdiction exceeds their love for justice and respect for the rule of
37 law in this country? The Supreme Court said the federal government MUST be willing to acknowledge this type of
38 allegiance when it said:

39 "It is logical that, while the child remains or resides in territory of the foreign State [a state of the Union, in
40 this case] claiming him as a national, **the United States[**] should respect its claim**
41 **to allegiance.**"
42 [Perkins v. Elg, [307 U.S. 325](#), 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]

43 9. The federal government has exclusive legislative jurisdiction over the following issues:
44 9.1. "naturalization", under [Article 1](#), Section 8, Clause 4 of the U.S. Constitution.
45 9.2. The citizenship status of persons born in its own territories or possessions.

46 However, the federal government has no legislative power to determine citizenship by birth of persons born inside
47 states of the Union, because the Constitution does not confer upon them that legislative power. All the cases and
48 authorities that detractors of our position like to cite relate ONLY to the above subject matters, which are all governed
49 exclusively by federal law, and federal legislation does not apply within states of the Union for this subject matter

1 under the Constitution. Please therefore show us a case that involves a person born in state of the Union and *not* on a
2 territory or possession in which the person claimed to be a “national” and not a “citizen” under [8 U.S.C. §1101\(a\)\(21\)](#),
3 and show us where the court said they *weren't*. You absolutely won't find such a case, because it is not only an
4 impossibility, but an absurdity!

5 **Affirmation:**

6 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing
7 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these
8 answers are completely consistent with each other and with my understanding of both the Constitution of the United States,
9 Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not
10 necessarily lower federal courts.

11 Name (print): _____

12 Signature: _____

13 Date: _____

14 Witness name (print): _____

15 Witness Signature: _____

16 Witness Date: _____

17