

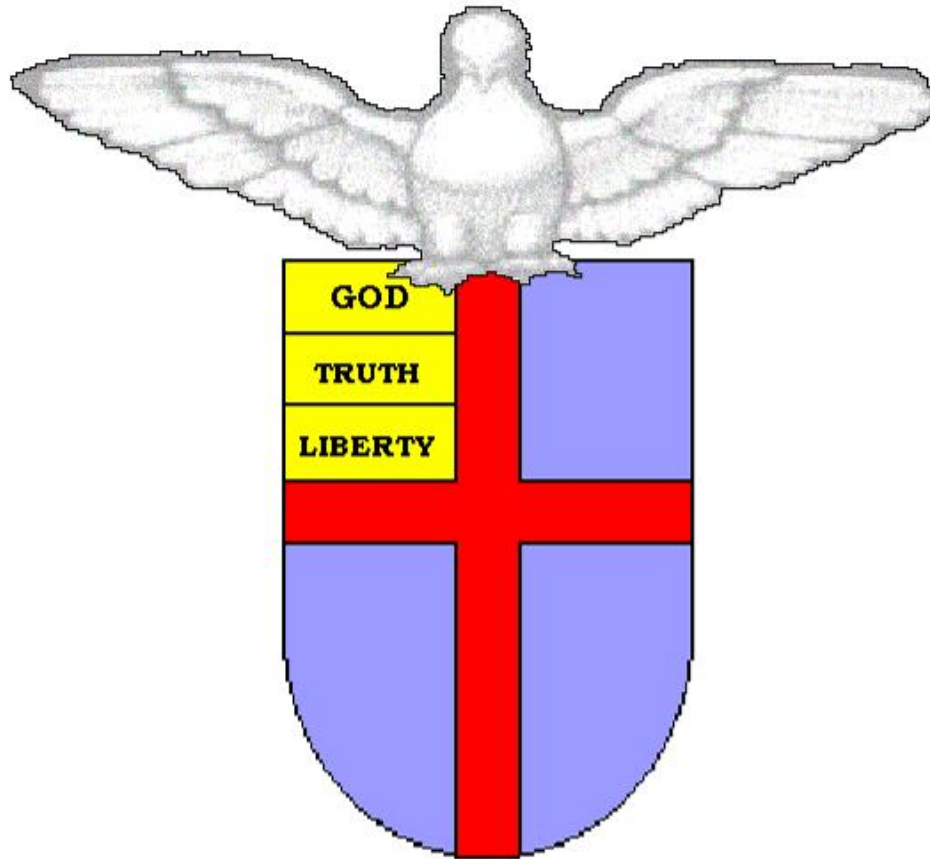
Why the Fourteenth Amendment is NOT a Threat to Your Freedom Form #08.015

**by:
Sovereignty Education
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<http://sedm.org>

February 24, 2015

S E D M



Course Outline

- 1. Are you a “citizen of the United States”?**
- 2. Which Geographical “United States” are you a “Citizen” of?**
- 3. Misunderstandings about citizenship**
- 4. Are you a Fourteenth Amendment “citizen of the United States”?**
- 5. Context is EVERYTHING in the legal field**
- 6. Two main legal contexts**
- 7. CONSTITUTIONAL citizen does not equal STATUTORY citizen**
- 8. “United States” in the CONSTITUTION**
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- 10. Citizenship Jurisdiction Chart**

Course Outline

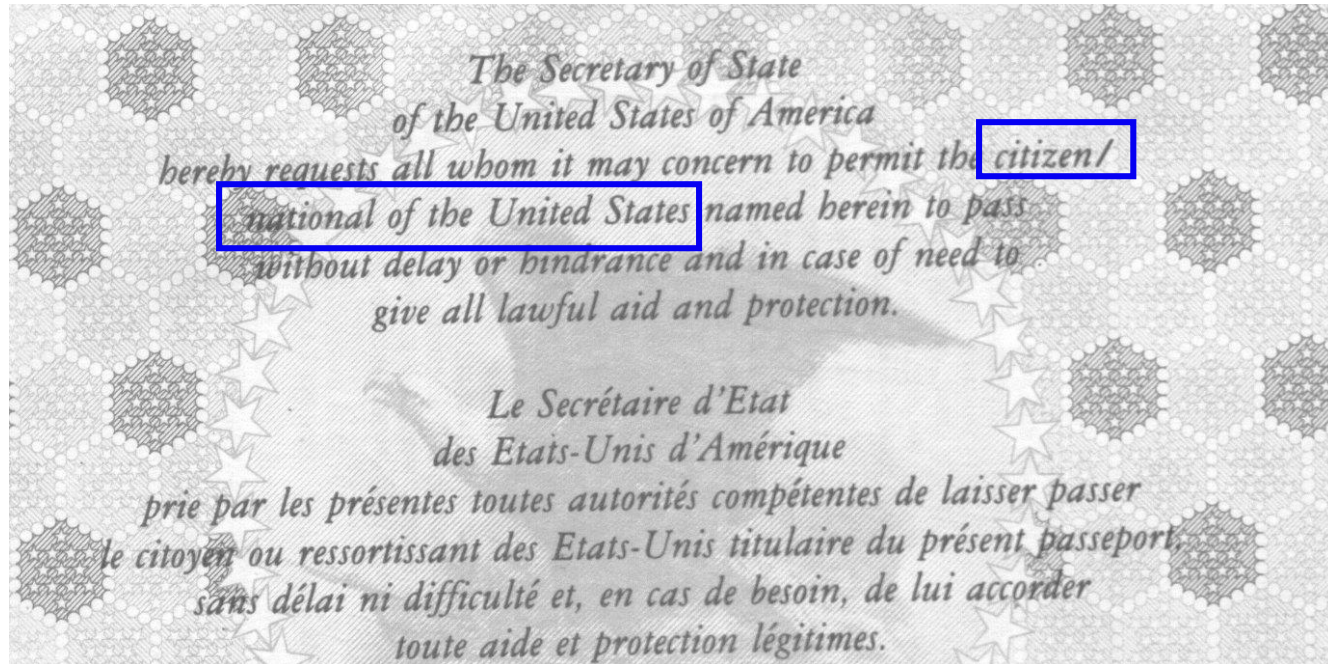
- 11. The FOUR “United States”**
- 12. Types of “citizens”**
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- 15. So WHAT about citizenship IS a threat to your freedom?**
- 16. Federal courts agree with us!**
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**Are YOU a
“citizen of the
United States”?**

Are You a “citizen of the United States”?

- If you said YES, you might want to hold off until you learn how many **DIFFERENT** types of **CONSTITUTIONAL** and **STATUTORY** citizenship there are.
- Maybe you are a **NATIONAL** and not a **CITIZEN**?
- Take a look at a USA Passport and answer the question yourself:

You Don't Have to be a “Citizen” to Get a Passport



“Citizen/national”: “/” means “or”

“/”: called a “virgule”

Which Geographical “United States” are You a “Citizen” Of?

- There’s also the HUGE problem of MULTIPLE “United States” and confusion over WHICH one applies
- The Supreme Court has declared that there are three geographical definitions of the term “United States”:

"The term 'United States' may be used in any one of several senses. [Definition 1] It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. [Definition 2] It may designate the territory over which the sovereignty of the United States extends, or [Definition 3] it may be the collective name of the states which are united by and under the Constitution."

[Hooven and Allison v. Evatt, [324 U.S. 652](#) (1945)]

- Which of the above three geographical definitions of “[United States](#)” provided by the supreme Court of the United States applies in a particular case depends on the CONTEXT:

#	Abbreviation	Type	Meaning
1	United States*	Geographical	Country United States
2	United States**	Geographical	Federal territory
3	United States***	Geographical	States of the Union

Misunderstandings About Citizenship

- The most prevalent misunderstandings in the freedom community are on the subject of [citizenship](#).
- The majority of freedom lovers **FALSELY** believe that:
 - The Fourteenth Amendment is a threat to their freedom.
 - The Fourteenth Amendment makes them subject to the civil jurisdiction of the national government.
 - They HAVE to be a STATUTORY “citizen” to get a passport.
- This short presentation will disprove this and other myths relating to [citizenship](#).

Where did the Confusion Come From?

- The confusion came from the desire to destroy the separation between PUBLIC and PRIVATE by confusing STATUTORY and CONSTITUTIONAL citizens.
- Here is where it started:

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

[. . .]

*These principles are always traceable to a wise and deeply founded experience; they are therefore ever consentaneous and in harmony with themselves and with reason, and whenever abandoned as guides to the judicial course, **the aberration must lead to bewildering uncertainty and confusion.***

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

***Are YOU a Fourteenth Amendment
“citizen of the United States***”?***

- To answer the question of whether you are a Fourteenth Amendment “**citizen of the United States**”, you HAVE to consider the **CONTEXT** of the phrase
- Like every other type of English word or phrase, the meaning depends of the **CONTEXT**
- There are **TWO** main contexts for legal words:
 - **CONSTITUTIONAL**: The USA Constitution
 - **STATUTORY**: Ordinary acts of Congress enacted by Congress

CONTEXT is EVERYTHING

- In REAL ESTATE, the ONLY THREE things that matter are:
 - LOCATION
 - LOCATION
 - LOCATION
- In LAW, the THREE things that matter in deducing the scope of a statute are:
 - CONTEXT
 - CONTEXT
 - CONTEXT

CONTEXT is EVERYTHING

- The ability to discern CONTEXT is usually that LAST skill that one develops when learning law because it requires so many other skills to fully master.
- The public FOOL (school) system is DESIGNED to ensure you NEVER learn how to discern LEGAL CONTEXT. Public servants don't want to hand you the key to your legal chains, SLAVE.
- Most Americans, who are legal neophytes, NEVER learn this skill!
- You are DANGEROUS to a corrupted government in a courtroom if you KNOW this skill, READ the law, and insist on properly applying it as a jurist and a litigant.
- **LISTEN UP! LEARN THIS SKILL PEOPLE!**

"My [God's] people are destroyed [and enslaved] for lack of knowledge [and the lack of legal education that produces it]."

[Hosea 4:6, Bible, NKJV]

CONTEXT is EVERYTHING

- **MISUNDERSTANDINGS** about **CONTEXT** are the main source of **NEEDLESS ARGUMENTS**, **CONTROVERSY**, and **CONFLICT** in the freedom community.
- Judges and legislators **KNOW** that the vast majority of Americans **DO NOT** understand **LEGAL CONTEXT** or “**WORDS OF ART**”. That is why they exploit them so frequently to deceive, confuse and enslave the populace.
- **DECEPTION** originating in **FAILURE TO PROPERLY DISCERN CONTEXT** is how **CORRUPT** judges and **LEGISLATORS** with a **criminal financial conflict of interest** pit freedom fighters against each other so they can never damage the government’s **PLUNDER program**. The **ONLY** way to prevent this tactic is to **LEARN ABOUT CONTEXT and “WORDS OF ART”!**

Learning How You Are Deceived and Enslaved by Government

- If you want to learn how **corrupt judges** ABUSE CONTEXT and “WORDS OF ART” to deceive and enslave you, read:
 1. **Foundations of Freedom, Form #12.021, Video 4: Willful Government Deception and Propaganda**
SLIDES: <http://sedm.org/LibertyU/FoundOfFreedom-Slides.pdf>
VIDEO: http://www.youtube.com/watch?v=DvnTL_Z5asc
 2. **Legal Deception, Propaganda, and Fraud, Form #05.014**-memorandum of law that describes in detail all the major techniques used to kidnap your legal identity and transport it to what Mark Twain called “The District of Criminals”.
<http://sedm.org/Forms/FormIndex.htm>
 3. **Government Identity Theft, Form #05.046** – how legal verbicide is used to kidnap your legal identity illegally and transport it to what Mark Twain called “The District of Criminals”.
<http://sedm.org/Forms/FormIndex.htm>
 4. **Sovereignty Forms and Instructions Online, Form #10.014, Cites by Topic**-common “words of art” and their legal definitions
 5. **Citizenship Status v. Tax Status, Form #10.011** – summary of citizenship legal terms, how they relate to each other, and how they are abused by judges and government prosecutors
<http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
 6. **Why you are a “national”, “state national”, and Constitutional but not statutory Citizen, Form #05.006**-deception using citizenship terms
<http://sedm.org/Forms/FormIndex.htm>

Why you **MUST** learn **CONTEXT**

“Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy.”

[Senator Sam Ervin, during Watergate hearing]

“When words lose their meaning, people will lose their liberty.”

[Confucius, 500 B.C.]

“The great enemy of clear language is insincerity. When there is a gap between one's real and one's declared aims, one turns as it were instinctively to long words and exhausted idioms, like a cuttlefish spurting out ink. “

[[George Orwell](#), "Politics and the English Language", 1946; English essayist, novelist, & satirist (1903 - 1950)]

"If a word has an infinite number of meanings [or even a SUBJECTIVE meaning], it has no meaning, and our reasoning with one another has been annihilated."

[Aristotle, Metaphysica Book IV]

TWO main LEGAL contexts

- **CONSTITUTIONAL:**
 - Relates to the states of the Union and EXCLUDES federal territory and legislative jurisdiction of Congress over SOVEREIGN states of the Union
 - Defines “United States” as states of the Union
- **STATUTORY:**
 - Relates to federal territory and EXCLUDES states of the Union.
 - Defines “United States” as federal territory not within any state of the Union
- A CONSTITUTIONAL “citizen of the United States” is a STATUTORY “non-resident”. They are NOT the same **CONTEXTS!**

CONTEXTS FOR “citizen of the United States”

- **CONSTITUTIONAL**

- Referenced in Fourteenth Amendment, Section 1

U.S. Constitution:

Fourteenth Amendment

*Section. 1. All persons born or naturalized in the United States[***] and subject to THE [POLITICAL AND NOT LEGISLATIVE] jurisdiction thereof, are [CONSTITUTIONAL] citizens of the United States[***] and of the State wherein they reside.*

- Called a “citizen of the United States***”

- **STATUTORY**

- Defined in [8 U.S.C. §1401](#).
- Called a “national and citizen of the United States** at birth” in Title 8 of the U.S. Code.
- ALSO called an “American Citizen” or “citizen of the United States***” by the federal courts.
- THIS is the ONLY type of “citizen” mentioned in the Internal Revenue Code

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

(c) Who is a citizen.

*Every person born or naturalized in the [federal] United States[**] and subject to ITS [NATIONAL GOVERNMENT’S LEGISLATIVE] jurisdiction is a [STATUTORY] citizen.*

For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. §1401-1459). "

STATUTORY “citizen” in the Internal Revenue Code

- If you look through ALL the statutes mentioned in 26 C.F.R. § 1.1-1(c), the ONLY place where “citizen” is mentioned is [8 U.S.C. §1401](#).
- [8 U.S.C. §1401](#) is called a “national and citizen of the United States[**] at birth”
- An 8 U.S.C. §1401 “U.S. citizen” is what we refer to as a STATUTORY “U.S. citizen”.
- STATUTORY “U.S. citizens” are born in and domiciled within federal territories. You CANNOT be a STATUTORY “U.S. citizen” if you were born in a CONSTITUTIONAL state of the Union.
- Don’t believe us? Read the following pages!

CONSTITUTIONAL citizen DOES NOT EQUAL STATUTORY citizen

“The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401(b) STATUTORY “citizen of the United States”]. [. . .] While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others. [. . .]

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

CONSTITUTIONAL citizen DOES NOT EQUAL STATUTORY citizen

[...]

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

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

“United States” in the CONSTITUTION

- **“State”** as used in the Constitution does not include federal territory:
 - *“. . .the members of the American confederacy only are the states contemplated in the Constitution [meaning that FEDERAL statutory “States” are EXCLUDED], . . . and excludes from the term the signification attached to it by writers on the law of nations.’ This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L. ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395 , 41 L. ed. 1049, 17 Sup. Ct. Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L. ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that ‘neither of them is a state in the sense in which that term is used in the Constitution.’ [Downes v. Bidwell, 182 U.S. 244 (1901)]*
- **Federal territory** is NOT within the CONSTITUTIONAL “United States”.
 - *“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. ” [Downes v. Bidwell, 182 U.S. 244 (1901)]*
 - *“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;” [Downes v. Bidwell, 182 U.S. 244 (1901)]*

“United States” in the CONSTITUTION

- **O’Donoghue v. United States**: Note the use of “not part of the United States **within THE meaning of the Constitution**”, implying that there is **ONLY ONE GEOGRAPHIC MEANING**, and that meaning **excludes** federal territory.

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution."

[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

- **Thirteenth Amendment**. Note “subject to THEIR jurisdiction” implies the **CONSTITUTIONAL** states and NOT **federal territory** or the statutory “State” found in **4 U.S.C. §110**(d):

*“Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the **United States**, or any place **subject to their [the CONSTITUTIONAL STATES and not the federal government] jurisdiction.**”*

“United States” in the CONSTITUTION

“...the Supreme Court in the Insular Cases [Footnote 1] provides authoritative guidance on the territorial scope of the term “the United States” in the Fourteenth Amendment. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. The Court considered the territorial scope of the term “the United States” in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, § 8 (“[A]ll Duties, Imposts and Excises shall be uniform throughout the United States.” (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) (“[I]t can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives.”); Rabang, 35 F.3d at 1452. Puerto Rico was merely a territory “appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution.” Downes, 182 U.S. at 287, 21 S.Ct. at 787.

The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude “within the United States, or any place subject to their jurisdiction.” U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons “born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” U.S. Const. amend XIV, § 1 (emphasis added). The disjunctive “or” in the Thirteenth Amendment demonstrates that “there may be places within the jurisdiction of the United States that are not part of the Union” to which the Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth Amendment, however, “is not extended to persons born in any place ‘subject to [the United States’] jurisdiction,’ ” but is limited to persons born or naturalized in the states of the Union. Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 (“[I]n dealing with foreign sovereignties, the term ‘United States’ has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.”).[Footnote 2]

[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

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

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

“United States” in the CONSTITUTION

- **“United States” can have TWO meanings in the CONSTITUTION: GEOGRAPHICAL or LEGAL**
- **The ONLY GEOGRAPHICAL meaning within the CONSTITUTION:**
 - Is states of the Union.
 - Excludes federal territory (for everything OTHER than Article 1, Section 8, Clause 17, as pointed out in *Downes v. Bidwell*, [182 U.S. 244](#) (1901))
- **“United States” in a NON-GEOGRAPHICAL sense refers to the United States Corporation as a legal person, or what the U.S. Supreme Court calls the “body corporate”. Example are the following terms from Article 1:**
 - “Congress of the United States”
 - “Senate of the United States”
 - “President of the United States”
 - “Treasury of the United States”
 - “Office under the United States”

“United States” in STATUTES

- **Definition of “United States” in federal law for purposes of statutory citizenship:**

8 U.S.C. [Sec. 1101. - Definitions](#)

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

- **Definition of “continental United States” above:**

8 C.F.R. [Section 215.1: Definitions](#)

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

- **Definition of “States” in the above:**

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

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

- **Substituting “States” definition (in **red**) into 8 C.F.R. §215.1:**

8 C.F.R. [Section 215.1: Definitions](#)

(f) The term continental United States means the District of Columbia and **the District of Columbia, Puerto Rico, Guam, and the Virgin Islands**, except Alaska and Hawaii.

“United States” in STATUTES

- The Rules of Statutory Construction FORBID adding anything to the statutes.
- Statutory definitions SUPERSEDE rather than ENLARGE ordinary definitions.
- Authorities:
 - "When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning." Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."
[Stenberg v. Carhart, 530 U.S. 914 (2000)]
 - “Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”
[Black’s Law Dictionary, Sixth Edition, p. 581]

Text of Fourteenth Amendment

Fourteenth Amendment

“Section 1. All **persons** born or naturalized in the United States, and **subject to THE [POLITICAL, not LEGISLATIVE] jurisdiction thereof, are citizens of the United States** and the **State** wherein they reside. No **State** shall make or enforce any law which shall abridge the privileges or immunities of **citizens of the United States**; nor shall any **State** deprive any **person** of life, liberty, or property, without due process of law; nor deny to any **person within ITS [the STATE’S] jurisdiction** the **equal protection of the laws**.”

Citizenship Jurisdiction Chart

#	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

The Four “United States”

- In addition to the THREE geographical “United States”, the term is also used in connection with the “United States” government as a **LEGAL PERSON**.
- Context 4 below is the context for most federal law, including the Internal Revenue Code. See:
Non-Resident Non-Person Position, Form #05.020, Section 4
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

#	Abbreviation	Type	Meaning
1	United States*	Geographical	Country United States
2	United States**	Geographical	Federal territory
3	United States***	Geographical	States of the Union
4	United States****	Legal	Government of the United States

Fourteenth Amendment “citizen of the United States”***

- Context: **CONSTITUTIONAL**
- “United States” defined as states of the Union and excluding federal territory, like the rest of the USA Constitution
- Definition:

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

[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]
- You CANNOT be domiciled on federal territory and BE a Fourteenth Amendment citizen at the same time!
- EXCLUDES STATUTORY citizens per 8 U.S.C. §1401.
- Isn't this the kind of HUMAN rather than ARTIFICIAL “citizen” you want to be?

Fourteenth Amendment “citizen of the United States***”

- Can **ONLY** be human beings. Excludes **ARTIFICIAL** entities or “persons”. See:

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

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

[Annotated Fourteenth Amendment, Congressional Research Service.

SOURCE: http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1]

- **IMPORTANT NOTE:**
 - It is **IMPOSSIBLE** for a corporation or artificial person to BE a Fourteenth Amendment person!
 - Isn’t THIS the kind of “citizen” you want to be? Someone who ISN’T a CORPORATION or an **ARTIFICIAL** “person” or “straw man”?

Fourteenth Amendment “citizen of the United States***”

- QUESTION: What does “subject to THE jurisdiction of the United States” mean in the Fourteenth Amendment?

- ANSWER:

- It means the POLITICAL jurisdiction. Note the use of the word “THEM”, meaning the STATES and NOT the national government:

“This section [the Fourteenth Amendment] contemplates two sources of citizenship, and two sources only, -birth and naturalization. The persons declared to be citizens are ‘all persons born or naturalized in the United States, and subject to the jurisdiction thereof.’ The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular,

*meaning states of the Union] **political jurisdiction**, and owing THEM [the state of the Union] direct and immediate allegiance.”*

[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

- It EXCLUDES the legislative jurisdiction of the NATIONAL government. CONSTITUTIONAL states are legislatively “foreign” and “alien” in relation to the national government:

“The United States Government is a foreign corporation with respect to a state.”
[N.Y. v. re Merriam 36 N.E. 505; 141 N.Y. 479; affirmed 16 S.Ct. 1073; 41 L. Ed. 287] [underlines added]

[[19 Corpus Juris Secundum \(C.J.S.\), Corporations, §884](#)]

“Territories’ or ‘territory’ as including ‘state’ or ‘states.” While the term ‘territories of the’ United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress “territory” does not include a foreign state.

[86 C.J.S. [Corpus, Juris, Secundum, Legal Encyclopedia], Territories]

Fourteenth Amendment “citizen of the United States***”

- QUESTION: WHO is “subject to THE jurisdiction” in the Fourteenth Amendment?
- ANSWER: People in the states of the Union and NOT those on federal territory:

*"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]

STATUTORY “national and citizen of the United States at birth”

- Context: **STATUTORY**
- “United States” defined as federal territory not within any state of the Union
- **CAN** include ARTIFICIAL entities and “persons”, unlike CONSTITUTIONAL citizens.
- Is a civil franchise status that is a privilege
- Defined in:
 - 8 U.S.C. §1401 as a “national and citizen of the United States at birth”.
 - 26 U.S.C. §3121(e).
 - 26 C.F.R. §1.1-1(c).
- **EXCLUDES:**
 - CONSTITUTIONAL “Citizens”
 - CONSTITUTIONAL Fourteenth Amendment “citizens of the United States***”

STATUTORY “national and citizen of the United States at birth”

8 U.S.C. §1401 Nationals and citizens of the United States:

The following shall be nationals and citizens of the United States at birth:

- (a) a person born in the United States[**], and subject to the jurisdiction thereof;**
- (b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;**
- (c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;**
- (d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;**
- (e) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;**

STATUTORY “national and citizen of the United States at birth”

- **IMPORTANT things to note about the language in 8 U.S.C. 1401:**
 - “United States**” used is the STATUTORY meaning.
 - “United States**” used EXCLUDES the CONSTITUTIONAL meaning.
 - The phrase “subject to THE jurisdiction of the United States**”
 - » LOOKS the same as that in the Fourteenth Amendment.
 - » Is NOT the same because it uses a DIFFERENT “United States**” that includes ONLY federal territory.
 - » CANNOT mean someone in a state of the Union, because Congress has NO civil legislative jurisdiction there.
- **Why Congress has NO legislative jurisdiction in a state of the Union:**
 - [28 U.S.C. §3112](#)
 - *Carter v. Carter Coal Co.*, [298 U.S. 238](#), 56 S.Ct. 855 (1936)
"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, [247 U.S. 251, 275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation."

STATUTORY “national and citizen of the United States at birth”

- The jurisdiction that Congress exercises over [franchises](#) (e.g. Social Security, Income Tax, etc) within states of the Union is NOT AUTHORIZED by the Constitution
 - *But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. Congress cannot authorize [LICENSE, using a Social Security Number] a trade or business within a State in order to tax it.”*

[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

Main points of citizenship confusion

- **Nationality:**
 - Is a [political status](#).
 - Is defined by the Constitution, which is a political document.
 - Is synonymous with being a “national” within statutory law.
 - Is associated with a specific COUNTRY.
 - Is a product of birth or naturalization and NOT [domicile](#).
- **Domicile:**
 - Is a CIVIL/LEGAL status.
 - Cannot be acquired WITHOUT the [EXPRESS consent](#) of the person.
 - Is not even addressed in the Constitution.
 - Is defined by civil statutory law RATHER than the Constitution.
 - Is in NO WAY connected with one’s nationality.
 - Is usually connected with the word “[person](#)”, “citizen”, “resident”, or “inhabitant” in statutory law.
 - Is associated with a specific COUNTY and a STATE rather than a COUNTRY.
 - Implies one is a “SUBJECT” of a SPECIFIC MUNICIPAL but not NATIONAL government.
- **NATIONALITY and DOMICILE are NOT equivalent!**

Main points of citizenship confusion

- **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 [legal/statutory] status**. Nationality arises either by birth or by naturalization.“*

[Black's Law Dictionary (6th ed. 1990), p. 1025]

- By **“political status”** above they mean:
 - STATUS under the CONSTITUTION and NOT statutory law.
 - Nationality and NOT domicile.
- By **“civil status”** above they mean:
 - Domiciled on federal territory
 - STATUTORY **“U.S. citizen”** subject to CIVIL “acts of Congress” (law for GOVERNMENT and not PRIVATE people) per :
 - » 8 U.S.C. §1401.
 - » 26 U.S.C. §3121(e).
 - » 26 C.F.R. §1.1-1(c).
 - **“taxpayer”** per 26 U.S.C. §7701(a)(14).
 - **“driver”** under the vehicle code.

Relationship Between Nationality and Domicile

	CONDITION		
Description	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10) , 7701(a)(39) , 7408(d)	"United States" per 26 U.S.C. §§7701(a)(9) and (a)(10) , 7701(a)(39) , 7408(d)	Without the "United States" per 26 U.S.C. §§7701(a)(9) and (a)(10) , 7701(a)(39) , 7408(d)
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations States of the Union Federal possessions
Tax Status	"U.S. Person" 26 U.S.C. §7701(a)(30)	"U.S. Person" 26 U.S.C. §7701(a)(30)	"Nonresident alien individual" if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3)(ii) . "Non-resident NON-person" if NOT a public officer in the U.S. government.
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	IRS Form 1040NR: "alien individuals", "nonresident alien individuals" <u>No filing requirement</u> : "non-resident NON-person"
Status if "national of the United States**" per 8 U.S.C. §1101(a)(22)	"national and citizen of the United States** at birth" per 8 U.S.C. §1401 and "citizen of the United States**" per 8 U.S.C. §1101(a)(22)(B) if born in federal territory (Not required to file if physically present in the "United States" because no statute requires it)	Citizen abroad 26 U.S.C. §911 (Meets presence test)	"non-resident" if born in a state of the Union. 8 U.S.C. §1408 , 8 U.S.C. §1452 , and 8 U.S.C. §1101(a)(22)(B) if born in a possession.
Status if FOREIGN "national" pursuant to 8 U.S.C. §1101(a)(21)	"Resident alien" 26 U.S.C. §7701(b)(1)(A)	"Resident alien abroad" 26 U.S.C. §911 (Meets presence test)	"Nonresident alien individual" if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3)(ii) . "Non-resident NON-person" if NOT a public officer in the U.S. government.

So What About Citizenship IS a Threat to Freedom?

1. **PRESUME** that ALL of the FOUR contexts for "United States" are equivalent.
2. **PRESUME** that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-citizen national" under federal law and NOT a "citizen of the United States". See:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006

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

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

3. **PRESUME** that "nationality" and "domicile" are equivalent. They are NOT. See:

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

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

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

So What About Citizenship IS a Threat to Freedom?

- 4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.**
- 5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the CIVIL/STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.**
- 6. Confuse the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:**

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

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

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

So What About Citizenship IS a Threat to Freedom?

- 7. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. See:**

***Legal Deception and Propaganda*, Form #05.014**

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

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

- 8. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGE'S will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.**

- 9. Publish deceptive government publications that are in deliberate conflict with what the statutes define "[United States](#)" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:**

***Reasonable Belief About Income Tax Liability*, Form #05.007**

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

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

Federal Courts AGREE with us!

“The expression, citizen of a state, used in the previous paragraph, is carefully omitted here [the Fourteenth Amendment]. In article 4, §2, subd. 1. of the constitution of the United States, it had been already provided. that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." The rights of citizens of the states and of citizens of the United States are each guarded by these different provisions. That these rights are separate and distinct, was held in the Slaughterhouse Cases, 16 Wall. [83 U. S.] 36, recently decided by the supreme court . The rights of citizens of the state, as such, are not under consideration in the fourteenth amendment. They stand as they did before the adoption of the fourteenth amendment, and are fully guaranteed by other provisions.”

[U.S. v. Anthony, 24 Fed.Cas. 829, 830 (1874);

SOURCE: <https://law.resource.org/pub/us/case/reporter/F.Cas/0024.f.cas.pdf>]

Federal Courts AGREE with us!

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

We are convinced that no such result was intended by the Congress which proposed these amendments, nor by the legislatures of the states, which ratified them. Having shown that the privileges and immunities relied on in the argument are those which belong to citizens of the states as such, and that they are left to the state governments for security and protection, and not by this article placed under the special care of the Federal government, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States which no state can abridge, until some case involving those privileges may make it necessary to do so.”

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

EXAMPLE APPLICATION

- If you would like to see how these CITIZENSHIP and DOMICILE concepts fit together in challenging the jurisdiction to tax, read the following VERY instructive form:

Affidavit of Domicile: Probate, Form #04.223

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

DIRECT LINK: <http://sedm.org/Forms/04-Tax/2-Withholding/AffidavitOfDomicile-Probate.pdf>

Conclusion

- YES, there are aspects of citizenship that CAN and ABSOLUTELY DO threaten your freedom.
- The Fourteenth Amendment is NOT a threat to your freedom.
- The main threat to your freedom is:
 - [STATUTORY citizenship](#).
 - Ignorance of the law.
 - Ignorance about citizenship.
 - Failure to recognize and oppose the false, and self-serving, and [injurious presumptions](#) of others about your citizenship status.
 - Failure to recognize all the games the government plays to make you LOOK like a type of citizen that you ARE NOT.
 - Failure to properly reflect your citizenship on government forms and in government records as being a STATUTORY non-citizen national.
- Citizenship is the most important legal subject you can learn.
- We can help correct these problems, but you will need to DILLIGENTLY STUDY and LEARN the law.

Learning More

- **Citizenship Diagrams**, Form #10.010-simplified diagrams explaining everything in this presentation
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>
- **Spirited debate over this presentation**-you have to join the forums FREE to participate. Feedback welcome.
 - <http://famguardian.org/forums/index.php?showtopic=3951>
- **Flawed Tax Arguments to Avoid**, Form #08.004, Sections 8.1 and 10.1-addresses FALSE BELIEFS over the Fourteenth Amendment
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>
- **Citizenship and Sovereignty Course**, Form #12.001
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <http://sedm.org/LibertyU/CitAndSovereignty.pdf>

Learning More

- **Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen**, Form #05.006-detailed research

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

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

- **Why Domicile and Becoming a “Taxpayer” Require Your Consent**, Form #05.002 –how domicile is the origin of civil jurisdiction and its effect of citizenship

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

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

- **Citizenship, Domicile, and Tax Status Options**, Form #10.003-form to attach to legal pleadings describing your citizenship

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

DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/CitDomTaxStatusOptions.pdf>

- **Affidavit of Citizenship, Domicile, and Tax Status**, Form #02.001-form to attach to tax forms documenting your citizenship

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

DIRECT LINK: <http://sedm.org/Forms/02-Affidavits/AffCitDomTax.pdf>