

Citizenship and Jurisdiction of the Federal Government

"The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction -- by State consent under Article I, section 8, clause 17... Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place," *Id.*, at 41.

In June, 1957, the government of the United States published a work entitled *Jurisdiction Over Federal Areas Within The States: Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II*. The Committee stated at pg. 45:

"It scarcely needs to be said that unless there has been a transfer of jurisdiction pursuant to clause 17 by a Federal acquisition of land with State consent, or by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non-interference by the State with Federal functions."

""The consent requirement of Article I, section 8, clause 17 was intended by the framers of the Constitution to preserve the State's jurisdictional integrity against federal encroachment. The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State," *Id.*, at 46.

"On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various other crimes, jurisdiction over which is retained by the States under our Federal-State system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government," *Id.*, at 107. *Jurisdiction Over Federal Areas (See Attachment BB) Within The States: Report of The Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II*

JURISDICTION: "Jurisdiction must be either of the subject matter, which is

acquired by exercising powers conferred by law over property within the territorial limits of the sovereignty, or of the person, which is acquired by actual service of process, or personal appearance of the defendant... Jurisdiction in a personal action cannot be obtained by service on a defendant outside of the jurisdiction; 95 U.S. 714. The courts of one state have no jurisdiction over persons of other states unless found within their territorial limits." Bouvier's Law Dictionary.

"...[W]here the question of jurisdiction in the court over the person, the subject matter, or the place where the crime was committed can be raised, in any stage of a criminal proceeding; it is never presumed, but must always be proved; and it is never waived by the defendant." *U.S. v. Rogers*, DC Ark. 1855, 23 Fed 658.

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." *Melo v. US*, 505 F2d 1026.

"There is no discretion to ignore that lack of jurisdiction." *Joyce v. US*, 474 F2d 215.

"The burden shifts to the court to prove jurisdiction." *Rosemond v. Lambert*, 469 F2d 416.

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." *Lantana v. Hopper*, 102 F2d 188; *Chicago v. New York*, 37 F Supp 150.

"A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." *Norwood v. Renfield*, 34 C 329; *Ex parte Giambonini*, 49 P. 732.

"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In *Re Application of Wyatt*, 300 P. 132; *Re Cavitt*, 118 P2d 846.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." *Dillon v. Dillon*, 187 P 27.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in

any case before a tribunal in its power to act, and a court must have the authority to decide that question in the first instance." *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

"A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." *Wuest v. Wuest*, 127 P2d 934, 937.

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." *Merritt v. Hunter*, C.A. Kansas 170 F2d 739.

"The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction -- by State consent under Article I, section 8, clause 17 Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place," *Id.*, at 41. "It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to clause 17 by a Federal acquisition of land with State consent, or (2) by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non-interference by the State with Federal functions," *Id.*, at 45.

"The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State," *Id.*, at 46. "On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various other crimes, jurisdiction over which is retained by the States under our Federal-State system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government," *Id.*, at 107. Thus, from an abundance of case law, buttressed by this lengthy and definitive government treatise on this issue, the "jurisdiction of the United States" is carefully circumscribed and defined as a very precise portion of America. The United States is one of the 51 jurisdictions existing on this continent, excluding Canada and its provinces." *Jurisdiction Over Federal Areas Within The States: Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II. June 1957,*

by the government of the United States. (the 51st jurisdictional area of America).

TITLE 18 > PART I > CHAPTER 69 > 1425. Procurement of citizenship or naturalization unlawfully.

"The idea is quite unfounded that on entering into society we give up any natural right." --Thomas Jefferson to Francis Gilmer, 1816. ME 15:24.

The premise for this attachment is that the United States government, (NOT the united several States of the American union) is a de facto government, having defrauded all Americans by creating an illegally created dual citizenship and placing ALL Americans into this "United States defacto government" Jurisdiction AS U.S. citizens/nationals, thereby causing them to become legally bound to U.S. de facto laws, including IRS income taxation and all the thousands of statutory laws created contrary to Common and Constitutional laws, to gradually steal freedoms and finances... a communist/socialist society. This "representation" of this de facto "citizenship" by the U.S. government created a possible taxable issue, which I reject.

This de facto government is supported unwittingly by the American people, via voting for representatives of this government and allowing it to exist unchallenged. This "dual" citizenship causes all Americans to commit treason against their own, true, de jure nation... that of the nation/state of their birth. This true nation is NOT the "United States," but is the sovereign people which make up the union of states, of which the United States government is servant to, under law.

The U.S. government's jurisdiction over my life, liberty and actions regarding, but not limited to, all issues within this affidavit, is hereby rescinded according to law, and I expatriate myself from this de facto "United States" foreign nation and claim all de jure rights and freedoms under all applicable laws, and personally accept ONLY that service which the organic Constitution affords the government "Of The People, By The People and For The People" of the several united States.

The case law and documentation supporting this is as follows:

(*Burks v. Lasker*, 441 US 471) & (*U.S v. Grimaud* 220 US 506) The issue of Jurisdiction. When jurisdiction is not squarely challenged it is presumed to exist. In the courts there is no meaningful opportunity to challenge jurisdiction, as the

court merely proceeds summarily. However once jurisdiction has been challenged in the courts, it becomes the responsibility of the plaintiff to assert and prove said jurisdiction.. (*Hagans v. Lavine*, 415 US 533) as mere good faith assertions of power have been abolished.(*Owens v. City of Independence*, 100 S Ct, 1398, 1980).

"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, 8. As James Madison wrote, '[t]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.' The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties." 1995: *U.S. v. Lopez*, 000 U.S. U10287.

"Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Ibid. *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991).

"A canon of construction which teaches that of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States." *U.S. v. Spelar*, 338 U.S. 217 at 222 (1949).

IRC 3121)(e) United States: The term "United States" when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.)

The "United States" in the above does NOT mean the 50 sovereign nation/states of the united several States of America. These are TWO distinct entities.

"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, [324 U.S. 652, 672] or it may be the collective name of the states which are united by and under the Constitution." 1945: *Hooven & Allison Co. v. Evatt*, 324 US 652.

"The United States is a government, and, consequently, a body politic and

corporate... This great corporation was ordained and established by the American people..." *United States v. Maurice*, 26 Fed.Cas. No. 15, 747, 2 Brock 96, Circuit Court, D. Virginia, 1823.

Foreign government: "The government of the United States of America, as distinguished from the government of the several states." (Black's Law Dictionary, 5th Edition)

The government of the "United States" is actually foreign to the government of the sovereign 50 states. It was meant to be a separate "thing," but not to become a replacement "nation" for the 50 sovereign nation/states. Preamble of Public Law, 15 United States Statutes at Large, chapter 249, pps 223-224 (1868).

"It is conceded by the court that Congress may lawfully impose direct taxes in the District (of Columbia - territory of the U.S. NOT the 50 states) for District purposes, without regard to the rule of apportionment, and that Congress is under no constitutional necessity to impose direct taxes by the rule of apportionment upon the District of Columbia, or upon the territories, even though such a direct tax is laid upon the states." William Bradford Bosley, The Constitutional Requirements of Uniformity in Duties, Imposts and Excises, 9 Yale Law Journal 164, 169 (1900).

We are of the 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, 287 (1901).

United States - US- U.S.-USA-America

Means: (A) a federal corporation . . . Title 28 USC Section 3002(5) Chapter 176. It is clear that the United States . . . is a corporation . . . 534 FEDERAL SUPPLEMENT 724.

It is well settled that "United States" et al. is a corporation, originally incorporated February 21, 1871 under the name "District of Columbia," 16 Stat. 419 Chapter 62. It was reorganized June 11, 1878; a bankrupt organization per House Joint Resolution 192 on June 5, 1933, Senate Report 93-549, and Executive Orders 6072, 6102, and 6246, a de facto government, originally the ten square mile tract ceded by Maryland and Virginia and comprising Washington D. C., plus the possessions, territories, forts, and arsenals.

The significance of this is that, as a corporation, the United States has no more authority to implement its laws against "We The People" than does Microsoft Corporations, except for one thing -- the contracts we've signed as surety for our Straw man with the United States and the Creditor Bankers. These contracts binding us together with the United States and the bankers are actually not with us, but with our artificial entity, or as they term it "person", which appears to be us but spelled with ALL CAPITAL LETTERS.

Foreign Laws: "The laws of a foreign country or sister state." (Black's Law Dictionary, 6th Edition)

The laws of the 50 states are all foreign to each other, and to the "United States" as it is commonly regarded today.

Foreign States: "Nations outside of the United States" Term may also refer to another state; i.e. a sister state. The term 'foreign nations,' ...should be construed to mean all nations and states other than that in which the action is brought; and hence, one state of the Union is foreign to another, in that sense." (Black's Law Dictionary, 6th Edition)

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In *O'Donoghue v. United States* (289 U.S. 516, 53, Sup. Ct. 740), the court set out 4 general conclusions regarding the differences between the states of the Union and the District of Columbia and the territories:

1. The District of Columbia and the territories are not "states" within the judicial clause [Article 3] of the Constitution giving jurisdiction in cases between citizens of different states;
2. Territories are not "states" within the meaning of Revised Statutes section 709, permitting writs of error from this court in cases where the validity of a "state" statute is drawn in question;
3. The District of Columbia and the territories are "states" as that word is used in treaties with foreign powers, with respect to the ownership, disposition, and inheritance of property;
4. The District of Columbia and the territories are not within the clause of the Constitution providing for the creation of a supreme court and such inferior

courts as "Congress may see fit to establish."

Foreign "states?" The third conclusion ("The District of Columbia and the territories are "states" as that word is used in treaties with foreign powers, with respect to the ownership, disposition, and inheritance of property") is at odds with the other conclusions as well as our common understanding of the word "state." However, this definition of "state" is the one which Congress uses in the Internal Revenue Code.

The 1821 case of *Cohens v. Virginia* (6 *Wheat.* 264; 5 *L.Ed.* 257) is still quoted in the bar review books and sets out the limited legislative power of the federal government, to wit:

"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects but extending all over the Union; the other, an absolute, exclusive legislative power over the District of Columbia."

In the case of *Ellis v. United States*, 206 *U.S.* 246; 27 *S.Ct.* 600 (1907), the United States Supreme Court considered whether the minimum wage law of the United States would apply to the dredging of Chelsea creek in Boston harbor, Massachusetts. Notice these quoted conclusions:

--Congress possesses no power to legislate except such as is affirmatively conferred upon it through the Constitution, or is fairly to be inferred therefrom.

--An act which may be constitutional upon its face, or as applied to certain conditions, may yet be found to be unconstitutional when sought to be applied in a particular case.

--The work of dredging in Chelsea creek, in Boston harbor, as shown in the record, is not part of the "public works of the United States" within the meaning of the statute in question.

--It is unnecessary to lay special stress on the title to the soil in which the channels were dug, but it may be noticed that it was not in the United States.

--The language of the acts is "public works of the United States." As the works are things upon which the labor is expended, the most natural meaning of "of the United States" is "belonging to the United States."

Two conclusions can be drawn from this ruling. First, Chelsea creek in Boston harbor is not "in the United States." Chelsea creek is in Massachusetts which, as a sovereign state of the Union, is not under the jurisdiction of the United States except for those things that have been delegated to the United States [Federal] government in the U.S. Constitution. Second, the term "of the United States" means "belonging to the United States". The states of the Union are not territories of the United States and do not belong to the United States. The states of the Union have a sovereignty that predates the creation of the federal government.

However, the territories have no sovereignty as they are the property of the United States government. Thus, the term "States of the United States" as expressed in federal codes includes only the territories as inchoate states which belong to the United States. Consequently, the court concluded that the minimum wage law of the United States did not apply to the work done at Chelsea creek.

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This shows that all the 50 states are "nations outside of the United States." How can the "United States be outside of itself? This "foreign states" isn't referring to other International "states," but to THE 50 states. Why would our laws be describing other countries outside the collective "United Union" of 50 nation/states?

If an individual (human being) derives income from a source that is inside the 50 Nation/States of the Union, THEN that income is "foreign income" because it is income derived from a "foreign source" or "situs" specifically "foreign" WITH RESPECT TO the municipal jurisdiction of the federal government (read "looking outward from a situs INSIDE D.C.")

The Federal Government has jurisdiction ONLY over what the states and "People" concede to it...

"Almost a century ago, Congress declared that "the right of expatriation [including expatriation from the District of Columbia or "U.S. Inc", the corporation] is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," and decreed that "any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the

right of expatriation, is hereby declared inconsistent with the fundamental principles of this government." *15 Stat. 223-224 (1868), R.S. 1999, 8 U.S.C. 800 (1940).*

"Although designed to apply especially to the rights of immigrants to shed their foreign nationalities, that Act of Congress "is also broad enough to cover, and does cover, the corresponding natural and inherent right of American citizens to expatriate themselves." *Savorgnan v. United States, 1950, 338 U.S. 491, 498 note 11, 70 S. Ct. 292, 296, 94 L. Ed. 287.*

The Supreme Court has held that the Citizenship Act of 1907 and the Nationality Act of 1940 "are to be read in the light of the declaration of policy favoring freedom of expatriation which stands unrepealed." *Id.*, 338 U.S. at pages 498-499, 70 S. Ct. at page 296. That same light, I think, illuminates 22 U.S.C.A. 211a and 8 U.S.C.A. 1185." *Walter Briehl v. John Foster Dulles, 284 F2d 561, 583 (1957).*

"Special provision is made in the Constitution for the cession from the States over places where the federal government shall establish forts or other military works. And it is only in these places, or in the territories of the United States, where it can exercise a general jurisdiction." *New Orleans v. United States, 35 U.S. (10 Pet.) 662, (1836)*

I am NOT a territory, nor is Colorado state, or Iowa state, legally sovereign to the "U.S." "Territories" of the U.S. government.

"It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to Clause 17 by a federal acquisition of land with State consent, or (2) by cession from the State to the Federal government or unless the Federal Government has reserved jurisdiction upon the admission of the State the Federal Government possess no legislative jurisdiction over any area within a State, such jurisdiction being for exercise entirely by the States, subject to non-interference by the State with Federal functions and subject to the free exercise by the Federal Government of rights with respect to the use, protection, and disposition of its property." The Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas within the States.

Constitution for the United States, Article I. Section 8. Clause 17. "The Congress shall have the power...To exercise exclusive legislation in all cases whatsoever, over such district (NOT EXCEEDING TEN MILES SQUARE) as may, by cession of particular states and the acceptance of Congress, become

the seat of the Government of the United States, [District of Columbia] and to exercise like authority over all places [federal enclaves] 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 - To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers..."

"Constitutional restrictions and limitations were NOT applicable to the areas of lands, enclaves, territories and possessions over which Congress had exclusive legislative authority." *Downes v. Bidwell*, 182 U.S. 244

"In exercising its constitutional power to make all needful regulations respecting territory belonging to the United States, Congress [under Art. I, 8, Cl. 17 and Article IV 3, Cl. 2. of the Constitution] is not subject to the same constitutional limitations as when it is legislating for the United States [the 50 states]. " *Hooven v. Evatt*, 324 U.S. 674.

Article IV Section 3, Cl. 2. "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

Bouvier's Law Dictionary: Territory: "A part of the country separated from the rest and subject to a particular jurisdiction. A portion of the country subject to and belonging to the United States which is not within the boundary of any state or the District of Columbia. 262 U.S. 122; 3 *Wheat* 336, 390...*The United States* has supreme sovereignty over territory, [i.e. Puerto Rico, Guam, Virgins Islands] and congress has full and complete legislative authority over its people and government. 136 U.S. 1... In Relation to the United States: "...It is held as a well-established doctrine that the territories of the United States are entirely subject to the legislative authority of congress. They are not organized under the constitution, nor subject to its complex distribution of powers of government as the organic law, but are a creation. exclusively of the legislative department, and subject to its [Congress'] supervision and control..." 96 *Fed. Rep.* 456, citing 16 *How.* 1 *Kent*, 243, 359, 1 *Pet.* 511164; 101 U.S. 129; 114 U.S. 15; 136 U.S. 1; 143 U.S. 135; 141 U.S. 174; 152 U.S. 1.

Black's 6th Law Dictionary. Territory: "A portion of the United States, not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial

officers appointed by the President. See trust territory.

"Ballentine's Law Dictionary. Territory: 1. "A geographical region over which a nation exercises sovereignty, but whose inhabitants do not enjoy political, social or legal parity with the inhabitants of other regions which are constitutional components of the nation. With respect for the United States, for example, Guam or the Virgins Islands as opposed to New York, California or Texas."

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

Because of this ruling, Congress has been able to circumvent the Constitution for the united States of America, as follows:

(1) The United States Government legally creates legislation, which may be unconstitutional for the 50 states, under the authority and guise of legislating for the citizens and residents of the territories and possessions "belonging to" the United States, over which the United States has exclusive authority.

(2) Such federal legislation is made applicable only to the citizens born and residing in Territories, possessions, instrumentality's and enclaves under the exclusive jurisdiction of the United States. These "individuals" are called "U.S. citizens" or "citizens of the United States, subject to its jurisdiction" in such legislation. The average American, of course, believes he or she is such a citizen (because it was never disclosed to them that our Congress legislates for two different types of citizens). Because that American has respect for the law, he or she voluntarily consents to obey this legislation that is contrary to the Constitution.

The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. *City of Boerne v. Flores*

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

In other words, the Federal Government has little jurisdiction over the 50 State's affairs unless the States concede that jurisdiction through legal channels. Therefore, citizens of the several states are NOT "de jure" citizens of the United States, (as defined in the IR Code and supported by Supreme Court case law), except through fraud, and therefore NOT liable for federal income taxes as promoted and enforced. I have certified requested documentation sent to Colorado state, under FOIA or Colorado equivalent, on such ceding of authority or jurisdiction to the U.S. government, by Colorado state, and Colorado state has provided no such documented concessions to the Federal Government.

(30) United States person

The term "United States person" means-

(A) a citizen or resident of the United States,

26 CFR 1.1-1(c): (c) Who is a citizen. Every person born or naturalized in the [federal] United States and subject to its jurisdiction [exclusive federal jurisdiction under Article 1, Section 8, Clause 17 of the Constitution] is a citizen.

Born or naturalized in District of Columbia, Puerto Rico, or other US territories...
NOT one of the sovereign 50 states.

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

What is a person born or naturalized in the U.S., but NOT subject to its jurisdiction?

What is a person NOT born or naturalized in the U.S. (Born in a sovereign nation/state, NOT the United States), and NOT subject to its jurisdiction?

Nation/state Citizens, being domiciled OUTSIDE the federal zone, (Corporate United States) are NOT subject to the municipal jurisdiction of the federal government. Therefore, State Citizens are legally "nonresident aliens" with respect to the municipal jurisdiction of the federal government, and that is the major reason why they are NOT embraced by the legal definition of "U.S. persons:" <http://www.supremelaw.org/fedzone11/>

Based on the above and below facts, I am asserting that the following points are true concerning my human self:

1. I am NOT a citizen of the "United States" as described in code or statutory law, and relinquish any such de facto relationship and any jurisdiction of same over me. All such "presumption" is broken.

"The United States government is a foreign corporation with respect to a state." *N.Y. re: Merriam*, 36 N.E. 505, 141 N.Y. 479, Affirmed 16 S.Ct. 1973, 41 L.Ed. 287

"Corporations are also of all grades, and made for varied objects; all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made. One universal rule of law protects persons and property. [*Proprietors of Charles River Bridge v. Proprietors of Warren Bridge*, 36L S. 420 (1837)]

See. 3002. Definitions Title 28 - Judiciary And Judicial Procedure (15) "United States" means -

(A) a Federal corporation

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

(C) an instrumentality of the United States.

"In the United States of America, there are two (2) separated and distinct jurisdictions, such being the jurisdiction of the states within their own state boundaries, and the other being federal jurisdiction (United States), which is limited to the District of Columbia, the U.S. Territories, and federal enclaves within the states, under Article I, Section 8, Clause 17." *Bevans v. United States*, 16 U.S. 336 (1818).

Bevans established two separate jurisdictions within the United States of America: 1. The "federal zone" and, 2. "the 50 States". The I.R.C. only has jurisdiction within the "federal zone."

"The exclusive jurisdiction which the United States have in forts and dock-yards ceded to them, is derived from the express assent of the states by whom the cessions are made. It could be derived in no other manner; because without it, the authority of the state would be supreme and exclusive therein," 3 *Wheat.*, at 350, 351.

"State:" The term "State" shall be construed to "include" the District of Columbia, where such construction is necessary to carry out provisions of this title." 26 U.S.C. Sec. 7701

United States: The term "United States" when used in a geographical sense includes [is limited to - (See Attachment B) only the "States," (see definition for "state" above) and the District of Columbia. 26 U.S.C. Sec. 7701

"It is a well established principle of law that all federal legislation applies only within the territorial jurisdiction of the United States unless a contrary intent appears." *Foley Brothers. Inc. V. Filardo*, 336 U.S. 281 (1948).

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

"Criminal jurisdiction of the federal courts is restricted to federal reservations over which the Federal Government has exclusive jurisdiction, as well as to forts, magazines, arsenal, dockyards or other needful buildings." *United States Code, Title 18 45 1, Par. 3d*.

Title 18 USC at 7 specifies that the "territorial jurisdiction" of the United States extends only OUTSIDE the boundaries of lands belonging to any of the 50 states.

"Special provision is made in the Constitution for the cession of jurisdiction from the states over places where the federal government shall establish forts or other military works. And it is only in these places, or in territories of the United States, where it can exercise a general jurisdiction." *New Orleans v. United States*. 35 U.S. (10 Pet.) 662 (1836).

The following cases also substantiate that it is a Fact of law that the person asserting jurisdiction must, when challenged, prove that jurisdiction exists: Federal Procedures 2.455; *McNutt v. G.M.*, 56 S. Ct. 789, 80 L. Ed. 1135, *Griffin v. Matthews*, 310 Supp. 341, 423, F. 2d 272 *Basso v. U.P.L.*, *Shields v. Utah Idaho Central Railroad Co.*, 305 U.S. 177-187, 83 L.Ed.111, 495 F. 2d 906, *Albrecht v. U.S.*, 273 U.S. 1.

'Jurisdiction is essential to give validity to the determinations of administrative agencies and where jurisdictional requirements are not satisfied, the action of the agency is a nullity...' *City Street Improv. Co. v. Pearson* 181 C 640, 185 P. 962 *O'Neill v. Dept. of Professional & Vocational Standards*, 7 CA2d 393, 46 P2d 234.

"The law requires PROOF OF JURISDICTION to appear on the Record of the administrative agency and all administrative proceedings." *Hagans v. Lavine*, 415 U.S. 533

"Therefore, it is necessary that the record present the fact establishing the jurisdiction of the tribunal." *Lowe v. Alexander* 15C 296; *People v. Board of Delegates of S.F. Fire Dept.* 14 C 479.

"If any tribunal (court) finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed." *Louisville RR v. Motley*, 211 US 149, 29 5. Ct. 42.

Federal Civil Judicial Procedure and Rules book, Rule 12(b) Defenses and Objections -

(b)...the following defenses may at the option of the pleader be made by motion:

(1) lack of jurisdiction over the subject matter.

(2) lack of jurisdiction over the person.

...A motion making any of these defenses shall be made before pleading...

(h)(3) "Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action."

2. I am a "sovereign" de jure American national of Colorado nation/state, originally born as a de jure national of Iowa nation/state...

"COUNTRY: By country is meant the state of which one is a member. Every man's country is in general the state in which he happens to have been born." Bouvier's Law, 1856, Title 8, USC 1101(a)(21), 1984 U.S. government Style manual, chapter 5.22/5.23, Law of Nations.

Country: "The portion of earth's surface occupied by an independent nation or people, or the inhabitants of such territory." Blacks Law Dictionary, 4th edition.

Country: "The territory occupied by an independent nation or people, or the

inhabitants of such territory. In the primary meaning of "country" denotes the population, the nation, the state, or the government, having possession and dominion over a territory." Blacks Law Dictionary, 6th Edition.

"A nation-state is a specific form of state (a political entity), which exists to provide a sovereign territory for a particular nation (a cultural entity), and which derives its legitimacy from that function. The compact OED defines it as: "a sovereign state of which most of the citizens or subjects are united also by factors which define a nation, such as language or common descent." Typically it is a unitary state with a single system of law and government. It is almost by definition a sovereign state, meaning that there is no external authority above the state itself." Wikipedia Encyclopedia.

"In regard to the protection of our citizens in their rights at home and abroad we have no law which divides them into classes, or makes any difference whatever between them. A native and a naturalized American may, therefore, go forth with equal security over every sea and through every land under heaven, including the country in which the latter was born." *9 Op. (US) Att.-Gen. 360 (1859)*.

All 50 states of the union are "nations" according to law, and hold sovereign rights above any "United States government" nation rights. All nationals of these nation/states are sovereign and hold all rights of common law and the organic Constitution.

"Each [state] declared itself sovereign and independent, according to the limits of its territory... The soil and sovereignty within their acknowledged limits were as much theirs at the Declaration of Independence as at this very hour." *Harcourt v. Gaillard, 25 U.S. (12 Wheat, 523, 526, 527)*.

"Prior to the adoption of the federal Constitution, states possessed unlimited and unrestricted sovereignty and retained the same afterward. Upon entering the Union they retained all their original power and sovereignty, except such as was surrendered to the federal government or they were expressly prohibited from exercising by the United States Constitution." *Blair v. Ridgely, 97 D. 218, 249. S.P. People v. Coleman, 60 D. 581.*

The 14th Amendment created a "Federal nation" as compared to the sovereign "state nations" comprised of the 50 sovereign states of the union. This Amendment created a de facto citizenship which every American "became" through unwitting acquiescence, thereby placing them under "privilege" of such

citizenship and also allegiance to, and subject under the laws to same. Case law supports this premise.

Section. 1. (Clause one) All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they "reside." (Clause two) No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; (Clause three) nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

1. Section. 1. (Clause one) All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

This clearly creates a de facto "dual citizenship" status never before existing for the sovereign state citizens:

Dual Citizenship: Citizenship in two different countries. Status of citizens of the United States who reside within a state; i.e. persons who are born or naturalized in the United States are citizens of the United States and the State wherein they reside." Blacks Law Dictionary, 6th edition.

Naturalized: "To grant full citizenship to (one of foreign birth). American Heritage Dictionary

Prior to the 14th Amendment "citizens of the United States" meant a "citizen" of one of the United States of America, however, this was NOT defined by Congress.** Because this phrase is NOW used in the 14th amendment, this sets forth a specific terminology and can no longer mean anything else, other than a "citizen of the federal government..." a "United States Citizen" naturalized as such at birth without informed consent.

"...in examining the form of our government it might be correctly said that there is no such thing as a citizen of the United States. But constant usage - arising from convenience, and perhaps necessary and dating from the formation of the Confederacy - has given substantial existence to the idea which the term conveys. A citizen of any one of the States of the Union is, held to be and called, a citizen of the United States, although technically and abstractly there is no such thing..." - *Ex Parte*. - *Frank Knowles*, 5 Cal. 300, 302 (1855)

"No political dreamer was ever wild enough to think of breaking down the lines which separate the states and compounding them into one common mass
"M'Cuioch v Mai'yland 4 Wheal 316, 403 (1819)

Article 4, 2, Cl. 1 states, "the Citizens of each State shall be entitled to all Privileges and Immunities of Citizens of the several States."

"Therefore, a citizen of one state is considered as a citizen of every other state of the union." *Butler v Farnsworth*, 4 Feirl Cas 902 (1821)

"If a citizen of one state thinks proper to change his domicile and to remove with his family, if he have one, to another state, with bona fide intention to reside there, he becomes instantly a citizen of that state.." *Cooper v. Gaibraith*, 6 FeA Ca& 472,473(1819)

"... This section (section 1) contemplates two sources of citizenship and two sources only: birth and naturalization. The persons declared to be citizens are "All persons born or naturalized in the United States and subject to the jurisdiction thereof." The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction and owing them direct and immediate allegiance..." *Elk v Wilkins*, 112 U.S. 94 (1884).

The use of the words, "their" and "them" indicates a de facto power created to be ABOVE the American People, something NO American willingly accepts and no organic law supports.

"... and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, (foreign to the United States) owing allegiance to the governments (of the states) thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance "should" be promptly and finally disavowed." Preamble of the Expatriation Act.

("Should" indicates no such legal requirement exists, but is what they want all de jure citizens to do.)

Case law prior to 14th Amendment passage:

"... for it is certain, that in the sense in which the word "Citizen" is used in the federal Constitution, "Citizen of each State," and "Citizen of the United States,"

are convertible terms; they mean the same thing; for the "Citizens of each State are entitled to all Privileges and Immunities of Citizens in the several States," and "Citizens of the United States" are, of course, Citizens of all the United States." 44 *Maine* 518 (1859) Hathaway, J. dissenting (capital C's added)

Case law AFTER passage of the 14th Amendment:

"It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual." *Slaughter House Cases*, 83 U.S. 36] (1873).

"The first clause of the fourteenth amendment made negroes citizens of the United States, and citizens of the State in which they reside, and thereby created two classes of citizens, one of the United States and the other of the state." *Cory et al. V. Carter*, 48 Ind. 327 1874.

"We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own...." *U.S. v. Cruikshank*, 92 U.S. 542 1875.

"One may be a citizen of a State and yet not a citizen of the United States." *Thomas v. State*, 15 Ind. 449; *Cory v. Carter*, 48 Ind. 327 (17 Am. R. 738); *McCarthy v. Froelke*, 63 Ind. 507; *In Re Wehlitz*, 16 Wis. 443. *McDonel v. State*, 90 Ind. 320, 323, 1883.

I applied for no such dual citizenship of the insurgent United States de facto government, (created about the time of the so-called "civil" war, which was actually an International war against the sovereign nation/states of the union) apart from or in addition to, my natural born de jure nationality received at birth. I reject such de facto citizenship of the United States, and retain my de jure nationality of the sovereign nation/state in which I am domiciled at any given time, based on my original de jure Iowa nation/state nationality. Law of Nations; Title 8 USC 1101 (a)(21)

Section 1, (Clause two) " No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States"

This portion of section 1 clearly defines that such "United States de facto citizens" do not have natural rights, but are "granted" privileges for being such a

de facto citizen, thereby removing them from de jure status as nationals of their respective states, including all natural rights such sovereigns would otherwise enjoy. Government does NOT grant natural rights, it is to UPHOLD them.

"... all naturalized citizens of the United States, while in "foreign states," (one of the several American Republics) shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native born citizens in like situations and circumstances." Expatriation Act, Section 2.

"The term "foreign states" includes outlying possessions of a foreign state, but self-governed dominions or territories under mandate or trusteeship shall be regarded as separate foreign states." Title 8 USC 1101(a)(14)

This is trying to imply that all de facto citizens of the de facto United States are being given all the same de jure rights that de jure citizens (read NON-citizens of the United States but citizens of de jure states) have, but this is NOT true as all U.S. citizens are under the jurisdiction of the United States and all "its" laws. These "privileges and immunities" are NOT the same as the ones secured by Article IV, Section 2 of the organic Constitution for NON-14th amendment citizens.

"Citizens are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights. The citizen cannot complain, because he has voluntarily submitted himself to such a form of government... he owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties." *U.S. v Cruikshank*, 92 U.S. 542 (1875).

This makes all 14th amendment states, dependencies of the federal government, and as such, "colonies of the same:

Colony. A dependent political community, consisting of a number of citizens of the same country who have emigrated therefrom to people another, and remain subject to the mother country. Territory attached to another nation, known as the mother country, with political and economic ties e.g. possessions or dependencies of the British Crown. (e.g. Original 13 colonies of the united states).

The Neutrality Act of 1939, Preamble, Title 8 USC and Title 22, USC all set

forth two different jurisdictions; the de jure jurisdiction, under the constitution, and the de facto jurisdiction, under the 14th amendment.

Upon birth, under 14th amendment rules, all Americans are fictionally transported to Washington D.C., then fictionally transported back to the State wherein they "reside." This quick change of citizenship is done without knowing approval and by fraud, and takes all who submit to such, OUT of being a sovereign de jure national of the state of their birth and INTO the de facto "residential" jurisdiction of the federal government and de facto United States within the several states.

If one is naturally born into a state/nation, he has NOT legally submitted to such. I have NOT knowingly accepted the "naturalized citizenship" of the 14th amendment related to the United States and reject this de facto fraud.

Usurpation, government. "The tyrannical assumption of the government by force contrary to and in violation of the constitution of the country." Bouvier's Law Dictionary, 1856.

The United States has accomplished this through legal fraud, deceit and American's unwitting acceptance of the same through ignorance. I no longer wish to rebel against my nation/state and accept the de jure natural and common law jurisdiction which resides with the People.

Source for above facts of law: "The Red Amendment," by the People's Awareness Coalition." www.pacinlaw.org/

"Under our system the people, who are there (in England) called subjects, are here the sovereign... Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here (in America) knows no person, however near to those in power, or however powerful himself to whom he need yield the rights which the law secures to him..." *United States v. Lee*, 106 U.S. 196, at 208.

"Here (in America) sovereignty rests with the People." *Chisholm. Ex'r. V. Georgia* 1 L.ed (2 Dall) 415, 472.

"The words 'People of the United States' and 'citizen' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty... They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a

constituent member of the sovereignty..." *Dred Scott v. Sanford*, 60 U.S. 393, 19 How. 577.

"People of a state are entitled to all rights which formerly belonged to the king by his prerogative." *Lansing v Smith*, (1829) 4 Wend. 9, 20.

"It is true that at (English) common law the duty of the Attorney General was to represent the King, he being the embodiment of the state. But under the democratic form of government now prevailing the People are King so the Attorney general's duties are to that Sovereign rather than to the machinery of government." *Hancock v. Terry Elkhorn Mining Co., Inc., Ky.*, 503 S.W. 2d 710. *Hancock v. Paxton. Ky.*, 516 S.W.2d pg 867 [2] Cl 3.

"It is the doctrine of the common law, that the Sovereign cannot be sued in his own court without his consent." *The Siren vs U.S.* 74 U.S. 152

"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country sovereignty resides in the People. and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." *Julliard v. Greenman*, 110 U.S. 421

"Sovereignty itself is, of course, not subject to law for it is the author and source of law; *Yick Wo v. Hopkins and Woo Lee vs Hopins* 118 U.S. 356.

"Under our form of government, the legislature is not supreme. It is only one of the organs of that 7 absolute sovereignty which resides in the whole body of the people; like other bodies of the government it can only exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts...are utterly void." - *Billings v. Hall*. 7 CA. 1

"In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired by force or fraud, or both...In America, however the case is widely different. Our government is founded upon compact. Sovereignty was and is in the people." - *Glass v. The Sloop Betsy*, 3 Dali 6

"Since in common usage, the term person does not include the sovereign, statutes employing the phrase are ordinarily construed to exclude it." - 1 U.S.C.S I, n 12, *United States V. Fox*. 94 U.S. 315

"All subjects over which the sovereign power of the state extends [ie. corporations] are objects of taxation but those lie, sovereign natural born

Citizens over which I does not extend are, upon the soundest principle EXEMPT FROM TAXATION. This proposition may almost be pronounced as self evident. The sovereignty of a state extends to everything which exists by its own authority or exists by its permission."- *McCulloch v. the State of Maryland*, 4 Wheat., 316.

"It has been justly thought a matter of importance to determine from what source the United States derives its authority... The question here proposed is whether our bond of union is a compact entered into by the state, or whether the Constitution is an organic law established by the People. To this we answer: "We the People... ordain and establish this Constitution"... "... The government of the state had only delegated power (from the People) and even if they had an inclination, they had no authority to transfer the authority of the sovereign People. The people in their capacity as Sovereigns made and adopted the Constitution; and it binds the state governments without the state's consent. The United States, as a whole, therefore, emanates from the People and not from the states, and the Constitution and the laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it.

The People are the fountain of Sovereignty. The whole was originally with them as their own. The state governments are but trustees acting under a derived authority, and had no power to delegate what is delegated to them. But the people, as the original fountain, might take away what they have let and intrust to whom they please. They have the whole title and as absolute proprietors have the right of using or abusing. -jus utendi et abutendi.. it is a maxim consecrated in public law as well as common sense and the necessity of the case that a sovereign is answerable for his acts only to his god and his own conscience... there is no authority above a sovereign to which an appeal can be MADE." 4 Wheat. 402 (Bouvier's 14th Ed. Law Dictionary: 'Sovereignty').

SUPREMACY: "Sovereign dominion, authority, and pre-eminence; the highest state. In the United States the supremacy resides in the People..." - Bouvier's Law Dictionary

"In the United States the people are sovereign and the government cannot sever its relationship to the people by taking away their citizenship." - *Afroyim v. Rusk*, 387 US 253 (1967)

"The law subscribes to the king [in America, the People] the attribute of

sovereignty; he is sovereign and independent within his own dominion; and owes no kind of subjection to any other potentate upon earth. Hence, it is, that no suit or action can be brought against the king, even in civil matters; because no court can have jurisdiction over him; for all jurisdiction implies supremacy of power." *Chisholm v. Georgia*, 2 Dali. 419, 458

"The People, or the Sovereign are not bound by general words in statutes, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King nor the People. The People have been ceded all the Rights of the King, the former Sovereign...It is a maxim of the common law that when an act of parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the king shall be bound by such an act, though not named; but when a statute is general, and any prerogative right, title or interest would be divested or taken from the King (or the People) in such case he shall not be bound." - *The People v. Herkimer* 15 Am Dec 379, 4 Cowen (N.Y. 345, 348 (1825)

"The individual my stand upon his Constitutional rights as a Citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business or to open his doors to investigation. ..He owes no duty to the State. since he receives nothing therefrom. beyond the protection of his life and property. His rights are such as existed by the Law of the Land, long antecedent to the organization of the State, and can only be taken from him by due process of the law and in accordance with the Constitution. He owes nothing to the public so long as he does not trespass upon their rights." - *Hale vs. Henkle* 201 U.S. 43 at 74

The People are the fountain of Sovereignty. The whole was originally with them as their own. The state governments are but trustees acting under a derived authority, and had no power to delegate what is not delegated to them. But the people, as the original fountain, might take away what they have lent and intrust to whom they please. They have the whole title and as absolute proprietors have the right of using or abusing. -jus utendi et abuiendi. It is a maxim consecrated in public law as well as common sense and the necessity of the case that a sovereign is answerable for his acts only to his god and his own conscience there is no authority above a sovereign to which an appeal can be made." 4 Wheat. 402 (Bouvier's 14th Ed. Law Dictionary: 'Sovereignty')

As in our interaction with our fellow-men certain principles of morality are assumed to exist, without which society would be impossible. So certain

inherent rights lie at the foundation of all action, and upon a recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in the Declaration of Independence, the evangel of liberty to the people: "We hold these truths to be "self evident" - words so plain that their truth is recognized upon their mere statement - "that all men are endowed" - NOT by the edicts of Emperors or decrees of Parliament, or acts of Congress, but by their Creator with certain "unalienable rights" - that is, rights which cannot be bartered away, or given away, or taken away... and that among these are life, liberty and the pursuit of happiness, and to secure these - not grant them but secure them - "governments are instituted among men, deriving their just powers from the consent of the governed." *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, at 756-757.

"It may be said that the Constitution executes itself. This expression may be allowed; but with as much propriety, these may be said to be laws which the People have enacted themselves, and no laws of Congress can either take from, add to, or confirm them. They are Rights, privileges, or immunities which are granted by the People, and are beyond the power of Congress or State Legislatures..." It may be laid down as a universal rule, admitting to no exception, that when the Constitution has established a disability or immunity, a privilege or a Right, these are precisely as that instrument has fixed them, and can neither be augmented nor curtailed by any act or law either of Congress or a State Legislature. We are more particular in stating this because it has sometimes been forgotten both by Legislatures and theoretical expositors of the Constitution." Bouvier's Law Dictionary, 1870 pp 622-625.

"No white person born within the limits of the United States and subject to their jurisdiction..., or born without those limits, and subsequently naturalized under their laws, owes his status of citizenship to the recent amendments to the Federal Constitution. The purpose of the 14th Amendment... was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States who could not be brought within the operation of the naturalization laws because native born, and whose birth, though native, at the same time left them without citizenship. Such persons were not white persons, but in the main were of African blood, who had been held in slavery in this country..." *Van Valkenburg v. Brown*. 43 Cal 43, 47 (1872)

"When the Constitution was adopted, the people of the United States were the citizens of the several states for whom and for whose posterity the government was established." *Perkins v. Elg*, 99 F. 2d 408, 410 (1938)

"The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights nor protects all rights of individual citizens (See *Slaughter House cases*, 83 US (16 Wall) 36, 21 L Ed 394 (1873) Instead this provision protects only those rights peculiar to being a citizen of the federal government. It does not protect those rights which relate to state citizenship." *Jones v. Temmer*. 829 F. Supp. 1226.

3A Am Jur 1420. Aliens and Citizens "A Person is born subject to the jurisdiction of the United States, for purposes of acquiring citizenship at birth, if this birth occurs in a territory over which the United States is sovereign..."

This territory does NOT include the 50 states.

3. I am a sovereign, independent, sui juris human being, NOT having allegiance to the "United States" corporate structure NOR to federal jurisdiction, and not to "state" jurisdictional powers not afforded it by the organic Constitution.

sui juris: "One who has all the rights to which a freeman is entitled; one who is not under the power of another, as a slave, a minor, and the like." Bouvier's Law

sui juris: "Every one of full age is presumed to be sui juris. Of full capacity. In his own right; capable of entering into a contract. Ballentine's Law Dictionary.

"In common usage, the term "person" does not include the Sovereign, statutes employing the word person are ordinarily construed to exclude the Sovereign." *Wilson v. Omaha Tribe*, 442 U. S. 653, 667 (1979) (quoting *United States v. Cooper Corp.*, 312 U. S. 600, 604 (1941)). See also *United States v. Mine Workers*, 330 U. S. 258, 275 (1947).

Supreme Court Case quotes:

"The idea that the word 'person' ordinarily excludes the Sovereign can also be traced to the familiar principle that the King is not bound by any act of Parliament unless he be named therein by special and particular words." *Dollar Savings Bank v. United STATES*, 19 Wall. 227, 239 (1874).

As this passage suggests, however, this interpretive principle applies only to "the enacting Sovereign." *United States v. California*, 297 U. S. 175, 186 (1936). See also *Jefferson County Pharmaceutical Assn., Inc. v. Abbott Laboratories*, 460 U. S. 150, 161, n. 21 (1983).

Furthermore, as explained in *United States v. Herron*, 20 Wall. 251, 255 (1874), even the principle as applied to the enacting Sovereign is not without limitations: "Where an act of Parliament is made for the public good, as for the advancement of religion and justice or to prevent injury and wrong, the king is bound by such act, though not particularly named therein; but where a statute is general, and thereby any prerogative, Right, title, or interest is divested or taken from the king, in such case the king is not bound, unless the statute is made to extend to him by express words."

"A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal Right as against the authority that makes the law on which the Right depends." *Kawananakoa v. Polyblank*, 205 U. S. 349, 353, 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907).

"The majority of American States fully embrace the Sovereign immunity theory as well as the federal government. See Restatement (Second) of Torts 895B, comment at 400 (1979)."

"I shall have occasion incidentally to evince, how true it is, that States and governments were made for man; and at the same time how true it is, that his creatures and servants have first deceived, next vilified, and at last oppressed their master and maker."

"... A STATE, useful and valuable as the contrivance is, is the inferior contrivance of man; and from his native dignity derives all its acquired importance. ... "

"Let a STATE be considered as subordinate to the people: But let everything else be subordinate to the STATE. The latter part of this position is equally necessary with the former. For in the practice, and even at length, in the science of politics there has very frequently been a strong current against the natural order of things, and an inconsiderate or an interested disposition to sacrifice the end to the means. As the STATE has claimed precedence of the people; so, in the same inverted course of things, the government has often claimed precedence of the STATE; and to this perversion in the second degree, many of the volumes of confusion concerning Sovereignty owe their existence. The ministers, dignified very properly by the appellation of the magistrates, have wished, and have succeeded in their wish, to be considered as the Sovereigns of the STATE. This second degree of perversion is confined to the old world, and begins to diminish even there: but the first degree is still too

prevalent even in the several STATES, of which our union is composed. By a STATE I mean, a complete body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others. It is an artificial person. It has its affairs and its interests: It has its rules: It has its Rights: and it has its obligations. It may acquire property distinct from that of its members. It may incur debts to be discharged out of the public stock, not out of the private fortunes of individuals. It may be bound by contracts; and for damages arising from the breach of those contracts. In all our contemplations, however, concerning this feigned and artificial person, we should never forget, that, in truth and nature, those who think and speak and act, are men. Is the foregoing description of a STATE a true description? It will not be questioned, but it is. ..."

"It will be sufficient to observe briefly, that the Sovereignities in Europe, and particularly in England, exist on feudal principles. That system considers the prince as the Sovereign, and the people as his subjects; it regards his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant derives all franchise, immunities and privileges; it is easy to perceive that such a Sovereign could not be amenable to a court of justice, or subjected to judicial control and actual constraint. It was of necessity, therefore, that suability, became incompatible with such Sovereignty. Besides, the prince having all the executive powers, the judgment of the courts would, in fact, be only monitory, not mandatory to him, and a capacity to be advised, is a distinct thing from a capacity to be sued. The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince and the subject."

"No such ideas obtain here (speaking of America): at the revolution, the Sovereignty devolved on the people; and they are truly the Sovereigns of the country, but they are Sovereigns without subjects (unless the African slaves among us may be so called) and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the Sovereignty." *Chisholm v. Georgia (February Term, 1793) 2 U. S. 419, 2 Dall. 419, 1 L. Ed 440.*

"Under our system the people, who are there [in England] called subjects, are here the sovereign... Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here [in America] knows no persons, however near to those in power, or

however powerful himself to whom he need yield the rights which the law secures to him..." *United States v. Lee*, 106 U.S. 196, at 208.

"Here [in America] sovereignty rests with the people." *Chisholm, Ex'r. V. Georgia* 1 L.ed (2 Dall) 415, 472.

"The words 'People of the United States' and 'citizen' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form sovereignty... They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of the sovereign..." *Wong Kim Ark, P.* 914, quoting *Dred Scott v. Sandford*, 60 U.S. 393, 19 How. 577.

"People of a state are entitled to all rights which formerly belonged to the King by his prerogative." *Lansing v. Smith*, (1829) 4 Wend. 9, 20.

"It is true that at [English} common law the duty of the Attorney general was to represent the King, he being the embodiment of the state. But under the democratic form of government now prevailing the People are King so the Attorney general's duties are to that sovereign rather than to the machinery of government." *Hancock v. Terry Elkhorn Mining Co., Inc., Ky.*, 503 S.W. 2d 710. *Hancock v. Paxton. Ky.*, 516 S.W. 2d Pg. 867 [2] Cl 3.

Sovereign: "It has been justly thought a matter of importance to determine from what source the United States derives its authority... The question here proposed is whether our bond of union is a compact entered into by the states, or whether the Constitution is an organic law established by the People. To this we answer: 'We, the People... ordain and establish this Constitution'... The government of the state had only delegated power (from the People)... and even if they had a inclination, they had no authority to transfer the authority of the Sovereign People. The People in their capacity as Sovereigns made and adopted the Constitution; and it binds the state governments without the state's consent. The United States, as a whole, therefore, emanates from the People and not from the state, and the Constitution and the laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it. The People are the fountain of Sovereignty. The whole was originally with them as their own. The state governments are but trustees acting under a derived authority, and had no power to delegate what is not delegated to them. But the People, as the original fountain, might take away what they have lent and intrust to whom they please. They have the whole title and as absolute

proprietors have the right of using or abusing.-jus utendi et abutendi. It is a maxim consecrated in public law as well as common sense and the necessity of the case that a sovereign is answerable for his acts only to his God and his own conscience... There is no authority above a sovereign to which an appeal can be made." 4 *Wheat*, 402 (Bovier's 14th Ed. Law Dictionary).

Supremacy: "Sovereign dominion, authority, and pre-eminence; the highest state. In the United States the supremacy resides in the people..." Bovier's Law Dictionary.

"The People, or the Sovereign are not bound by general words in statutes, restrictives of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King nor the People. The People have been ceded all the Rights of the King, the former Sovereign... It is a maxim of the common law that when an act of parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the king shall be bound by such an act, though not named; but when a statute is general, and any prerogative right, title or interest would be divested or taken from the King (or the People as Sovereigns) in such case he shall not be bound." *The People v. Herkimer* 15 Am Dec 379, 4 Cowen (N.Y. 345, 348 (1825))

"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country sovereignty resides in the People, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." *Julliard v. Greenman*, 110 U.S. 421.

"In Europe, the executive is synonymous with the sovereign power of a state... where it is too commonly acquired by force or fraud, or both... In America, however, the case is widely different. Our government is founded upon compact (contract). Sovereignty was, and is, in the people." *Glass v. The Sloop Betsy*, 3 Dall 6.

"..."Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." *Yick Wo vs Hopkins and Woo Lee Hopkins*, 118 U.S. 356.

My right of expatriation from "United States nationality" for recovery of my de jure several united states nationality is covered in Title 8 USC 1481 (a) and Title 8 USC 1502 which I hereby claim.

4. I am NOT a "resident" of Colorado, as described in IR code or statutory law, but a sovereign, (alien to the U.S. but not alien to my nation/state), momentarily domiciled in the sovereign Colorado nation/state, and alien to it alone per my Iowa nationality.

Alien: "Owing political allegiance to another country or government; (Other than allegiance to Iowa nation/state or Colorado nation/state, or wherever I may be domiciled, I owe no allegiance to any other entity save God alone.) foreign; alien residents. An unnaturalized foreign resident of a country; also called non-citizen." American Heritage Dictionary.

"Alien, persons. One born out of the jurisdiction of the United States, who has not since been naturalized under "their" constitution and laws." Bouvier's Law, 1856.

"Their" constitution, meaning the several states' constitution and laws. All citizenship or naturalization prior to the 14th amendment was done exclusively by the several States.

"The term "naturalization" means the conferring of nationality of a state upon a person after birth, by any means whatsoever." Title 8 USC 1101 (2)(23).

Resident, persons: "A person coming into a place with intention to establish his domicile or permanent residence, and who is consequence actually remains there. Residents are distinguished from citizens; residents are aliens (I am NOT alien to my nation/state of Iowa or Colorado) who are permitted to take up permanent abode in a country." Bouvier's law, 1856,

"Residents, as distinguished from citizens, are aliens who are permitted to take up permanent abode in the country." Vattel-Law of Nations.

United States government Styles manual (1984), chapters 5.22 and 5.23 clearly define American nationals. "The term "national" means a person owing permanent allegiance to a state." (The several states) Title 8 USC 1101 (a)(21)

5. I am NOT a "person" as described in IR code or statutory law. (See Attachment F)

TITLE 26 Subtitle F CHAPTER 79 7701

Definitions

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

(1) Person

The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation - ("corporation," - See Attachment N).

(30) United States person

The term "United States person" means-

(A) a citizen or resident of the United States, (The corporate U.S., NOT the sovereign 50 states making up the U.S. union).

26 CFR 1.1-1. (c) Every person born or naturalized in the United States and subject to its jurisdiction is a citizen.

"Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it." 1 U.S.C.S 1, n 12, *United States vs. Fox*, 94 U.S. 315.

I neither chose to be a U.S. resident or citizen, nor do I accept it now. I was made a de facto "U.S. citizen" through the 14th Amendment, involuntarily, through fraud, and unwitting tacit acquiescence, which I now rescind to claim my full de jure nationality of the America sovereign nation/state which I was born, (Iowa) or at any time, be domiciled in, presently the sovereign Colorado nation/state. Law of Nations, Title 8 USC 1481 (a).

Tacit: "Existing, inferred, or understood without being openly expressed or stated; implied by silence or silent acquiescence, as a tacit agreement or a tacit understanding. 2. Done or made in silence, implied or indicated, but not actually expressed. Manifested by the refraining from contradiction or objection; inferred from the situation and circumstances, in the absence of express matter." Blacks Law, 6th edition.

6. I am NOT an "individual" as described in IR code or statutory law. (See Attachment F)

Title 5 USC 552a. Records maintained on individuals

(a) Definitions. For purposes of this section -

(2) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

I am neither.

Sec. 1.1-1 Income tax on individuals.

(a) General rule. (1) Section 1 of the Code imposes an income tax on the income of every individual who is a "citizen" or "resident of the United States" (a citizen of US, but an alien...

Title 8 USC 1101. Definitions.

(a) As used in this chapter - [chapter 12 of Title 8] (3) The term "alien"

means any person not a citizen or national of the "United States.")... someone living in a particular nation/state) and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien "individual."

TITLE 22 CHAPTER 9 SUBCHAPTER II 456

Definitions

(f) The term "citizen" shall include any "individual" owing allegiance to the "United States," a partnership, company, or association composed in whole or in part of "citizens" of the "United States," and any corporation (See Attachment N) organized and existing under the laws of the "United States" as defined in subsection (a) of this section.

I owe no such allegiance to the United States which encumbers me in any way or separates me from my de jure allegiance to Iowa, or the nation/state of my domicile and the common law and organic Constitution under which I am held.

I am a non-resident alien with respect to the United States Government, and not liable for income taxes.

TITLE 26 7701:

(b) Definition of resident alien and nonresident alien.

(1) In general. For purposes of this title (other than subtitle (b))

(A) Resident alien. An alien individual shall be treated as a resident of the United States with respect to any calendar year if (and only if) such individual meets the requirements of clause (i), (ii) or (iii):

(i) Lawfully admitted for permanent residence. Such individual is a lawful permanent resident of the United States at any time during such calendar year.

(ii) Substantial presence test. Such individual meets the substantial presence test of paragraph (3) (omitted).

(iii) First year election. Such individual makes the election provided in paragraph (4) (omitted).

(B) Nonresident alien. 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)).

26 CFR 7701 (31) FOREIGN ESTATE OR TRUST.- The terms "foreign estate" and "foreign trust mean an estate or trust, as the case may be, the income of which, from sources without the United States (the 50 states) which is not effectively connected with the conduct of a "trade or business" within ((IRC 26 - Section 22 - Definitions - Trade or business: term "trade or business" includes the performance of the functions of a public office.") the United States, is not includable in gross income under subtitle A. [1, graduated income tax]

26 USC 864. DEFINITIONS AND SPECIAL RULES AT (b) (1) (A).- "The term 'trade or business within the United States' includes the performance of personal services [as a public servant) within the United States, but it does not include performance of personal services for a foreign employer.' [ie. Employer in the 50 states].

26 CFR 1.871-1. "... (b) Classes of non-resident aliens -

(1) In general. For purposes of the income tax, nonresident alien individuals are divided into the following classes...

(i) Nonresident alien individuals who at no time during the taxable year, engaged in a "trade or business" in the United States."

CFR 1.871-7 Taxation of nonresident alien individuals not engaged in trade or U.S. business.- (a) Imposition of tax. (1) "... a nonresident alien individual ... is NOT subject to the tax imposed by section 1 [Subtitle A]..."

26 IRC 2(d):

2(d) NONRESIDENT ALIENS -In the case of a nonresident alien individual, the taxes imposed by 1 [graduated income tax] and 55 [alternative minimum tax] shall apply only as provided by 871 or 877.

871 (a) imposes a flat 30% tax on nonresident aliens for amounts received only from sources within the [District] United States. 871(b) imposes a "graduated" tax only on income which is effectively connected with trade or business [as federal government employee] within the [District] United States.

26 IRC 872:

(a) GENERAL RULE.- In the case of a nonresident alien individual Gross Income includes ONLY.

(1) gross income which is derived from sources WITHIN the [District] United States.

(2) gross income which is effectively connected with the conduct of a "trade or business" WITHIN the [District] United States.

Title 8 USC 1101. Definitions

(a)(20) The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

7. I am NOT a corporate structure, (straw man) nor do I accept any contracts as, or for, a corporate structure, or any liability for same.

Title 28 USC 1332. Diversity of citizenship

(c) For the purposes of this section and section 1441 of this title: (1) a corporation shall be deemed to be a citizen of any State. . . (See Attachment B).

8. "Original jurisdiction. (B) The Supreme Court shall have original but not exclusive jurisdiction of: (3) All actions or proceedings by a State against the citizens of another State or against aliens." Title 28 USC 1251 (See Attachment K).

9. Further confusing and misleading words and definitions in the IR Code:

Title 26 USC 877. Expatriation to avoid tax

(a) Treatment of expatriates. (1) In general. Every nonresident alien individual who, within the 10-year period immediately preceding the close of the taxable year, lost United States citizenship, unless such loss did not have for one of its principal purposes the avoidance of taxes under this subtitle or subtitle B, shall be taxable for such taxable year. . ."

Title 8 USC 1101. Definitions

(a) As used in this chapter - [chapter 12 of Title 8] (29) The term "outlying possessions of the United States" means American Samoa and Swains Island.

Title 8 USC 1408. Nationals but not citizens of the United States at birth

Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the United States at birth: (1) A person born in an outlying possession of the United States on or after the date of formal acquisition of such possession.

Title 8 USC 1401. Nationals and citizens of United States at birth

The following shall be nationals and citizens of the United States at birth: A "person" born in the "United States," and subject to the "jurisdiction" thereof.

Title 8 USC 1101. Definitions

(a) As used in this chapter - [chapter 12 of Title 8] (22) The term "national of the United States" means a citizen of the United States.

I was neither born in any possession of the "United States" as defined above, nor IN the "United States" (see definition of United States under point 2), and am NOT a citizen or national of the United States government.

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

I do dissent, and do NOT accept obligations or contracts with the "United States government," nor do I accept any benefits which would place me under any contracts or obligations to the "United States government," unless such benefits are freely provided with no obligations of any kind, NO jurisdictional authority over me, or NO loss of personal sovereignty, and not limited to these alone.

11. I also present the concept that the use of "zip" codes and the two letter State designation are further ways for the Federal government to try to establish "jurisdiction" over states and sovereign state citizens through the use of U.S. postal mail... another attempt at fraud.

Citizenship and Jurisdiction of the Federal Government

"The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction -- by State consent under Article I, section 8, clause 17... Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place," *Id.*, at 41.

In June, 1957, the government of the United States published a work entitled *Jurisdiction Over Federal Areas Within The States: Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II*. The Committee stated at pg. 45:

"It scarcely needs to be said that unless there has been a transfer of jurisdiction pursuant to clause 17 by a Federal acquisition of land with State consent, or by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non-interference by the State with Federal functions."

""The consent requirement of Article I, section 8, clause 17 was intended by the framers of the Constitution to preserve the State's jurisdictional integrity against federal encroachment. The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State," *Id.*, at 46.

"On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various other crimes, jurisdiction over which is retained by the States under our Federal-State system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government," *Id.*, at 107. *Jurisdiction Over Federal Areas (See Attachment BB) Within The States: Report of The Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II*

JURISDICTION: "Jurisdiction must be either of the subject matter, which is

acquired by exercising powers conferred by law over property within the territorial limits of the sovereignty, or of the person, which is acquired by actual service of process, or personal appearance of the defendant... Jurisdiction in a personal action cannot be obtained by service on a defendant outside of the jurisdiction; 95 U.S. 714. The courts of one state have no jurisdiction over persons of other states unless found within their territorial limits." *Bouvier's Law Dictionary*.

"...[W]here the question of jurisdiction in the court over the person, the subject matter, or the place where the crime was committed can be raised, in any stage of a criminal proceeding; it is never presumed, but must always be proved; and it is never waived by the defendant." *U.S. v. Rogers, DC Ark. 1855, 23 Fed 658*.

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." *Melo v. US, 505 F2d 1026*.

"There is no discretion to ignore that lack of jurisdiction." *Joyce v. US, 474 F2d 215*.

"The burden shifts to the court to prove jurisdiction." *Rosemond v. Lambert, 469 F2d 416*.

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." *Lantana v. Hopper, 102 F2d 188; Chicago v. New York, 37 F Supp 150*.

"A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." *Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732*.

"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." *In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846*.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." *Dillon v. Dillon, 187 P 27*.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in

any case before a tribunal in its power to act, and a court must have the authority to decide that question in the first instance." *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

"A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." *Wuest v. Wuest*, 127 P2d 934, 937.

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." *Merritt v. Hunter*, C.A. Kansas 170 F2d 739.

"The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction -- by State consent under Article I, section 8, clause 17 Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place," *Id.*, at 41. "It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to clause 17 by a Federal acquisition of land with State consent, or (2) by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non-interference by the State with Federal functions," *Id.*, at 45.

"The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State," *Id.*, at 46. "On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various other crimes, jurisdiction over which is retained by the States under our Federal-State system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government," *Id.*, at 107. Thus, from an abundance of case law, buttressed by this lengthy and definitive government treatise on this issue, the "jurisdiction of the United States" is carefully circumscribed and defined as a very precise portion of America. The United States is one of the 51 jurisdictions existing on this continent, excluding Canada and its provinces." *Jurisdiction Over Federal Areas Within The States: Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II. June 1957,*

by the government of the United States. (the 51st jurisdictional area of America).

TITLE 18 > PART I > CHAPTER 69 > 1425. Procurement of citizenship or naturalization unlawfully.

"The idea is quite unfounded that on entering into society we give up any natural right." --Thomas Jefferson to Francis Gilmer, 1816. ME 15:24.

The premise for this attachment is that the United States government, (NOT the united several States of the American union) is a de facto government, having defrauded all Americans by creating an illegally created dual citizenship and placing ALL Americans into this "United States defacto government" Jurisdiction AS U.S. citizens/nationals, thereby causing them to become legally bound to U.S. de facto laws, including IRS income taxation and all the thousands of statutory laws created contrary to Common and Constitutional laws, to gradually steal freedoms and finances... a communist/socialist society. This "representation" of this de facto "citizenship" by the U.S. government created a possible taxable issue, which I reject.

This de facto government is supported unwittingly by the American people, via voting for representatives of this government and allowing it to exist unchallenged. This "dual" citizenship causes all Americans to commit treason against their own, true, de jure nation... that of the nation/state of their birth. This true nation is NOT the "United States," but is the sovereign people which make up the union of states, of which the United States government is servant to, under law.

The U.S. government's jurisdiction over my life, liberty and actions regarding, but not limited to, all issues within this affidavit, is hereby rescinded according to law, and I expatriate myself from this de facto "United States" foreign nation and claim all de jure rights and freedoms under all applicable laws, and personally accept ONLY that service which the organic Constitution affords the government "Of The People, By The People and For The People" of the several united States.

The case law and documentation supporting this is as follows:

(*Burks v. Lasker*, 441 US 471) & (*U.S v. Grimaud* 220 US 506) The issue of Jurisdiction. When jurisdiction is not squarely challenged it is presumed to exist. In the courts there is no meaningful opportunity to challenge jurisdiction, as the

court merely proceeds summarily. However once jurisdiction has been challenged in the courts, it becomes the responsibility of the plaintiff to assert and prove said jurisdiction.. (*Hagans v. Lavine*, 415 US 533) as mere good faith assertions of power have been abolished. (*Owens v. City of Independence*, 100 S Ct, 1398, 1980).

"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, 8. As James Madison wrote, '[t]he powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.' The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties." 1995: *U.S. v. Lopez*, 000 U.S. U10287.

"Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Ibid. *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991).

"A canon of construction which teaches that of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States." *U.S. v. Spelar*, 338 U.S. 217 at 222 (1949).

IRC 3121)(e) United States: The term "United States" when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.)

The "United States" in the above does NOT mean the 50 sovereign nation/states of the united several States of America. These are TWO distinct entities.

"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, [324 U.S. 652, 672] or it may be the collective name of the states which are united by and under the Constitution." 1945: *Hooven & Allison Co. v. Evatt*, 324 US 652.

"The United States is a government, and, consequently, a body politic and

corporate... This great corporation was ordained and established by the American people..." *United States v. Maurice*, 26 Fed.Cas. No. 15, 747, 2 Brock 96, Circuit Court, D. Virginia, 1823.

Foreign government: "The government of the United States of America, as distinguished from the government of the several states." (Black's Law Dictionary, 5th Edition)

The government of the "United States" is actually foreign to the government of the sovereign 50 states. It was meant to be a separate "thing," but not to become a replacement "nation" for the 50 sovereign nation/states. Preamble of Public Law, 15 United States Statutes at Large, chapter 249, pps 223-224 (1868).

"It is conceded by the court that Congress may lawfully impose direct taxes in the District (of Columbia - territory of the U.S. NOT the 50 states) for District purposes, without regard to the rule of apportionment, and that Congress is under no constitutional necessity to impose direct taxes by the rule of apportionment upon the District of Columbia, or upon the territories, even though such a direct tax is laid upon the states." William Bradford Bosley, *The Constitutional Requirements of Uniformity in Duties, Imposts and Excises*, 9 Yale Law Journal 164, 169 (1900).

We are of the 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, 287 (1901).

United States - US- U.S.-USA-America

Means: (A) a federal corporation . . . Title 28 USC Section 3002(5) Chapter 176. It is clear that the United States . . . is a corporation . . . 534 FEDERAL SUPPLEMENT 724.

It is well settled that "United States" et al. is a corporation, originally incorporated February 21, 1871 under the name "District of Columbia," 16 Stat. 419 Chapter 62. It was reorganized June 11, 1878; a bankrupt organization per House Joint Resolution 192 on June 5, 1933, Senate Report 93-549, and Executive Orders 6072, 6102, and 6246, a de facto government, originally the ten square mile tract ceded by Maryland and Virginia and comprising Washington D. C., plus the possessions, territories, forts, and arsenals.

The significance of this is that, as a corporation, the United States has no more authority to implement its laws against "We The People" than does Microsoft Corporations, except for one thing -- the contracts we've signed as surety for our Straw man with the United States and the Creditor Bankers. These contracts binding us together with the United States and the bankers are actually not with us, but with our artificial entity, or as they term it "person", which appears to be us but spelled with ALL CAPITAL LETTERS.

Foreign Laws: "The laws of a foreign country or sister state." (Black's Law Dictionary, 6th Edition)

The laws of the 50 states are all foreign to each other, and to the "United States" as it is commonly regarded today.

Foreign States: "Nations outside of the United States" Term may also refer to another state; i.e. a sister state. The term 'foreign nations,' ...should be construed to mean all nations and states other than that in which the action is brought; and hence, one state of the Union is foreign to another, in that sense." (Black's Law Dictionary, 6th Edition)

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In *O'Donoghue v. United States* (289 U.S. 516, 53, Sup. Ct. 740), the court set out 4 general conclusions regarding the differences between the states of the Union and the District of Columbia and the territories:

1. The District of Columbia and the territories are not "states" within the judicial clause [Article 3] of the Constitution giving jurisdiction in cases between citizens of different states;
2. Territories are not "states" within the meaning of Revised Statutes section 709, permitting writs of error from this court in cases where the validity of a "state" statute is drawn in question;
3. The District of Columbia and the territories are "states" as that word is used in treaties with foreign powers, with respect to the ownership, disposition, and inheritance of property;
4. The District of Columbia and the territories are not within the clause of the Constitution providing for the creation of a supreme court and such inferior

courts as "Congress may see fit to establish."

Foreign "states?" The third conclusion ("The District of Columbia and the territories are "states" as that word is used in treaties with foreign powers, with respect to the ownership, disposition, and inheritance of property") is at odds with the other conclusions as well as our common understanding of the word "state." However, this definition of "state" is the one which Congress uses in the Internal Revenue Code.

The 1821 case of *Cohens v. Virginia* (6 *Wheat.* 264; 5 *L.Ed.* 257) is still quoted in the bar review books and sets out the limited legislative power of the federal government, to wit:

"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects but extending all over the Union; the other, an absolute, exclusive legislative power over the District of Columbia."

In the case of *Ellis v. United States*, 206 *U.S.* 246; 27 *S.Ct.* 600 (1907), the United States Supreme Court considered whether the minimum wage law of the United States would apply to the dredging of Chelsea creek in Boston harbor, Massachusetts. Notice these quoted conclusions:

--Congress possesses no power to legislate except such as is affirmatively conferred upon it through the Constitution, or is fairly to be inferred therefrom.

--An act which may be constitutional upon its face, or as applied to certain conditions, may yet be found to be unconstitutional when sought to be applied in a particular case.

--The work of dredging in Chelsea creek, in Boston harbor, as shown in the record, is not part of the "public works of the United States" within the meaning of the statute in question.

--It is unnecessary to lay special stress on the title to the soil in which the channels were dug, but it may be noticed that it was not in the United States.

--The language of the acts is "public works of the United States." As the works are things upon which the labor is expended, the most natural meaning of "of the United States" is "belonging to the United States."

Two conclusions can be drawn from this ruling. First, Chelsea creek in Boston harbor is not "in the United States." Chelsea creek is in Massachusetts which, as a sovereign state of the Union, is not under the jurisdiction of the United States except for those things that have been delegated to the United States [Federal] government in the U.S. Constitution. Second, the term "of the United States" means "belonging to the United States". The states of the Union are not territories of the United States and do not belong to the United States. The states of the Union have a sovereignty that predates the creation of the federal government.

However, the territories have no sovereignty as they are the property of the United States government. Thus, the term "States of the United States" as expressed in federal codes includes only the territories as inchoate states which belong to the United States. Consequently, the court concluded that the minimum wage law of the United States did not apply to the work done at Chelsea creek.

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This shows that all the 50 states are "nations outside of the United States." How can the "United States be outside of itself? This "foreign states" isn't referring to other International "states," but to THE 50 states. Why would our laws be describing other countries outside the collective "United Union" of 50 nation/states?

If an individual (human being) derives income from a source that is inside the 50 Nation/States of the Union, THEN that income is "foreign income" because it is income derived from a "foreign source" or "situs" specifically "foreign" WITH RESPECT TO the municipal jurisdiction of the federal government (read "looking outward from a situs INSIDE D.C.")

The Federal Government has jurisdiction ONLY over what the states and "People" concede to it...

"Almost a century ago, Congress declared that "the right of expatriation [including expatriation from the District of Columbia or "U.S. Inc", the corporation] is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," and decreed that "any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the

right of expatriation, is hereby declared inconsistent with the fundamental principles of this government." *15 Stat. 223-224 (1868), R.S. 1999, 8 U.S.C. 800 (1940).*

"Although designed to apply especially to the rights of immigrants to shed their foreign nationalities, that Act of Congress "is also broad enough to cover, and does cover, the corresponding natural and inherent right of American citizens to expatriate themselves." *Savorgnan v. United States, 1950, 338 U.S. 491, 498 note 11, 70 S. Ct. 292, 296, 94 L. Ed. 287.*

The Supreme Court has held that the Citizenship Act of 1907 and the Nationality Act of 1940 "are to be read in the light of the declaration of policy favoring freedom of expatriation which stands unrepealed." *Id.*, 338 U.S. at pages 498-499, 70 S. Ct. at page 296. That same light, I think, illuminates 22 U.S.C.A. 211a and 8 U.S.C.A. 1185." *Walter Briehl v. John Foster Dulles, 284 F2d 561, 583 (1957).*

"Special provision is made in the Constitution for the cession from the States over places where the federal government shall establish forts or other military works. And it is only in these places, or in the territories of the United States, where it can exercise a general jurisdiction." *New Orleans v. United States, 35 U.S. (10 Pet.) 662, (1836)*

I am NOT a territory, nor is Colorado state, or Iowa state, legally sovereign to the "U.S." "Territories" of the U.S. government.

"It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to Clause 17 by a federal acquisition of land with State consent, or (2) by cession from the State to the Federal government or unless the Federal Government has reserved jurisdiction upon the admission of the State the Federal Government possess no legislative jurisdiction over any area within a State, such jurisdiction being for exercise entirely by the States, subject to non-interference by the State with Federal functions and subject to the free exercise by the Federal Government of rights with respect to the use, protection, and disposition of its property." The Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas within the States.

Constitution for the United States, Article I. Section 8. Clause 17. "The Congress shall have the power...To exercise exclusive legislation in all cases whatsoever, over such district (NOT EXCEEDING TEN MILES SQUARE) as may, by cession of particular states and the acceptance of Congress, become

the seat of the Government of the United States, [District of Columbia] and to exercise like authority over all places [federal enclaves] 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 - To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers..."

"Constitutional restrictions and limitations were NOT applicable to the areas of lands, enclaves, territories and possessions over which Congress had exclusive legislative authority." *Downes v. Bidwell*, 182 U.S. 244

"In exercising its constitutional power to make all needful regulations respecting territory belonging to the United States, Congress [under Art. I, 8, Cl. 17 and Article IV 3, Cl. 2. of the Constitution] is not subject to the same constitutional limitations as when it is legislating for the United States [the 50 states]. " *Hooven v. Evatt*, 324 U.S. 674.

Article IV Section 3, Cl. 2. "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

Bouvier's Law Dictionary: Territory: "A part of the country separated from the rest and subject to a particular jurisdiction. A portion of the country subject to and belonging to the United States which is not within the boundary of any state or the District of Columbia. 262 U.S. 122; 3 *Wheat* 336, 390...*The United States* has supreme sovereignty over territory, [i.e. Puerto Rico, Guam, Virgins Islands] and congress has full and complete legislative authority over its people and government. 136 U.S. 1... In Relation to the United States: "...It is held as a well-established doctrine that the territories of the United States are entirely subject to the legislative authority of congress. They are not organized under the constitution, nor subject to its complex distribution of powers of government as the organic law, but are a creation. exclusively of the legislative department, and subject to its [Congress'] supervision and control..." 96 *Fed. Rep.* 456, citing 16 *How.* 1 *Kent*, 243, 359, 1 *Pet.* 511164; 101 U.S. 129; 114 U.S. 15; 136 U.S. 1; 143 U.S. 135; 141 U.S. 174; 152 U.S. 1.

Black's 6th Law Dictionary. Territory: "A portion of the United States, not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial

officers appointed by the President. See trust territory.

"Ballentine's Law Dictionary. Territory: 1. "A geographical region over which a nation exercises sovereignty, but whose inhabitants do not enjoy political, social or legal parity with the inhabitants of other regions which are constitutional components of the nation. With respect for the United States, for example, Guam or the Virgins Islands as opposed to New York, California or Texas."

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

Because of this ruling, Congress has been able to circumvent the Constitution for the united States of America, as follows:

(1) The United States Government legally creates legislation, which may be unconstitutional for the 50 states, under the authority and guise of legislating for the citizens and residents of the territories and possessions "belonging to" the United States, over which the United States has exclusive authority.

(2) Such federal legislation is made applicable only to the citizens born and residing in Territories, possessions, instrumentality's and enclaves under the exclusive jurisdiction of the United States. These "individuals" are called "U.S. citizens" or "citizens of the United States, subject to its jurisdiction" in such legislation. The average American, of course, believes he or she is such a citizen (because it was never disclosed to them that our Congress legislates for two different types of citizens). Because that American has respect for the law, he or she voluntarily consents to obey this legislation that is contrary to the Constitution.

The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. *City of Boerne v. Flores*

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

In other words, the Federal Government has little jurisdiction over the 50 State's affairs unless the States concede that jurisdiction through legal channels. Therefore, citizens of the several states are NOT "de jure" citizens of the United States, (as defined in the IR Code and supported by Supreme Court case law), except through fraud, and therefore NOT liable for federal income taxes as promoted and enforced. I have certified requested documentation sent to Colorado state, under FOIA or Colorado equivalent, on such ceding of authority or jurisdiction to the U.S. government, by Colorado state, and Colorado state has provided no such documented concessions to the Federal Government.

(30) United States person

The term "United States person" means-

(A) a citizen or resident of the United States,

26 CFR 1.1-1(c): (c) Who is a citizen. Every person born or naturalized in the [federal] United States and subject to its jurisdiction [exclusive federal jurisdiction under Article 1, Section 8, Clause 17 of the Constitution] is a citizen.

Born or naturalized in District of Columbia, Puerto Rico, or other US territories...
NOT one of the sovereign 50 states.

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

What is a person born or naturalized in the U.S., but NOT subject to its jurisdiction?

What is a person NOT born or naturalized in the U.S. (Born in a sovereign nation/state, NOT the United States), and NOT subject to its jurisdiction?

Nation/state Citizens, being domiciled OUTSIDE the federal zone, (Corporate United States) are NOT subject to the municipal jurisdiction of the federal government. Therefore, State Citizens are legally "nonresident aliens" with respect to the municipal jurisdiction of the federal government, and that is the major reason why they are NOT embraced by the legal definition of "U.S. persons:" <http://www.supremelaw.org/fedzone11/>

Based on the above and below facts, I am asserting that the following points are true concerning my human self:

1. I am NOT a citizen of the "United States" as described in code or statutory law, and relinquish any such de facto relationship and any jurisdiction of same over me. All such "presumption" is broken.

"The United States government is a foreign corporation with respect to a state." *N.Y. re: Merriam*, 36 N.E. 505, 141 N.Y. 479, *Affirmed* 16 S.Ct. 1973, 41 L.Ed. 287

"Corporations are also of all grades, and made for varied objects; all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made. One universal rule of law protects persons and property. [*Proprietors of Charles River Bridge v. Proprietors of Warren Bridge*, 36L S. 420 (1837)]

See. 3002. Definitions Title 28 - Judiciary And Judicial Procedure (15) "United States" means -

(A) a Federal corporation

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

(C) an instrumentality of the United States.

"In the United States of America, there are two (2) separated and distinct jurisdictions, such being the jurisdiction of the states within their own state boundaries, and the other being federal jurisdiction (United States), which is limited to the District of Columbia, the U.S. Territories, and federal enclaves within the states, under Article I, Section 8, Clause 17." *Bevans v. United States*, 16 U.S. 336 (1818).

Bevans established two separate jurisdictions within the United States of America: 1. The "federal zone" and, 2. "the 50 States". The I.R.C. only has jurisdiction within the "federal zone."

"The exclusive jurisdiction which the United States have in forts and dock-yards ceded to them, is derived from the express assent of the states by whom the cessions are made. It could be derived in no other manner; because without it, the authority of the state would be supreme and exclusive therein," 3 *Wheat.*, at 350, 351.

"State:" The term "State" shall be construed to "include" the District of Columbia, where such construction is necessary to carry out provisions of this title." 26 U.S.C. Sec. 7701

United States: The term "United States" when used in a geographical sense includes [is limited to - (See Attachment B) only the "States," (see definition for "state" above) and the District of Columbia. 26 U.S.C. Sec. 7701

"It is a well established principle of law that all federal legislation applies only within the territorial jurisdiction of the United States unless a contrary intent appears." *Foley Brothers. Inc. V. Filardo*, 336 U.S. 281 (1948).

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

"Criminal jurisdiction of the federal courts is restricted to federal reservations over which the Federal Government has exclusive jurisdiction, as well as to forts, magazines, arsenal, dockyards or other needful buildings." *United States Code, Title 18 45 1, Par. 3d*.

Title 18 USC at 7 specifies that the "territorial jurisdiction" of the United States extends only OUTSIDE the boundaries of lands belonging to any of the 50 states.

"Special provision is made in the Constitution for the cession of jurisdiction from the states over places where the federal government shall establish forts or other military works. And it is only in these places, or in territories of the United States, where it can exercise a general jurisdiction." *New Orleans v. United States*. 35 U.S. (10 Pet.) 662 (1836).

The following cases also substantiate that it is a Fact of law that the person asserting jurisdiction must, when challenged, prove that jurisdiction exists: Federal Procedures 2.455; *McNutt v. G.M.*, 56 S. Ct. 789, 80 L. Ed. 1135, *Griffin v. Matthews*, 310 Supp. 341, 423, F. 2d 272 *Basso v. U.P.L.*, *Shields v. Utah Idaho Central Railroad Co.*, 305 U.S. 177-187, 83 L.Ed.111, 495 F. 2d 906, *Albrecht v. U.S.*, 273 U.S. 1.

'Jurisdiction is essential to give validity to the determinations of administrative agencies and where jurisdictional requirements are not satisfied, the action of the agency is a nullity...' *City Street Improv. Co. v. Pearson* 181 C 640, 185 P. 962 *O'Neill v. Dept. of Professional & Vocational Standards*, 7 CA2d 393, 46 P2d 234.

"The law requires PROOF OF JURISDICTION to appear on the Record of the administrative agency and all administrative proceedings." *Hagans v. Lavine*, 415 U.S. 533

"Therefore, it is necessary that the record present the fact establishing the jurisdiction of the tribunal." *Lowe v. Alexander* 15C 296; *People v. Board of Delegates of S.F. Fire Dept.* 14 C 479.

"If any tribunal (court) finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed." *Louisville RR v. Motley*, 211 US 149, 29 5. Ct. 42.

Federal Civil Judicial Procedure and Rules book, Rule 12(b) Defenses and Objections -

(b)...the following defenses may at the option of the pleader be made by motion:

(1) lack of jurisdiction over the subject matter.

(2) lack of jurisdiction over the person.

...A motion making any of these defenses shall be made before pleading...

(h)(3) "Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action."

2. I am a "sovereign" de jure American national of Colorado nation/state, originally born as a de jure national of Iowa nation/state...

"COUNTRY: By country is meant the state of which one is a member. Every man's country is in general the state in which he happens to have been born." Bouvier's Law, 1856, Title 8, USC 1101(a)(21), 1984 U.S. government Style manual, chapter 5.22/5.23, Law of Nations.

Country: "The portion of earth's surface occupied by an independent nation or people, or the inhabitants of such territory." Blacks Law Dictionary, 4th edition.

Country: "The territory occupied by an independent nation or people, or the

inhabitants of such territory. In the primary meaning of "country" denotes the population, the nation, the state, or the government, having possession and dominion over a territory." Blacks Law Dictionary, 6th Edition.

"A nation-state is a specific form of state (a political entity), which exists to provide a sovereign territory for a particular nation (a cultural entity), and which derives its legitimacy from that function. The compact OED defines it as: "a sovereign state of which most of the citizens or subjects are united also by factors which define a nation, such as language or common descent." Typically it is a unitary state with a single system of law and government. It is almost by definition a sovereign state, meaning that there is no external authority above the state itself." Wikipedia Encyclopedia.

"In regard to the protection of our citizens in their rights at home and abroad we have no law which divides them into classes, or makes any difference whatever between them. A native and a naturalized American may, therefore, go forth with equal security over every sea and through every land under heaven, including the country in which the latter was born." *9 Op. (US) Att.-Gen. 360 (1859)*.

All 50 states of the union are "nations" according to law, and hold sovereign rights above any "United States government" nation rights. All nationals of these nation/states are sovereign and hold all rights of common law and the organic Constitution.

"Each [state] declared itself sovereign and independent, according to the limits of its territory... The soil and sovereignty within their acknowledged limits were as much theirs at the Declaration of Independence as at this very hour." *Harcourt v. Gaillard, 25 U.S. (12 Wheat, 523, 526, 527)*.

"Prior to the adoption of the federal Constitution, states possessed unlimited and unrestricted sovereignty and retained the same afterward. Upon entering the Union they retained all their original power and sovereignty, except such as was surrendered to the federal government or they were expressly prohibited from exercising by the United States Constitution." *Blair v. Ridgely, 97 D. 218, 249. S.P. People v. Coleman, 60 D. 581.*

The 14th Amendment created a "Federal nation" as compared to the sovereign "state nations" comprised of the 50 sovereign states of the union. This Amendment created a de facto citizenship which every American "became" through unwitting acquiescence, thereby placing them under "privilege" of such

citizenship and also allegiance to, and subject under the laws to same. Case law supports this premise.

Section. 1. (Clause one) All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they "reside." (Clause two) No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; (Clause three) nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

1. Section. 1. (Clause one) All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

This clearly creates a de facto "dual citizenship" status never before existing for the sovereign state citizens:

Dual Citizenship: Citizenship in two different countries. Status of citizens of the United States who reside within a state; i.e. persons who are born or naturalized in the United States are citizens of the United States and the State wherein they reside." Blacks Law Dictionary, 6th edition.

Naturalized: "To grant full citizenship to (one of foreign birth). American Heritage Dictionary

Prior to the 14th Amendment "citizens of the United States" meant a "citizen" of one of the United States of America, however, this was NOT defined by Congress.** Because this phrase is NOW used in the 14th amendment, this sets forth a specific terminology and can no longer mean anything else, other than a "citizen of the federal government..." a "United States Citizen" naturalized as such at birth without informed consent.

"...in examining the form of our government it might be correctly said that there is no such thing as a citizen of the United States. But constant usage - arising from convenience, and perhaps necessary and dating from the formation of the Confederacy - has given substantial existence to the idea which the term conveys. A citizen of any one of the States of the Union is, held to be and called, a citizen of the United States, although technically and abstractly there is no such thing..." - *Ex Parte*. - *Frank Knowles*, 5 Cal. 300, 302 (1855)

"No political dreamer was ever wild enough to think of breaking down the lines which separate the states and compounding them into one common mass
"*M'Cuioch v Mai'yland 4 Wheal 316, 403 (1819)*

Article 4, 2, Cl. 1 states, "the Citizens of each State shall be entitled to all Privileges and Immunities of Citizens of the several States."

"Therefore, a citizen of one state is considered as a citizen of every other state of the union." *Butler v Farnsworth, 4 Feirl Cas 902 (1821)*

"If a citizen of one state thinks proper to change his domicile and to remove with his family, if he have one, to another state, with bona fide intention to reside there, he becomes instantly a citizen of that state.." *Cooper v. Gaibraith, 6 FeA Ca& 472,473(1819)*

"... This section (section 1) contemplates two sources of citizenship and two sources only: birth and naturalization. The persons declared to be citizens are "All persons born or naturalized in the United States and subject to the jurisdiction thereof." The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction and owing them direct and immediate allegiance..." *Elk v Wilkins, 112 U.S. 94 (1884)*.

The use of the words, "their" and "them" indicates a de facto power created to be ABOVE the American People, something NO American willingly accepts and no organic law supports.

"... and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, (foreign to the United States) owing allegiance to the governments (of the states) thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance "should" be promptly and finally disavowed." Preamble of the Expatriation Act.

("Should" indicates no such legal requirement exists, but is what they want all de jure citizens to do.)

Case law prior to 14th Amendment passage:

"... for it is certain, that in the sense in which the word "Citizen" is used in the federal Constitution, "Citizen of each State," and "Citizen of the United States,"

are convertible terms; they mean the same thing; for the "Citizens of each State are entitled to all Privileges and Immunities of Citizens in the several States," and "Citizens of the United States" are, of course, Citizens of all the United States." 44 *Maine* 518 (1859) Hathaway, J. dissenting (capital C's added)

Case law AFTER passage of the 14th Amendment:

"It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual." *Slaughter House Cases*, 83 U.S. 36] (1873).

"The first clause of the fourteenth amendment made negroes citizens of the United States, and citizens of the State in which they reside, and thereby created two classes of citizens, one of the United States and the other of the state." *Cory et al. V. Carter*, 48 Ind. 327 1874.

"We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own...." *U.S. v. Cruikshank*, 92 U.S. 542 1875.

"One may be a citizen of a State and yet not a citizen of the United States." *Thomas v. State*, 15 Ind. 449; *Cory v. Carter*, 48 Ind. 327 (17 Am. R. 738); *McCarthy v. Froelke*, 63 Ind. 507; *In Re Wehlitz*, 16 Wis. 443. *McDonel v. State*, 90 Ind. 320, 323, 1883.

I applied for no such dual citizenship of the insurgent United States de facto government, (created about the time of the so-called "civil" war, which was actually an International war against the sovereign nation/states of the union) apart from or in addition to, my natural born de jure nationality received at birth. I reject such de facto citizenship of the United States, and retain my de jure nationality of the sovereign nation/state in which I am domiciled at any given time, based on my original de jure Iowa nation/state nationality. Law of Nations; Title 8 USC 1101 (a)(21)

Section 1, (Clause two) " No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States"

This portion of section 1 clearly defines that such "United States de facto citizens" do not have natural rights, but are "granted" privileges for being such a

de facto citizen, thereby removing them from de jure status as nationals of their respective states, including all natural rights such sovereigns would otherwise enjoy. Government does NOT grant natural rights, it is to UPHOLD them.

"... all naturalized citizens of the United States, while in "foreign states," (one of the several American Republics) shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native born citizens in like situations and circumstances." Expatriation Act, Section 2.

"The term "foreign states" includes outlying possessions of a foreign state, but self-governed dominions or territories under mandate or trusteeship shall be regarded as separate foreign states." Title 8 USC 1101(a)(14)

This is trying to imply that all de facto citizens of the de facto United States are being given all the same de jure rights that de jure citizens (read NON-citizens of the United States but citizens of de jure states) have, but this is NOT true as all U.S. citizens are under the jurisdiction of the United States and all "its" laws. These "privileges and immunities" are NOT the same as the ones secured by Article IV, Section 2 of the organic Constitution for NON-14th amendment citizens.

"Citizens are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights. The citizen cannot complain, because he has voluntarily submitted himself to such a form of government... he owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties." *U.S. v Cruikshank*, 92 U.S. 542 (1875).

This makes all 14th amendment states, dependencies of the federal government, and as such, "colonies of the same:

Colony. A dependent political community, consisting of a number of citizens of the same country who have emigrated therefrom to people another, and remain subject to the mother country. Territory attached to another nation, known as the mother country, with political and economic ties e.g. possessions or dependencies of the British Crown. (e.g. Original 13 colonies of the united states).

The Neutrality Act of 1939, Preamble, Title 8 USC and Title 22, USC all set

forth two different jurisdictions; the de jure jurisdiction, under the constitution, and the de facto jurisdiction, under the 14th amendment.

Upon birth, under 14th amendment rules, all Americans are fictionally transported to Washington D.C., then fictionally transported back to the State wherein they "reside." This quick change of citizenship is done without knowing approval and by fraud, and takes all who submit to such, OUT of being a sovereign de jure national of the state of their birth and INTO the de facto "residential" jurisdiction of the federal government and de facto United States within the several states.

If one is naturally born into a state/nation, he has NOT legally submitted to such. I have NOT knowingly accepted the "naturalized citizenship" of the 14th amendment related to the United States and reject this de facto fraud.

Usurpation, government. "The tyrannical assumption of the government by force contrary to and in violation of the constitution of the country." Bouvier's Law Dictionary, 1856.

The United States has accomplished this through legal fraud, deceit and American's unwitting acceptance of the same through ignorance. I no longer wish to rebel against my nation/state and accept the de jure natural and common law jurisdiction which resides with the People.

Source for above facts of law: "The Red Amendment," by the People's Awareness Coalition." www.pacinlaw.org/

"Under our system the people, who are there (in England) called subjects, are here the sovereign... Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here (in America) knows no person, however near to those in power, or however powerful himself to whom he need yield the rights which the law secures to him..." *United States v. Lee*, 106 U.S. 196, at 208.

"Here (in America) sovereignty rests with the People." *Chisholm. Ex'r. V. Georgia* 1 L.ed (2 Dall) 415, 472.

"The words 'People of the United States' and 'citizen' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty... They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a

constituent member of the sovereignty..." *Dred Scott v. Sanford*, 60 U.S. 393, 19 How. 577.

"People of a state are entitled to all rights which formerly belonged to the king by his prerogative." *Lansing v Smith*, (1829) 4 Wend. 9, 20.

"It is true that at (English) common law the duty of the Attorney General was to represent the King, he being the embodiment of the state. But under the democratic form of government now prevailing the People are King so the Attorney general's duties are to that Sovereign rather than to the machinery of government." *Hancock v. Terry Elkhorn Mining Co., Inc., Ky.*, 503 S.W. 2d 710. *Hancock v. Paxton. Ky.*, 516 S.W.2d pg 867 [2] Cl 3.

"It is the doctrine of the common law, that the Sovereign cannot be sued in his own court without his consent." *The Siren vs U.S.* 74 U.S. 152

"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country sovereignty resides in the People. and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." *Julliard v. Greenman*, 110 U.S. 421

"Sovereignty itself is, of course, not subject to law for it is the author and source of law; *Yick Wo v. Hopkins and Woo Lee vs Hopins* 118 U.S. 356.

"Under our form of government, the legislature is not supreme. It is only one of the organs of that 7 absolute sovereignty which resides in the whole body of the people; like other bodies of the government it can only exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts...are utterly void." - *Billings v. Hall*. 7 CA. 1

"In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired by force or fraud, or both...In America, however the case is widely different. Our government is founded upon compact. Sovereignty was and is in the people." - *Glass v. The Sloop Betsy*, 3 Dali 6

"Since in common usage, the term person does not include the sovereign, statutes employing the phrase are ordinarily construed to exclude it." - 1 U.S.C.S I, n 12, *United States V. Fox*. 94 U.S. 315

"All subjects over which the sovereign power of the state extends [ie. corporations] are objects of taxation but those lie, sovereign natural born

Citizens over which I does not extend are, upon the soundest principle EXEMPT FROM TAXATION. This proposition may almost be pronounced as self evident. The sovereignty of a state extends to everything which exists by its own authority or exists by its permission."- *McCulloch v. the State of Maryland*, 4 Wheat., 316.

"It has been justly thought a matter of importance to determine from what source the United States derives its authority... The question here proposed is whether our bond of union is a compact entered into by the state, or whether the Constitution is an organic law established by the People. To this we answer: "We the People... ordain and establish this Constitution"... "... The government of the state had only delegated power (from the People) and even if they had an inclination, they had no authority to transfer the authority of the sovereign People. The people in their capacity as Sovereigns made and adopted the Constitution; and it binds the state governments without the state's consent. The United States, as a whole, therefore, emanates from the People and not from the states, and the Constitution and the laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it.

The People are the fountain of Sovereignty. The whole was originally with them as their own. The state governments are but trustees acting under a derived authority, and had no power to delegate what is delegated to them. But the people, as the original fountain, might take away what they have let and intrust to whom they please. They have the whole title and as absolute proprietors have the right of using or abusing. -jus utendi et abutendi.. it is a maxim consecrated in public law as well as common sense and the necessity of the case that a sovereign is answerable for his acts only to his god and his own conscience... there is no authority above a sovereign to which an appeal can be MADE." 4 Wheat. 402 (Bouvier's 14th Ed. Law Dictionary: 'Sovereignty').

SUPREMACY: "Sovereign dominion, authority, and pre-eminence; the highest state. In the United States the supremacy resides in the People..." - Bouvier's Law Dictionary

"In the United States the people are sovereign and the government cannot sever its relationship to the people by taking away their citizenship." - *Afroyim v. Rusk*, 387 US 253 (1967)

"The law subscribes to the king [in America, the People] the attribute of

sovereignty; he is sovereign and independent within his own dominion; and owes no kind of subjection to any other potentate upon earth. Hence, it is, that no suit or action can be brought against the king, even in civil matters; because no court can have jurisdiction over him; for all jurisdiction implies supremacy of power." *Chisholm v. Georgia*, 2 Dali. 419, 458

"The People, or the Sovereign are not bound by general words in statutes, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King nor the People. The People have been ceded all the Rights of the King, the former Sovereign...It is a maxim of the common law that when an act of parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the king shall be bound by such an act, though not named; but when a statute is general, and any prerogative right, title or interest would be divested or taken from the King (or the People) in such case he shall not be bound." - *The People v. Herkimer* 15 Am Dec 379, 4 Cowen (N.Y. 345, 348 (1825)

"The individual my stand upon his Constitutional rights as a Citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business or to open his doors to investigation. ..He owes no duty to the State. since he receives nothing therefrom. beyond the protection of his life and property. His rights are such as existed by the Law of the Land, long antecedent to the organization of the State, and can only be taken from him by due process of the law and in accordance with the Constitution. He owes nothing to the public so long as he does not trespass upon their rights." - *Hale vs. Henkle* 201 U.S. 43 at 74

The People are the fountain of Sovereignty. The whole was originally with them as their own. The state governments are but trustees acting under a derived authority, and had no power to delegate what is not delegated to them. But the people, as the original fountain, might take away what they have lent and intrust to whom they please. They have the whole title and as absolute proprietors have the right of using or abusing. -jus utendi et abuiendi. It is a maxim consecrated in public law as well as common sense and the necessity of the case that a sovereign is answerable for his acts only to his god and his own conscience there is no authority above a sovereign to which an appeal can be made." 4 *Wheat*. 402 (Bouvier's 14th Ed. Law Dictionary: 'Sovereignty')

As in our interaction with our fellow-men certain principles of morality are assumed to exist, without which society would be impossible. So certain

inherent rights lie at the foundation of all action, and upon a recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in the Declaration of Independence, the evangel of liberty to the people: "We hold these truths to be "self evident" - words so plain that their truth is recognized upon their mere statement - "that all men are endowed" - NOT by the edicts of Emperors or decrees of Parliament, or acts of Congress, but by their Creator with certain "unalienable rights" - that is, rights which cannot be bartered away, or given away, or taken away... and that among these are life, liberty and the pursuit of happiness, and to secure these - not grant them but secure them - "governments are instituted among men, deriving their just powers from the consent of the governed." *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, at 756-757.

"It may be said that the Constitution executes itself. This expression may be allowed; but with as much propriety, these may be said to be laws which the People have enacted themselves, and no laws of Congress can either take from, add to, or confirm them. They are Rights, privileges, or immunities which are granted by the People, and are beyond the power of Congress or State Legislatures..." It may be laid down as a universal rule, admitting to no exception, that when the Constitution has established a disability or immunity, a privilege or a Right, these are precisely as that instrument has fixed them, and can neither be augmented nor curtailed by any act or law either of Congress or a State Legislature. We are more particular in stating this because it has sometimes been forgotten both by Legislatures and theoretical expositors of the Constitution." Bouvier's Law Dictionary, 1870 pp 622-625.

"No white person born within the limits of the United States and subject to their jurisdiction..., or born without those limits, and subsequently naturalized under their laws, owes his status of citizenship to the recent amendments to the Federal Constitution. The purpose of the 14th Amendment... was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States who could not be brought within the operation of the naturalization laws because native born, and whose birth, though native, at the same time left them without citizenship. Such persons were not white persons, but in the main were of African blood, who had been held in slavery in this country..." *Van Valkenburg v. Brown*. 43 Cal 43, 47 (1872)

"When the Constitution was adopted, the people of the United States were the citizens of the several states for whom and for whose posterity the government was established." *Perkins v. Elg*, 99 F. 2d 408, 410 (1938)

"The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights nor protects all rights of individual citizens (See *Slaughter House cases*, 83 US (16 Wall) 36, 21 L Ed 394 (1873) Instead this provision protects only those rights peculiar to being a citizen of the federal government. It does not protect those rights which relate to state citizenship." *Jones v. Temmer*. 829 F. Supp. 1226.

3A Am Jur 1420. Aliens and Citizens "A Person is born subject to the jurisdiction of the United States, for purposes of acquiring citizenship at birth, if this birth occurs in a territory over which the United States is sovereign..."

This territory does NOT include the 50 states.

3. I am a sovereign, independent, sui juris human being, NOT having allegiance to the "United States" corporate structure NOR to federal jurisdiction, and not to "state" jurisdictional powers not afforded it by the organic Constitution.

sui juris: "One who has all the rights to which a freeman is entitled; one who is not under the power of another, as a slave, a minor, and the like." Bouvier's Law

sui juris: "Every one of full age is presumed to be sui juris. Of full capacity. In his own right; capable of entering into a contract. Ballentine's Law Dictionary.

"In common usage, the term "person" does not include the Sovereign, statutes employing the word person are ordinarily construed to exclude the Sovereign." *Wilson v. Omaha Tribe*, 442 U. S. 653, 667 (1979) (quoting *United States v. Cooper Corp.*, 312 U. S. 600, 604 (1941)). See also *United States v. Mine Workers*, 330 U. S. 258, 275 (1947).

Supreme Court Case quotes:

"The idea that the word 'person' ordinarily excludes the Sovereign can also be traced to the familiar principle that the King is not bound by any act of Parliament unless he be named therein by special and particular words." *Dollar Savings Bank v. United STATES*, 19 Wall. 227, 239 (1874).

As this passage suggests, however, this interpretive principle applies only to "the enacting Sovereign." *United States v. California*, 297 U. S. 175, 186 (1936). See also *Jefferson County Pharmaceutical Assn., Inc. v. Abbott Laboratories*, 460 U. S. 150, 161, n. 21 (1983).

Furthermore, as explained in *United States v. Herron*, 20 Wall. 251, 255 (1874), even the principle as applied to the enacting Sovereign is not without limitations: "Where an act of Parliament is made for the public good, as for the advancement of religion and justice or to prevent injury and wrong, the king is bound by such act, though not particularly named therein; but where a statute is general, and thereby any prerogative, Right, title, or interest is divested or taken from the king, in such case the king is not bound, unless the statute is made to extend to him by express words."

"A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal Right as against the authority that makes the law on which the Right depends." *Kawananakoa v. Polyblank*, 205 U. S. 349, 353, 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907).

"The majority of American States fully embrace the Sovereign immunity theory as well as the federal government. See Restatement (Second) of Torts 895B, comment at 400 (1979)."

"I shall have occasion incidentally to evince, how true it is, that States and governments were made for man; and at the same time how true it is, that his creatures and servants have first deceived, next vilified, and at last oppressed their master and maker."

"... A STATE, useful and valuable as the contrivance is, is the inferior contrivance of man; and from his native dignity derives all its acquired importance. ... "

"Let a STATE be considered as subordinate to the people: But let everything else be subordinate to the STATE. The latter part of this position is equally necessary with the former. For in the practice, and even at length, in the science of politics there has very frequently been a strong current against the natural order of things, and an inconsiderate or an interested disposition to sacrifice the end to the means. As the STATE has claimed precedence of the people; so, in the same inverted course of things, the government has often claimed precedence of the STATE; and to this perversion in the second degree, many of the volumes of confusion concerning Sovereignty owe their existence. The ministers, dignified very properly by the appellation of the magistrates, have wished, and have succeeded in their wish, to be considered as the Sovereigns of the STATE. This second degree of perversion is confined to the old world, and begins to diminish even there: but the first degree is still too

prevalent even in the several STATES, of which our union is composed. By a STATE I mean, a complete body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others. It is an artificial person. It has its affairs and its interests: It has its rules: It has its Rights: and it has its obligations. It may acquire property distinct from that of its members. It may incur debts to be discharged out of the public stock, not out of the private fortunes of individuals. It may be bound by contracts; and for damages arising from the breach of those contracts. In all our contemplations, however, concerning this feigned and artificial person, we should never forget, that, in truth and nature, those who think and speak and act, are men. Is the foregoing description of a STATE a true description? It will not be questioned, but it is. ..."

"It will be sufficient to observe briefly, that the Sovereignities in Europe, and particularly in England, exist on feudal principles. That system considers the prince as the Sovereign, and the people as his subjects; it regards his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant derives all franchise, immunities and privileges; it is easy to perceive that such a Sovereign could not be amenable to a court of justice, or subjected to judicial control and actual constraint. It was of necessity, therefore, that suability, became incompatible with such Sovereignty. Besides, the prince having all the executive powers, the judgment of the courts would, in fact, be only monitory, not mandatory to him, and a capacity to be advised, is a distinct thing from a capacity to be sued. The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince and the subject."

"No such ideas obtain here (speaking of America): at the revolution, the Sovereignty devolved on the people; and they are truly the Sovereigns of the country, but they are Sovereigns without subjects (unless the African slaves among us may be so called) and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the Sovereignty." *Chisholm v. Georgia (February Term, 1793) 2 U. S. 419, 2 Dall. 419, 1 L. Ed 440.*

"Under our system the people, who are there [in England] called subjects, are here the sovereign... Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here [in America] knows no persons, however near to those in power, or

however powerful himself to whom he need yield the rights which the law secures to him..." *United States v. Lee*, 106 U.S. 196, at 208.

"Here [in America] sovereignty rests with the people." *Chisholm, Ex'r. V. Georgia* 1 L.ed (2 Dall) 415, 472.

"The words 'People of the United States' and 'citizen' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form sovereignty... They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of the sovereign..." *Wong Kim Ark, P.* 914, quoting *Dred Scott v. Sandford*, 60 U.S. 393, 19 How. 577.

"People of a state are entitled to all rights which formerly belonged to the King by his prerogative." *Lansing v. Smith*, (1829) 4 Wend. 9, 20.

"It is true that at [English} common law the duty of the Attorney general was to represent the King, he being the embodiment of the state. But under the democratic form of government now prevailing the People are King so the Attorney general's duties are to that sovereign rather than to the machinery of government." *Hancock v. Terry Elkhorn Mining Co., Inc., Ky.*, 503 S.W. 2d 710. *Hancock v. Paxton. Ky.*, 516 S.W. 2d Pg. 867 [2] Cl 3.

Sovereign: "It has been justly thought a matter of importance to determine from what source the United States derives its authority... The question here proposed is whether our bond of union is a compact entered into by the states, or whether the Constitution is an organic law established by the People. To this we answer: 'We, the People... ordain and establish this Constitution'... The government of the state had only delegated power (from the People)... and even if they had a inclination, they had no authority to transfer the authority of the Sovereign People. The People in their capacity as Sovereigns made and adopted the Constitution; and it binds the state governments without the state's consent. The United States, as a whole, therefore, emanates from the People and not from the state, and the Constitution and the laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it. The People are the fountain of Sovereignty. The whole was originally with them as their own. The state governments are but trustees acting under a derived authority, and had no power to delegate what is not delegated to them. But the People, as the original fountain, might take away what they have lent and intrust to whom they please. They have the whole title and as absolute

proprietors have the right of using or abusing.-jus utendi et abutendi. It is a maxim consecrated in public law as well as common sense and the necessity of the case that a sovereign is answerable for his acts only to his God and his own conscience... There is no authority above a sovereign to which an appeal can be made." 4 *Wheat*, 402 (Bovier's 14th Ed. Law Dictionary).

Supremacy: "Sovereign dominion, authority, and pre-eminence; the highest state. In the United States the supremacy resides in the people..." Bovier's Law Dictionary.

"The People, or the Sovereign are not bound by general words in statutes, restrictives of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King nor the People. The People have been ceded all the Rights of the King, the former Sovereign... It is a maxim of the common law that when an act of parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the king shall be bound by such an act, though not named; but when a statute is general, and any prerogative right, title or interest would be divested or taken from the King (or the People as Sovereigns) in such case he shall not be bound." *The People v. Herkimer* 15 Am Dec 379, 4 Cowen (N.Y. 345, 348 (1825))

"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country sovereignty resides in the People, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." *Julliard v. Greenman*, 110 U.S. 421.

"In Europe, the executive is synonymous with the sovereign power of a state... where it is too commonly acquired by force or fraud, or both... In America, however, the case is widely different. Our government is founded upon compact (contract). Sovereignty was, and is, in the people." *Glass v. The Sloop Betsy*, 3 Dall 6.

"..."Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." *Yick Wo vs Hopkins and Woo Lee Hopkins*, 118 U.S. 356.

My right of expatriation from "United States nationality" for recovery of my de jure several united states nationality is covered in Title 8 USC 1481 (a) and Title 8 USC 1502 which I hereby claim.

4. I am NOT a "resident" of Colorado, as described in IR code or statutory law, but a sovereign, (alien to the U.S. but not alien to my nation/state), momentarily domiciled in the sovereign Colorado nation/state, and alien to it alone per my Iowa nationality.

Alien: "Owing political allegiance to another country or government; (Other than allegiance to Iowa nation/state or Colorado nation/state, or wherever I may be domiciled, I owe no allegiance to any other entity save God alone.) foreign; alien residents. An unnaturalized foreign resident of a country; also called non-citizen." American Heritage Dictionary.

"Alien, persons. One born out of the jurisdiction of the United States, who has not since been naturalized under "their" constitution and laws." Bouvier's Law, 1856.

"Their" constitution, meaning the several states' constitution and laws. All citizenship or naturalization prior to the 14th amendment was done exclusively by the several States.

"The term "naturalization" means the conferring of nationality of a state upon a person after birth, by any means whatsoever." Title 8 USC 1101 (2)(23).

Resident, persons: "A person coming into a place with intention to establish his domicile or permanent residence, and who is consequence actually remains there. Residents are distinguished from citizens; residents are aliens (I am NOT alien to my nation/state of Iowa or Colorado) who are permitted to take up permanent abode in a country." Bouvier's law, 1856,

"Residents, as distinguished from citizens, are aliens who are permitted to take up permanent abode in the country." Vattel-Law of Nations.

United States government Styles manual (1984), chapters 5.22 and 5.23 clearly define American nationals. "The term "national" means a person owing permanent allegiance to a state." (The several states) Title 8 USC 1101 (a)(21)

5. I am NOT a "person" as described in IR code or statutory law. (See Attachment F)

TITLE 26 Subtitle F CHAPTER 79 7701

Definitions

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

(1) Person

The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation - ("corporation," - See Attachment N).

(30) United States person

The term "United States person" means-

(A) a citizen or resident of the United States, (The corporate U.S., NOT the sovereign 50 states making up the U.S. union).

26 CFR 1.1-1. (c) Every person born or naturalized in the United States and subject to its jurisdiction is a citizen.

"Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it." 1 U.S.C.S 1, n 12, *United States vs. Fox*, 94 U.S. 315.

I neither chose to be a U.S. resident or citizen, nor do I accept it now. I was made a de facto "U.S. citizen" through the 14th Amendment, involuntarily, through fraud, and unwitting tacit acquiescence, which I now rescind to claim my full de jure nationality of the America sovereign nation/state which I was born, (Iowa) or at any time, be domiciled in, presently the sovereign Colorado nation/state. Law of Nations, Title 8 USC 1481 (a).

Tacit: "Existing, inferred, or understood without being openly expressed or stated; implied by silence or silent acquiescence, as a tacit agreement or a tacit understanding. 2. Done or made in silence, implied or indicated, but not actually expressed. Manifested by the refraining from contradiction or objection; inferred from the situation and circumstances, in the absence of express matter." Blacks Law, 6th edition.

6. I am NOT an "individual" as described in IR code or statutory law. (See Attachment F)

Title 5 USC 552a. Records maintained on individuals

(a) Definitions. For purposes of this section -

(2) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

I am neither.

Sec. 1.1-1 Income tax on individuals.

(a) General rule. (1) Section 1 of the Code imposes an income tax on the income of every individual who is a "citizen" or "resident of the United States" (a citizen of US, but an alien...

Title 8 USC 1101. Definitions.

(a) As used in this chapter - [chapter 12 of Title 8] (3) The term "alien"

means any person not a citizen or national of the "United States.")... someone living in a particular nation/state) and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien "individual."

TITLE 22 CHAPTER 9 SUBCHAPTER II 456

Definitions

(f) The term "citizen" shall include any "individual" owing allegiance to the "United States," a partnership, company, or association composed in whole or in part of "citizens" of the "United States," and any corporation (See Attachment N) organized and existing under the laws of the "United States" as defined in subsection (a) of this section.

I owe no such allegiance to the United States which encumbers me in any way or separates me from my de jure allegiance to Iowa, or the nation/state of my domicile and the common law and organic Constitution under which I am held.

I am a non-resident alien with respect to the United States Government, and not liable for income taxes.

TITLE 26 7701:

(b) Definition of resident alien and nonresident alien.

(1) In general. For purposes of this title (other than subtitle (b))

(A) Resident alien. An alien individual shall be treated as a resident of the United States with respect to any calendar year if (and only if) such individual meets the requirements of clause (i), (ii) or (iii):

(i) Lawfully admitted for permanent residence. Such individual is a lawful permanent resident of the United States at any time during such calendar year.

(ii) Substantial presence test. Such individual meets the substantial presence test of paragraph (3) (omitted).

(iii) First year election. Such individual makes the election provided in paragraph (4) (omitted).

(B) Nonresident alien. 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)).

26 CFR 7701 (31) FOREIGN ESTATE OR TRUST.- The terms "foreign estate" and "foreign trust mean an estate or trust, as the case may be, the income of which, from sources without the United States (the 50 states) which is not effectively connected with the conduct of a "trade or business" within ((IRC 26 - Section 22 - Definitions - Trade or business: term "trade or business" includes the performance of the functions of a public office.") the United States, is not includable in gross income under subtitle A. [1, graduated income tax]

26 USC 864. DEFINITIONS AND SPECIAL RULES AT (b) (1) (A).- "The term 'trade or business within the United States' includes the performance of personal services [as a public servant) within the United States, but it does not include performance of personal services for a foreign employer.' [ie. Employer in the 50 states].

26 CFR 1.871-1. "... (b) Classes of non-resident aliens -

(1) In general. For purposes of the income tax, nonresident alien individuals are divided into the following classes...

(i) Nonresident alien individuals who at no time during the taxable year, engaged in a "trade or business" in the United States."

CFR 1.871-7 Taxation of nonresident alien individuals not engaged in trade or U.S. business.- (a) Imposition of tax. (1) "... a nonresident alien individual ... is NOT subject to the tax imposed by section 1 [Subtitle A]..."

26 IRC 2(d):

2(d) NONRESIDENT ALIENS -In the case of a nonresident alien individual, the taxes imposed by 1 [graduated income tax] and 55 [alternative minimum tax] shall apply only as provided by 871 or 877.

871 (a) imposes a flat 30% tax on nonresident aliens for amounts received only from sources within the [District] United States. 871(b) imposes a "graduated" tax only on income which is effectively connected with trade or business [as federal government employee] within the [District] United States.

26 IRC 872:

(a) GENERAL RULE.- In the case of a nonresident alien individual Gross Income includes ONLY.

(1) gross income which is derived from sources WITHIN the [District] United States.

(2) gross income which is effectively connected with the conduct of a "trade or business" WITHIN the [District] United States.

Title 8 USC 1101. Definitions

(a)(20) The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

7. I am NOT a corporate structure, (straw man) nor do I accept any contracts as, or for, a corporate structure, or any liability for same.

Title 28 USC 1332. Diversity of citizenship

(c) For the purposes of this section and section 1441 of this title: (1) a corporation shall be deemed to be a citizen of any State. . . (See Attachment B).

8. "Original jurisdiction. (B) The Supreme Court shall have original but not exclusive jurisdiction of: (3) All actions or proceedings by a State against the citizens of another State or against aliens." Title 28 USC 1251 (See Attachment K).

9. Further confusing and misleading words and definitions in the IR Code:

Title 26 USC 877. Expatriation to avoid tax

(a) Treatment of expatriates. (1) In general. Every nonresident alien individual who, within the 10-year period immediately preceding the close of the taxable year, lost United States citizenship, unless such loss did not have for one of its principal purposes the avoidance of taxes under this subtitle or subtitle B, shall be taxable for such taxable year. . ."

Title 8 USC 1101. Definitions

(a) As used in this chapter - [chapter 12 of Title 8] (29) The term "outlying possessions of the United States" means American Samoa and Swains Island.

Title 8 USC 1408. Nationals but not citizens of the United States at birth

Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the United States at birth: (1) A person born in an outlying possession of the United States on or after the date of formal acquisition of such possession.

Title 8 USC 1401. Nationals and citizens of United States at birth

The following shall be nationals and citizens of the United States at birth: A "person" born in the "United States," and subject to the "jurisdiction" thereof.

Title 8 USC 1101. Definitions

(a) As used in this chapter - [chapter 12 of Title 8] (22) The term "national of the United States" means a citizen of the United States.

I was neither born in any possession of the "United States" as defined above, nor IN the "United States" (see definition of United States under point 2), and am NOT a citizen or national of the United States government.

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

I do dissent, and do NOT accept obligations or contracts with the "United States government," nor do I accept any benefits which would place me under any contracts or obligations to the "United States government," unless such benefits are freely provided with no obligations of any kind, NO jurisdictional authority over me, or NO loss of personal sovereignty, and not limited to these alone.

11. I also present the concept that the use of "zip" codes and the two letter State designation are further ways for the Federal government to try to establish "jurisdiction" over states and sovereign state citizens through the use of U.S. postal mail... another attempt at fraud.
