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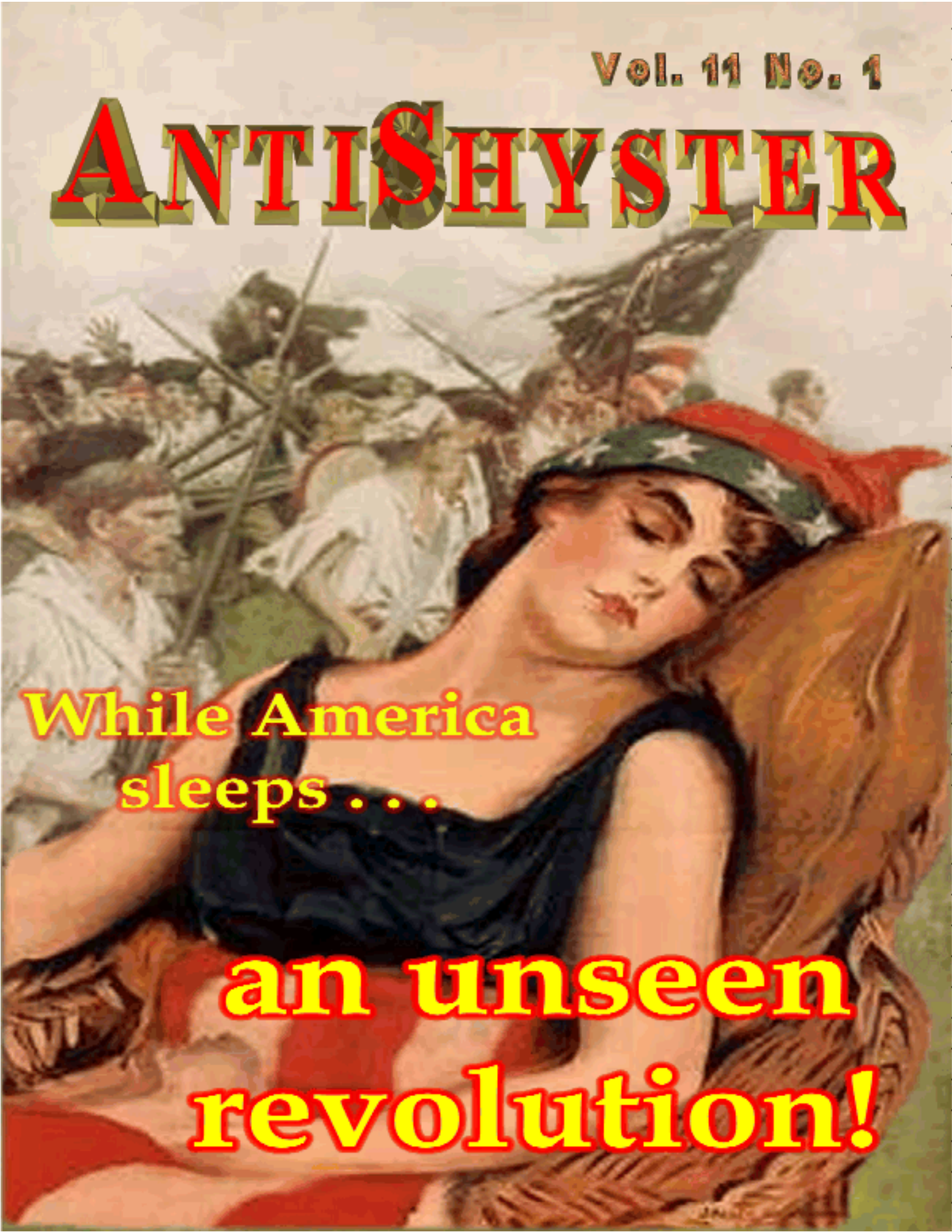
AntiShyster



AntiShyster

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Creator, Proprietor &
Christian Publisher

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The United States of America

We're gaining on 'em.

Thanks to the free and widespread communication provided by the internet, American patriots and constitutionalists are rapidly penetrating, mapping and beginning to understand the maze of laws, regulations and deceptions our government has used to exploit and rule – rather than serve – the American people.

Every time one of us finds a clue, it's shared with hundreds and thousands of other patriot investigators. The validity of the clue is assessed, praised or rejected, and another piece of the puzzle falls into place.

Government, on the other hand, is at a serious disability. To maintain morale, government has not only deceived the public but also the government employees responsible for enforcing the "laws". As patriots uncover and learn to present increasingly powerful insights into institutionalized deception, even government employees are beginning to lose confidence in the righteousness of their cause.

Because government has relied on deception for so long, it is totally incapable of dealing with truth.

Makes me grin.

". . . it does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds."
~ Samuel Adams

"AntiShyster" defined:

Black's Law Dictionary defines "shyster" as "one who carries on any business, especially a legal business, in a dishonest way. An unscrupulous practitioner who disgraces his profession by doing mean work, and resorts to sharp practice to do it." Webster's Ninth New Collegiate Dictionary defines "shyster" as "one who is professionally unscrupulous esp. in the practice of law or politics." For the purposes of this publication, a "shyster" is a dishonest attorney or politician, i.e., one who lies. An "AntiShyster", therefore, is a person, an institution, or in this case, a news magazine that stands in sharp opposition to lies and to professional liars, especially in the arenas of law and politics.

Legal Advice

The ONLY legal advice this publication offers is this: Any attempt to cope with our modern judicial system must be tempered with the sure and certain knowledge that "law" is always a crapshoot. That is, nothing (not even brown paper bags filled with hundred dollar bills and handed to the judge) will absolutely guarantee your victory in a judicial trial or administrative hearing. The most you can hope for is to improve the probability that you may win. Therefore, DO NOT DEPEND ON THE ARTICLES OR ADVERTISEMENTS IN THIS PUBLICATION to illustrate anything more than the opinions or experiences of others trying to escape, survive, attack or even make sense of "the best judicial system in the world". But don't be discouraged; there's not another foolproof publication on law in the entire USA – except the Bible.

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4 Political Cartography
Is it possible to map an invisible, imaginary world?

13 Warrantless IRS Seizures Unlawful
More evidence that the IRS operates outside the law.

19 A Simple Question
If I showed you my drivers license, would you hold it against me?

33 Suing *Jurors*?
Ever wonder if you could hold the idiots accountable for errant decisions?

40 Whose car is it?
Hint: It's not yours.

48 Rule 12(b)(6) & Mandamus
Failure to state a cause for which relief can be granted?

54 Allegiance & Birth Certificates
Allegiance creates government's duty to take your kids.

83 Important Information
So-So Security offers information that is truly important

85 Withdrawal from Social Security
SSA-521. Parting is such sweet sorrow.

92 I.R.S. "Terminator"?
More support for using IRS Form 56 to end your duties to file, pay, etc.

100 I'm a (Corporation) Sole Man!
What do Kings and free men have in common?

106 Etc.

Political Cartography

by Alfred Adask

When we look back at the ancient maps drawn by early explorers, we see documents that look remarkably primitive, almost childlike. Those early maps are so crude and inaccurate, it's hard to believe that anyone would use or rely on them. In comparison, modern technology allows us to map the earth with laser precision. In fact, today, we're even using microwaves to map the topography of *Mars*.

Nevertheless, most of today's technological marvels could not have happened without those early adventurers who sailed around Cape Horn or trekked across Africa – and thereby provided our first, primitive maps.

Looking back, Columbus' "feat" of sailing across the Atlanta seems unremarkable. Yet despite their technological inadequacies, Columbus and other adventurers inspired one thing that modern scientists seldom achieve: *revolution*.

Because Columbus discovered a "New World," he precipitated a worldwide revolution that ultimately toppled monarchies, increased standards of living and life expectancy to incredible degrees – and even gave a few mortals a taste of freedom. So we remember Columbus not precisely for his technology or his maps, but for the magnitude of the *revolution* he helped precipitate.

That's why, *five centuries* after he stepped on a Caribbean island he mistakenly thought was "India", almost every American can identify Columbus but almost no one of can name the scientists responsible for mapping Mars. Technology can briefly dazzle us, but unless it causes a true revolution, it's quickly passe'.

Like Columbus, today's "patriot movement" has discovered another mysterious "new world". However, unlike the natural and tangible "New World" Columbus found, patriot adventurers are discovering a "NEW WORLD" that doesn't even actually exist.

Sounds crazy, no?

Well, once it was "crazy" to think the Earth was round. And you might've been committed for suggesting we could map the topography of Mars.

So "crazy" is somewhat like ladies' fashions: that which is fashionable (or crazy) today may be out of fashion (or even sane) tomorrow. Though it seems impossible, patriots *are* discovering an artificial world that exists only the minds of some government officials and judges.

The foundation for this "brave, new (artificial) world" was probably conceived during or shortly after the Civil War, and brought to fruition with Franklin D. Roosevelt's "New Deal" in 1933.

As curious—or more typically, "unfortunate"—Americans inadvertently "bump into" this invisible new world, they become "patriots"—political cartographers—adventurers obsessed with discovering and mapping the dimensions of that invisible new world that has taken their children, their money or their freedom.

Do these patriot map-makers sound crazy? You bet. I guarantee that anyone reading this magazine regularly is familiar with the look most people get when you try to tell 'em about "secret, second governments" and alter egos identified by "upper case" names.

In fact, trying to communicate with "normal" people who haven't yet "seen" the "invisible new world" is extraordinarily frustrating. As a result, patriots often live reclusive lives where we only talk seriously to ourselves or others who've also stumbled into the "invisible new world" and know it exists, but aren't yet sure of it's size and dimensions.

So do patriots leap to false conclusions? Every day. We're famous for it. Just as Columbus thought he'd found India and therefore misnamed the natives of North America as "Indians," patriots are famous for finding "admiralty jurisdiction," "martial law," and world domination by Great Britain, the Masons, Jews or the Vatican in places where none of those explanations seem possible.

But these bizarre mistakes are no more irrational than Columbus' presumption he'd found India. Columbus didn't know what he found, so he guessed and even hoped. But it was probably a lot easier for Columbus to believe the Earth is round, than it is for most patriots to believe our government has operated on the basis of fantastic artifice and incredible deception for at least three generations.

Nevertheless, as impossible as it seems, I can't deny what I've "seen" with my own eyes. The artificial world may be invisible and imaginary, but it still leaves its own "footprints in the sands of time". For example, I've postulated since 1998 (*AntiShyster* Volume 8 No.

1) that I am the natural man with the proper, capitalized name "Alfred Adask," but I am not the artificial entity carrying the all upper case name "ALFRED N. ADASK". It is my contention that government creates laws and regulations that it can legally impose on the artificial entity "ALFRED" and then tricks me ("Alfred") into acting as if I were "ALFRED," and thereby becoming liable for obeying rules that government could never directly apply to flesh and blood persons.

The average person would dismiss that theory as nuts.

But while my checking account, debit cards and bank statements are all denominated in the upper-case name "ALFRED," the bank is always careful to address applications for credit cards to "Alfred". And anyone in the country who receives a credit card application can observe the same duality in names.

Why does it happen? I believe the bank is endeavoring to entice "Alfred" (the natural man) into assuming liability for a credit card that will be issued to "ALFRED" (the artificial entity). This doesn't prove— but it does support—the strange notion that "Alfred" and "ALFRED" are two entirely different entities.

And what about *Chochran et al. v. St. Paul & Tacoma Lumber Co.* (73 Fed Sup. 288)? That case tells you clearly that a United States District Court is "not a constitutional court," and its "duty is to interpret statute so as to "uphold, rather than find against, its constitutionality." In other words, if you try to argue that any statute passed by Congress is unconstitutional, that court will rule against you, *even if you're right.* Clearly, something strange is going on.

And what about the Oregon state statute (ORS 131.205) that defines the "State of Oregon" to mean everything *above* the surface of the ground or water in Oregon. Get it? The corporate State of Oregon is defined *in law* as some sort of "kingdom in the air" that floats just above the surface of the land and water of Oregon. That's not some wacko patriot theory, that's the *law*. And it's such an extraordinary, seemingly inexplicable statute that you can't read it without knowing that *something* very strange is going on. If the STATE OF OREGON is "floating" in the air above the soil of Oregon, it appears that we have two different "states".

Those two states are routinely distinguished in legal documents by use of the terms "this state" (the corporate state)

and "the state" (the lawful State of the Union).

These three examples of deceptive duality (names, courts, and states) aren't the work of delusional patriots. These examples can be seen in everyday life and government documents.

Sure, patriots may be mistaken in their interpretations of this new "artificial reality". But that's to be expected. Patriots are simply the first explorers to discover a land so strange that it's almost impossible to see, let alone describe. As a result, their descriptions are often mistaken. Like the first maps of the New World, patriot "maps" of the artificial world are crude and inaccurate.

But I guarantee that strange artificial world is here. Enough of us have "bumped into" this invisible nightmare to know it's "real". We *know* that we live with (and often under) its invisible authority. And we're doing our level best to uncover and map that artificial world so we—and the rest of America—can avoid it like a juristic Bermuda Triangle.

Columbus plunged the "Old (flat) World" into a revolution when he discovered the "New (round) World". Similarly, today's world will also convulse in revolution based on the patriots' discovery of government's "New (artificial) World Order".

However, to say another revolution *will* take place (someday) misses the point—that revolution is *already* taking place. Right *now*.

But much like Franklin D. Roosevelt's 1933 "New Deal," most people won't ever understand that a revolution is taking place. They won't see or hear the nature or implications of the strange, silent conflict wherein an artificial world—precisely *because* it's been discovered and "mapped—will probably cease to exist. Unlike the New World which, in a sense, only "existed" after Columbus discovered it, the artificial world cannot exist once it's been "discovered". Why? Because truth is amplified and ultimately celebrated by discovery, but lies (and legal fictions) are inevitably destroyed.

If any believe that what they can't (or won't) see (the artificial world), can't hurt them, they may be in for a surprise. The world as we know it—homes bought with imaginary money (credit and legal tender), courts that ignore the Constitution, and artificial entities that "appear" in court rather than natural persons—is built on the invisible foundations of the artificial world patriots are exposing.

In fact, the consequences of exposing this "artificial world" may be catastrophic for much of the world. For example, if the artificial world ceases to exist, so will credit (artificial "money"). Without credit,

what will happen to the current housing and automobile industries? It's entirely possible that people won't merely be out of work and hungry—people may die.

Faced with that potential, dare we continue? Wouldn't it be better to let the "artificial world" survive since most of us seem dependent on its sorcery for our survival?

That's a tough question.

But if this artificial world is as "real" as patriots believe, it's built entirely on lies and deception. Does any system based on lies deserve to survive? Isn't it certain that such systems *must* inevitably collapse? If so, isn't it better to destroy a system of lies now rather than ten years later when we may be even more dependent on it's artifice?

Perhaps most importantly, the conflict between the *artificial* and a *natural* worlds is full of intriguing spiritual implications. For openers, note that the words "artificial" and "natural" are antonyms; their meanings are opposites.

What's that got to do with spirituality? Well, in 1776 the American Revolution was precipitated when the *Declaration of Independence* established a radical new world based on the "Laws of Nature" and of "Nature's God". That document declared "Nature's God" to be our "Creator" and source of our "unalienable Rights".

But if "*Nature*'s God" created the *natural* world subject to "Nature's Laws," it's doubtful whether He also created the *artificial* world of legal fictions (lies) populated by corporations and trusts. Moreover, logic suggests that the fundamental premises and laws of an *artificial* might even be contrary to whatever laws were already established by "Nature's God" for the *natural* world.

So if *Nature's* God didn't create the *artificial* world populated by corporations, trusts and artificial entities identified with all uppercase names, *who* did?

The obvious answer to that question is: A handful of mortal men—geniuses determined to serve the best interests of mankind—even if that service could only be achieved through the use of "white" lies.

Maybe so.

But a corporation is a device whereby a group of natural men may act as a single, *artificial* person to shield themselves *from personal liability* for their collective acts. Our civilization is largely built on that corporate immunity. Is it even possible to create a skyscraper, a 747 passenger plane, or a cure for arthritis without the corporate structure to shield investors from personal liability? Probably not. Our civilization and standard of living is arguably impossible with-

out corporate immunity.

It that's true, corporations would seem to be a great boon for mankind. The problem is that Bible tells us that God intends to judge each of us on an *individual* (not collective/corporate) basis. Further, He seems determined that none of us should be immune from personal liability for our sins. If that's so, then an artificial entity (corporations, trusts, etc.) that shields it's members *from personal liability* for their actions is contrary to the Bible's fundamental idea of personal accountability. The corporate promise of personal immunity tempts all corporate personnel to commit acts that we would not dare do in our personal capacity. I don't see how anyone who believes in Divine Judgment can observe the corporate shield from personal liability without being troubled.

Moreover, law dictionaries define "artificial entities" as "legal fictions". But "legal fiction" is simply a polite way of saying "officially sanctioned lies". But if you're a member of a faith that believes in truth, your religion probably taught you that Satan is the "Father of *All* Lies". I can't say that Satan is therefore the father of all legal fictions and artificial entities, but that conclusion is not outside the realm of spiritual conjecture. So is it simply too weird to suppose that the "Father of All Lies" might also be the god of an *artificial* world *based on lies*?

I understand how bizarre this "spiritual" supposition seems. Still, I'm not drawn to these conclusions by anything other than my own observations of facts, fundamental spiritual principles, and logic. And I'm not pleased by these conclusion. They trouble me. They embarrass me. They even scare me.

But if these conclusions are at all valid, it follows that "artificial" (lie-based) entities" might be viewed as the children or instruments of Satan and an artificial world "seen" by patriots might be described as something more devilish than juristic.

I don't want to believe those conclusions. But I can't avoid an awareness that there is growing evidence to support them and little to refute them. As a result, I can't seem to escape the conclusion that the patriots' war against the "artificial world" is not merely "legal," or even "political," but fundamentally *spiritual*.

For true believers, the question of whether the artificial world should or should not be exposed is moot. Even if the artificial world's collapse caused an economic catastrophe, those who worship the God of the Bible (Jews, Christians and Moslems) may still be compelled to resist, expose and destroy that artificial world. This struggle isn't about money, sex or power. It's about salvation. If so, the artificial world *will* be exposed—but its master will not surrender

peacefully. In other words, there may be Hell to pay before the artificial world is brought down.

The patriot movement is sometimes described as a spiritual revolution. There's truth in that statement and also redundancy. The world "revolution" is tossed around pretty casually these days. When some new rock group gets a gold record, they're routinely hyped as causing a "revolution" in music (even though they'll be forgotten within three years). New cars are sold with TV ads that claim they have "revolutionary" systems for braking, navigation or even night vision. But within a few short years or even months, most technological "revolutions" are boring and forgotten.

Real revolutions are remembered for centuries. Why? Because a real revolution is always *spiritual*. A real revolution always changes the way we serve and understand God. Galileo precipitated a true revolution when he used a telescope to conclude the Earth was not the center of the universe. The Church threatened to kill him if he didn't recant that belief. Why? Because the "infallible" Church had taught for centuries that Earth was the center of the God's Universe. If that weren't so (and Galileo proved it wasn't) the church was not infallible and thus perhaps not the true agent of God.

Barry Chamish will lecture in Dallas, March 22nd, 7:30pm - 10:00pm at Ramada Inn Market Center, I-35 at Regal Row. He's an investigative reporter from Israel. He writes for a variety of major trade magazines, has written exposes on Israeli political corruption, and lectures worldwide. **Author of "Who Murdered Yitzhak Rabin", & "The Last Days of Israel"**.
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Columbus precipitated a spiritual revolution by discovering a continent that was so remote that European monarchies could not enforce the "divine right of kings". Result? Men were freed from the yoke of Kings and allowed for the first time in Western History to relate to God directly—not indirectly through a bureaucracy of priests, kings and Popes. That's a real revolution.

The Communist Revolution was far more than a collectivist theory of economics and politics—it was institutionalized atheism and an international denial of God. And when Communism fell, atheism was repudiated and we witnessed another revolution in the world's relationship to God.

And what is the resurrection of Israel in the Middle East if not a spiritual revolution? That revolution is not yet complete, but when that situation is resolved, at least one of the world's major religions (Judaism, Christianity and Islam) will be badly discredited and perhaps even destroyed. That's a true (spiritual) revolution.

Every true revolution is spiritual. I doubt that history offers

a single exception to rule.

And here in the patriot movement, we seem to be touching issues that are profoundly spiritual rather than merely legal or political. Just as Columbus went looking for India and unexpectedly found a New World, the patriots went looking for legal reform and way to beat the IRS and unexpectedly found evidence of God.

Maybe we're wrong. Maybe we're delusional. Maybe our encounters with "evidence of God" are just artifacts of dangerously undisciplined minds. If so, there's no more real revolution in the patriot movement than in ABS disk-brakes or infra-red cameras on Cadilacs. It'll be here today, gone tomorrow and (mercifully) forgotten.

But if the patriots are right . . . if the world of natural entities is created by God and the world of artificial entities (lies) is not, then a true, spiritual revolution is under way. As farfetched as it sounds, artificial entities may not be the mere, clever creations and tools of free men—but instead be our adversaries and would-be masters. (Think not? Who do our Congressmen serve? We the People or them, the corporations?) If our relationship to artificial entities is essentially adversarial, then perhaps one side or the other cannot survive. Taken to the extreme, the logic of this conflict implies that the stakes are not just economic prosperity or world stability, but spiritual salvation. If so, this revolution can't end in peaceful compromise.

Question: If an artificial entity falls in a forest and no one can see it, does it make a sound? Maybe not. But that doesn't change the fact that it fell and probably died.

Don't be fooled by the silence. A very strange revolution is taking place all around you. Right now.

The next few articles are presented as evidence—a crude, inaccurate "map"—of that silent revolution.

A Warning From the United States Supreme Court!

"75 to 90 percent ofAmerican Trial Lawyers are incompetent, dishonest, or both."

Chief Justice Warren Burger, U.S. Supreme Court

If this statement is true, shouldn't you consider learning a little about law yourself, even if only to keep your lawyers in line?

When legal problems are in front of you, if you don't know your rights, you might as well not have any.

Lawyers are advantaged in that they know how to find the law in the library. This knowledge is not an occult mystery.

The laws are supposed to be made by the people and for the people. They are not supposed to make lawyers and bureaucrats a privileged ruling elite.

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You have the right under the Constitution to act as your own attorney.

And if you don't know the Constitution, both of this country and your state, then you are at a great disadvantage. Many politicians, police and bureaucrats don't want you to know what is in these documents.

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Warrantless IRS Seizures Unlawful

by Virginia L. Cropsey, J.D.

According to Fox News and the Associated Press, on December 26, 2000, Michael McDermott went to work as usual, chatting with co-workers about the holidays. But shortly after 11 a.m., the Massachusetts software tester embarked on a deadly rampage that killed seven people.

McDermott allegedly shot one woman in the back as she sat at her desk, crippled another woman with two shots to the leg before finishing her off with a shot to the head and shot another man as he tried to crawl away. When McDermott discovered that employees in the accounting office had barricaded themselves behind a locked door, he "blew the door off with a shotgun."

McDermott seemed to focus his rage on the accounting department, which had recently been ordered by the IRS to garnish McDermott's wages.

The Edgewater Technology company (McDermott's employer) released a statement to absolve itself of responsibility in the shootings, saying there was no way to have predicted actions that "apparently stem from occurrences in [McDermott's] personal life" or "any apparent reasons to restrict his access to the building."

Nothing quite so compassionate as a corporation, hmm?

Too bad about the seven victims, but for damn sure there's no way this corporation is responsible.

However, as you'll see in the following analysis by attorney Virginia Cropsey, it's arguable that the IRS precipitated this tragedy by attempting to seize part of Mr. McDermott's wages without lawful authority. If attorney Cropsey's analysis is correct, the victims, their heirs or perhaps even Mr. McDermott might have a basis for a civil action against the IRS.

Of course, suing the IRS is something of a fool's errand. Even if attorney Cropsey is correct, it's always tough to sue a government agency.

But Ms. Cropsey implies that her arguments might also be used

against the victims' employer—which acted on behalf of the IRS. Perhaps—despite its initial disclaimer of responsibility—if the Edgewater Technology corporation knew or should've known that it was illegal to seize money from Mr. McDermott's wages without a lawful warrant, that corporation might be held partially liable for the seven deaths.

The implications are large.

Reports indicate an employee of a Boston Internet consulting firm shot and killed seven co-workers who apparently participated in plans to honor warrant-less government searches for and seizures of the employee's earnings, accrued and future.

The law, constitutional and statutory, requires a 4th Amendment warrant, judicial or *executive*, for tax searches and seizures. The warrant is critical to show all the necessary procedures and laws have been complied with to allow the government to seize the property. Without a valid warrant, there is no legally valid proof that a tax debt exists.

Nevertheless, the IRS routinely operates without warrants and thus provokes an outcry, producing litigation, and fomenting office stress that has now resulted in violence.

Apparently, the IRS can't get a warrant for tax seizures because no competent authority can *swear* the tax debt is due and owing. Without a warrant, government seizure of a person's property appears to be a *direct* tax. But the Constitution prohibits direct taxes without apportionment.

The 4th Amendment was inspired by the 1761 speech against the writs of assistance by James Otis, an attorney engaged by the merchants of Boston. British writs of assistance, which are similar to the current IRS "process" led to the Revolutionary War.

A young John Adams, later second President of the United States, heard the **Otis speech** and was inspired to draft Article XIV for the 1780 Massachusetts Declaration of Rights, which later became the basic language for the 4th Amendment.

At the time of the construction of the Bill of Rights, Richard Henry Lee, Senator from Virginia, and ancestor of Robert E. Lee, saw to it the word "effects" rather than "possessions" was used in the 4th Amendment, so that accounts receivable (which include earnings due

employees), have 4th Amendment protection. As shown by 4th and 5th Amendment pre-judgment seizure case law, this means that a warrant is required.

Additionally, under the Supreme Court decision in *Sniadach v. Family Finance Corp*, wages are special property for purposes of pre-judgment seizure. You can't seize property for taxes pre-judgment without a *sworn* statement. Instead, the government should have to swear the debt is owed and demonstrate probable cause for these searches and seizures. The IRS has no business writing your employer about you and interfering with your employment relations without proper authorization.

Recently I showed that the 4th Amendment's "no warrants" clause was intended by the Framers to require at minimum, an *executive* branch warrant for tax seizures. I call it "all about adjectives." I carefully read the Supreme Court's 1977 opinion in *GM Leasing* and found that a *judicial* warrant was necessary for entry into *private* premises for tax seizures.

I knew from the plain language of the 4th Amendment, and from research I did (including the 1762 British sedition case of *Entick v. Carrington & Three Other King's Messengers*) that at least an *executive branch warrant* was necessary for other tax seizures. I'm a bit like the kid in "6th Sense" movie – I don't see dead people, but I do see something the others don't due to my careful reading of the 4th Amendment's 'no warrants' clause – I see *executive* branch warrants.

Executive branch warrants are not figments of my imagination but have been held by the courts to be required for federal tax seizures. In a 1998 opinion in ***Williams v. Boulder Dam Credit Union***, a Clark County, Nevada Magistrate exposed pre-1954 case law which held the executive branch warrant is required. I've spent over 1,000 hours researching the issue and filed a 60-page brief on the subject in the Michigan Court of Appeals.

The pre-1954 case law was continued in effect by Congress under the 1954 IRS Code. Since then, a consumer snatch-back line of cases in the Supreme Court makes clear that the Due Process clause of the 5th Amendment requires sworn statements for pre-judgment seizure. These standards also apply to federal tax seizures according to the Supreme Court.

I've also researched the question of whether private sector employers are required to withhold wages without a signed wage withholding order in effect. My re-

search also shows *future* earnings aren't property under state law and therefore, under 26 U.S.C. Sec. 6331 (the federal tax levy statute), the IRS cannot lawfully reach future earnings with current levy process as they currently do

Cases concerning the issue of warrant requirements are just beginning to make their way through the courts. In order to avoid a 4th Amendment test, the government does not cross the line and technically seize the property. Government has not used the language obfuscated case law says is required for seizure – "is seized and levied upon." They used quite a few standard legal tricks. It was a textbook case of stealthy encroachment. But as a result, the levy situation leaves banks and employers subject to suit on contracts, and without a defense that they honored a levy under 26 U.S.C. 6331 & 6332 *since no levy has actually occurred*.

The government avoids a constitutional test of the income tax by not technically seizing the property. It's a double-end run of the Constitution, one 4th Amendment's language was written to prevent, and one which must end immediately. The IRS has engaged in a calculated campaign to intimidate attorneys, legislators and others who should have reported this situation into silence – the situation is grim and despicable. Every member of Congress, every President in modern times, bears responsibility for allowing these warrant-less seizures to occur. I encourage citizens to write Congress and the President and demand the IRS obtain the warrants the Constitution requires for tax searches and seizures.

Let's assume attorney Cropsey is correct: The IRS must have a warrant to lawfully seize money from an employee's wages or bank account.

If so, what do you suppose would happen if an employer which seized (or was about to seize) your wages on behalf of the IRS were put on proper administrative notice of the law requiring a warrant before lawful seizure could commence? With proper notice, the corporation might be forced to demand the IRS to show proof of a lawful warrant (not just a Notice of Levy), or decline to assist in the seizure less it become *personally liable* to the employee whose wages were unlawfully seized.

What do you suppose would happen if you knew the IRS wanted to seize savings in your bank account, and you put your bank on

proper notice that the seizure could not take place without a proper warrant? Would your bank risk being sued just to help the IRS?

Of course, the IRS might be able to get a lawful warrant. But the legal process of getting an individual warrant for *every* IRS seizure and levy would be so expensive, time-consuming and prone to endless litigation, that the actual number of seizures and levies would probably decline precipitously.

But is Ms. Cropsey's analysis of warrants valid, flawed, or completely mistaken? I don't know. But judging from her research, I don't think anyone else knows either. In other words, until the Supreme Court absolutely settles the issue, perhaps *nobody knows*.

That suggests that 1) you could legally raise this question in your confrontations with the IRS, your employer or bank; and 2) it might take at least two or three years for your lawsuit based on attorney Cropsey's theory (and variations thereon) to be decided by the Supreme Court.

If so, there may be a two or three year "window" wherein every employer and bank who tried to enforce the IRS liens and levies without proper warrant might expect to be sued by their own employees or depositors. And since the persons suing the employers and banks are targets of the IRS, it's fairly certain that they'll be broke by the time the issue is resolved. If so, the employers and banks would have little hope of recovering their legal fees in court. And each of those lawsuits would probably cost the corporation or bank *at least* $5,000 or $10,000 in legal fees for their defense attorneys, plus no end of bad publicity—and that's assuming they ultimately win. (Can you say "Pyrrhic Victory," boys and girls?)

I don't know if the idea that employers or banks who help the IRS might face untenable legal fees makes you smile, but it makes me giggle like a little kid.

Today, some of us know enough law to be a real pain the buns. For example, even if you're some crazy pro se litigant who's not good enough to win a seatbelt case in traffic court, you're probably good enough to file enough motions and counter-suits (all of which require a response) to cause your adversary to spend big bucks on his lawyers. Does the system want to spend $5,000 in lawyer fees to prosecute a $75 seatbelt ticket all the way to the state Supreme Court?

Prob'ly not.

Similarly, are corporations and banks willing to expose themselves to $10,000 in legal fees to seize $2,000 from your wages or bank account and give it to the IRS?

I don't think so.

And don't imagine that the corporations and banks are on the IRS's side. They generally

cooperate with the IRS out of fear rather than patriotism. But virtually all of 'em would welcome an excuse to avoid the costs, aggravation and occasional killings that they're forced to endure in order to serve the IRS.

By putting your employer on proper notice of legal defects in IRS levies and seizures, you might actually reduce the employer's administrative overhead and save him some money. Based on your implicit threat to sue, your employer could tell the IRS, "Gee, we'd *really* like to help implement your levies against our workers but, unfortunately—based on our attorney's advice concerning an administrative notice provided by one of our employees—we can't help you until you provide evidence of a proper warrant to justify the seizure." While your boss feigned concern, he might actually be laughing like a little kid if your could give him reason to tell the IRS to buzz off.

But regardless of whether attorney Cropsey's theory stands up in court, the more important point is that a growing number of ordinary Americans are standing up—without attorneys—in court. And the system can't deal with the expense. Even when the system wins, it loses money. Those losses can't be sustained. Either 1) legal fees have to come down to a point where the government can afford to pay lawyers to tangle with an army of pro se litigants, or 2) the laws have to be changed to stop hassling people over victimless crimes and thereby making them become pro se litigants; or 3) government must declare itself to be the absolute sovereign (a dictatorship), while We the People are subjects, and freedom is a myth.

Government won't like any of those choices, but an overt declaration of dictatorship is the least tenable option since even government would be quickly destroyed. Thus, the growing numbers of pro se litigants should either reduce legal fees or end victimless crimes or both. Either way, big government loses, and the people win.

That win-lose prospect may not sound too revolutionary to most folks, but I'll bet it does to government. Why? First, because without the power of unlawful levies and seizures, the IRS is just a paper tiger. But more, pro se litigants signal revolution because government can't use deception to oppress an educated people finding the spiritual courage to stand up, fight for their unalienable Rights, and litigate without lawyers.

There's not a tyrant in the world who doesn't know that such men are dangerous.

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A Simple Question

by Barton A. Buhtz

Dan Meador recently wrote about an interesting traffic stop on the 205 Freeway between Portland, Oregon and Vancouver, Washington. When the law enforcement officers asked for a Drivers License and registration, the driver repeatedly replied, "If I show you such a document, will you use it against me?" After about 35 minutes of these questions and counter-questions, the man was told he was free to go.

A few weeks later, my friend Paul and I were travelling in the San Joaquin Valley. Paul was driving his pickupt and I was the passenger. We'd been talking about our right to use the public roads under the Constitution and had several "Pocket Constitutions" laying on the dashboard. I was reading from the Bill of Rights when we saw a Sheriff's Patrol car pull onto the road behind us and accelerate, then turn on his lights and pull us over.

Paul looked at me and said, "Now what do we do?"

I said it was up to him, but this was a good opportunity to test the procedure Dan Meador had shared.

So we both made sure our doors were locked. My window was rolled up closed and Paul rolled his down about two inches. Paul placed both hands on the steering wheel and I kept my hands on my lap in plain view.

The first words came from Sheriff's Deputy Shaw. Even though he hadn't paced us, he told Paul he'd been speeding and that he was going to issue a citation. He further stated he wanted Paul's driver's license and vehicle registration.

Paul replied, "If I show you such documents, will you use them against me?"

The Deputy stepped back and, for a moment, said nothing. He seemed confused. Then he stepped forward and *ordered* Paul to roll down his window.

Paul told him nicely, but firmly, "No. We can talk through the window just fine."

The officer repeated his demand for the license and registration and Paul repeated his question: "If I show you such documents, will you use them against me?"

Deputy Shaw's attitude suddenly changed. He told Paul that it was a *privilege* for him to drive a vehicle and the law required that the Deputy see his license and registration. Paul stayed outwardly calm. (He told me later his heart was racing!) Paul repeated the salient question.

Deputy Shaw lost his cool. He stepped closer to the driver's door and stated that he was going to call for backup and that he'd have Paul arrested. Then he grabbed the door handle and tried to jerk the door open to get to Paul. Since the door was locked, the handle slipped out of the Deputy's hand and he stumbled two steps back before he caught his balance.

Paul could see the Deputy was losing his temper, so he told him to call his superior and bring him *now!*

Then Paul handed a copy of his UCC-1 Financing Statement on the pickup through the window to the Deputy. The Deputy reluctantly accepted the document.

Deputy Shaw's next action was reassuring. Law enforcement officers are trained so that in any situation they consider potential harmful, they never turn their back on the occupants. Yet Shaw turned his back on us and walked back to his patrol car while he talked on his portable two-way radio. At no time did he make any move to unholster his revolver.

So there we sat. The engine still running. The Deputy never demanded it be turned off.

Within about three minutes one, two, then three Kern County Sheriff's Cars came toward us, drove past, made u-turns, and lined up behind us alongside the road. Three men and a woman Deputy got out of their patrol cars and stood conferring amongst themselves next to Deputy Shaw's car.

Finally, Sgt. Jess Baker walked up to Paul's window. He calmly talked with Paul explaining that they had run the Oregon Plates on his vehicle and they came back clean. He then asked to see Paul's license and registration.

Paul asked the same question, "If I show you such documents will you use them against me?" Sgt. Baker said, "No, I will not."

Paul told him that Deputy Shaw had said he was going to cite him and arrest him and had attempted to remove him from his seat by jerking on the door handle.

Sgt. Baker calmly told us that no citation was going to be issued and that no one was going to be arrested. However, he explained that he did not know if Paul Tuggy (the name on the UCC-1 Financing Statement) was really who he said he was, and wanted some identification.

Paul asked if Sgt. Baker would sign and certify under penalty of perjury that he would not cite or arrest him. Sgt. Baker said he'd sign, but he didn't have any paper with him to write it and sign it.

Paul turned to me and I sensed that we could trust Sgt. Baker. So Paul showed him his license and a copy of his Travel Papers which details the federal and state codes documenting his right to travel freely. Attached to that, was the court record of *Stork vs. DMV* in which the California State Supreme Court ruled that there are two classes, commercial drivers and non-commercial operators. Commercial drivers are required to pay a fee and obtain a license, pay a tax and register their vehicles . . . all others are exempt.

Sgt. Baker read the material with Paul and stated, "It's clear you are both well read in the law. I want to know more." Paul told him he would send him a lot more information if he knew where to send it.

Sgt. Baker went back where the three deputies were standing by Shaw's car. They talked together for a couple of minutes.

Then Deputy Shaw approached Paul's window again with his face flushed and hands shaking. He handed Paul's license and Sgt. Bakers' business card to Paul and said, "You are free to go." Paul replied, "Thank you, but we will wait till you leave."

So we sat there, motor still running, while each of the Deputies got into their patrol cars and drove away. Sgt. Baker smiled and waved as he went by.

Then we pulled out and went on our way.

About a mile down the road we came to the first cross street at Wasco city limits. Three of the patrol cars turned right and pulled to

the side of the road next to an open field. Sgt. Baker continued on south ahead of us. As we passed, the three deputies were standing beside their cars talking.

We drove on to our destination in Wasco and about 30 minutes later drove back through town toward Freeway 99. This time we didn't see one Kern County Sheriff's vehicle.

As we assessed what happened several things stood out:

1. The procedure (asking, "If I show such documents, will you use them against me?") will work.

2. The Deputy did lose control and from what we observed he was reprimanded on the spot by the Sgt.

3. Sgt. Baker openly expressed his desire to know more. I am certain he was impressed by the Travel Papers and the UCC-1.

4. Because we kept our cool and didn't force the issue beyond reason, we went on our way with no citation, no arrest and much thanks to our Heavenly Father for his peace and protection in the situation.

I trust what Paul and I experienced will be helpful to others.

This story is only an anecdote. Because this happy resolution happened to Mr. Buhtz, does not mean that you or I can try the same procedure and expect to achieve the same result. It's entirely possible for you or I to try the same argument and wind up with a bloody head.

For example, it's important to note that there was the *passenger* in car; a *witness*. If a solitary driver had tried the same argument on the same Deputy, the result might've been much different.

Second, they were stopped by *Sheriff's* Deputies, and the Sheriff (being a constitutional officer) may be more susceptible to constitutional arguments than police officers working for corporate municipalities.

Third, these guys were lucky that Sgt. Baker took control and was a reasonable and honest officer. Police are allowed by law to use deception to gain confessions and admissions needed for prosecutions. It's not hard to imagine that once the driver trusted Sgt. Baker (who said he had no paper to sign a sworn statement that he wouldn't use the documents against the driver) and turned over his drivers license, that Sgt. Baker might've laughed, snorted "Gotcha!" and preceded to send the driver and passenger to the pokey.

If I were going to try this strategy, I think I'd have a pad of preprinted affidavit forms that said something to the effect that the officer signing swore he would not use my documents against me. I'd keep the pad in the car, and in the event I was stopped and used

the "Will you use such documents against me?" strategy, I'd have a handy affidavit form for the officer to sign. (But even then, if the officer signs, and I alone sign as witness, the document's validity as an affidavit might be questionable)

Fourth, the author doesn't say, but it appears that the Drivers License that was finally shown to Sgt. Baker was legitimate and unexpired. But what would've happened if the driver had finally produced a Drivers License that was expired, out-of-state, foreign – or perhaps had no License to show?

While the driver apparently presented a lawful Drivers License, it's unclear whether he had or presented vehicle registration and proof of insurance. Who knows? Perhaps his "question" strategy allowed him to only present the Drivers License, but ultimately shielded him from being forced to show registration and proof of insurance. I wouldn't bet on it, but perhaps the law only mandates showing your Drivers License, but leaves registration and proof of insurance in the category of "optional".

Based on the actual information in this story, the only thing that really happened is that a driver successfully resisted identifying himself with a legitimate Drivers License for about an hour. After that, he got lucky and didn't get a ticket for speeding. But remember, the author admitted that the Deputy who stopped them for speeding "had not paced us". I don't know what Oregon law requires, but it appears that the officer's evidence for speeding consisted entirely of his personal observation, unsubstantiated by radar or "pacing". If so, the fact that they weren't ticketed for speeding is fortunate but otherwise unremarkable.

But even if this was only an isolated incident and its legal effects are questionable, it's still a true story. It did happen more or less as the author described. And that means:

1) Some drivers are beginning to understand and effectively assert their God-given, unalienable Rights;

2) Some law enforcement officers are beginning to understand and respect the public's God-given, unalienable Rights; and,

3) The driver's willingness to challenge the first Deputy's authority ultimately brought four more Sheriff's Deputies to the scene, all of whom had their "consciousness raised" concerning constitutional issues. I'd bet they'll all think twice before they yank the door handle of another driver who's carrying a copy of the Constitution and shows signs of knowing some law.

When both *drivers* and *traffic cops* start to respect the force of constitutional education and arguments, that's a revolution – or at least the start of one.

Although this story does not provide a clean test of the "Will you use such documents against me?" strategy, it does illustrate the power of simple questions.

This "questionable" strategy seems to rely on the issue of probable cause or perhaps "Miranda" rights. What did the driver do wrong?

What evidence of wrongdoing did the officer have *before* he asks for the license, registration and proof of insurance? If his initial evidence is flimsy, he may not have probable cause to issue significant tickets.

In other words, maybe the driver was speeding; maybe not. That allegation is pretty much a "my word against yours" issue that might be defeated in court. But most traffic stops are largely pretexts to get to the easy money – fines for outdated or nonexistent license, registration and insurance documents.

Once you've produced the relevant documents, the issue of whether you have or don't have a proper Drivers License, etc. is no longer debatable. It's no longer your word against his. If your license or other documents are expired, the officer has irrefutable evidence that you've committed an offense. Now, he can write a ticket that's virtually bulletproof and uncontestable.

Thus, when the cop gets to the window of your car and asks for your "papers," he is literally asking you to *voluntarily* submit *evidence* that can be used against you.

First, his request for documents that might be used against you indicates that you're not (so far) under arrest – at least not for committing a crime. If you were under arrest, the officer should be required to warn you that "Anything you say can and will be used against you in a court of law," and offer to provide a lawyer if you can't afford your own. The whole traffic system would collapse if everyone stopped for a traffic ticket was entitled to a lawyer at government expense. After all, a defense lawyer might charge the government $500 just to make a "house call" to advise his client and the state would be stuck with the bill. There's no point to issuing $300 worth of traffic tickets if the state will incur $500 in lawyer's fees.

OK, so let's suppose the officer arrests you for *not* producing your license, registration, etc. If refusing to produce those documents is a criminal act, then once you're arrested, the officer should probably "Mirandize" you – warn you that anything you say and do, etc. can be used against you in a court of law.

So now what? If you're under arrest, the officer may be prevented from getting your documents without your voluntary consent or a search warrant. But search warrants also cost time and money.

Traffic law is essentially an extortion racket, a randomly imposed tax for the purpose of enriching the corporate government. That being so, the system can't survive if it costs more money to issue tickets than they stand to gain. So it's impractical (costly) for government to use search warrants to fish through your pockets to find your wallet to see if you have a Drivers License.

And suppose they get the search warrant to fish through your wallet looking for a license and don't find one? Does that *prove* you don't have one? Maybe you lost it. Maybe you left it at home in your other pants. And seeing you've been "Mirandized," you have no obligation so say one word as to whether you actually have, lost or forgot to bring your Drivers License.

What's the officer do now? Arrest you for *suspicion* of not having a Drivers License?

And what if, in the process of fishing for your license, they find drugs in your pocket or even in your car? Did the search warrant authorize them to search for drugs, guns, and endangered species you might be smuggling in the trunk of your car? If so, what was their probable cause to ask for that all-encompassing warrant?

Alternatively, the police might argue that traffic violations aren't really criminal in nature, but rather administrative, and thus no Miranda warnings and esoteric search warrants are necessary. But if traffic stops aren't based on a criminal offense, what is their authority to put you i*n jail*? In fact, if speeding or failing to signal a lane change aren't *criminal* offenses, where's the officer's authority to even *stop you* and thereby create a traffic hazard along the road that is dangerous to public safety?

The police might argue that they must have the Drivers License information since they can't issue a proper ticket for speeding if they don't know who the driver is. But here in Texas (and other states), the government is attempting to pass laws to allow cameras placed at busy intersections to automatically photograph cars that run red lights. Tickets will be mailed to the owner of the vehicle based on the license number of the car in the photo.

So if the government can write computerized tickets to individuals based on nothing more than a photograph of their car's exterior license plates, why do they need to know the driver's identity to issue any traffic ticket? While the legality of these automatic running-red-light tickets remains to be established, their possible implementation implies that tickets can be issued to cars rather than drivers. Which means . . . ?

These questions illustrate some of the "peculiarities" that seem to surround traffic law. More importantly, these questions indicate that traffic officers are extremely dependent on you *voluntarily* providing evidence that can be used against you. If you won't *voluntarily* incriminate yourself, how can they arrest you?

Is speeding a jailable offense? How 'bout not wearing your seat belt? Of course not. You can be ticketed for those violations, but you probably won't be arrested unless you hand over your Drivers

License, they do a quick computer search and find you've got outstanding warrants. Thus, unless you're driving drunk or you've damaged another person or property, you probably can't be arrested for a victimless "crime" (speeding, etc.) until after you show your Drivers License.

Thus, the importance of the simple question, "If I show you such documents, can they be used against me?" If the answer is No, then we might not even need the documents. (After all, if an expired Drivers License, expired registration and expired insurance document can't be used against you, the issue of expiration – and thus, the legal significance of the documents themselves – seems irrelevant. If they can't be used against you, why do you even need them?

On the other hand, if the answer is Yes (the documents *can* be used against you), then you've got a 5th Amendment Right against being compelled "in any *criminal* case, to be a witness against" yourself. If the documents *can* be used against you, you presumably have no legal obligation to produce them. If they force you to produce the documents without a proper search warrant, the documents might be "fruit of the poisonous tree" and inadmissible as evidence in court.

The police seem to be in a Catch-22. If your documents can't be used against you, they're irrelevant, and if they can be used against you, you seemingly shouldn't have to produce them. (The logical contradiction is enough to make a good cop give up donuts.)

In fact, I don't doubt that you can be arrested, but without your cooperation and *voluntary* self-incrimination, traffic law becomes convoluted and bizarre. In most instances, the issue may be "too weird" for most prosecutors to pursue.

The underlying issue is whether traffic offenses are "criminal". In fact, they probably aren't. I'm confident that traffic cases are not criminal and not tried in courts of *law*. Thus, the 5th Amendment's protections in "criminal" cases probably doesn't apply to traffic stops. But is government willing to publicly admit that they're *jailing* people for *noncriminal* offenses and the people have no constitutional defense against those arrests?

I don't think so.

Why? Because once that admission is made, somebody's gonna ask what their noncriminal authority to arrest us is based on, and the answers will probably be something like:

1) The state owns "your" car (you only have an equitable interest) and can therefore punish you when you operate "their" can in a man-

ner they find "offensive"; and

2) Those who have Drivers Licenses (or some other government-issued documents) forfeit their unalienable Rights and become subject to noncriminal arrest.

When the public finds out that here in the "Land of the Free" we're not actually free to own our own cars and other property, there might be a bit of political turmoil.

Similarly, if government is forced to admit the reason you can be arrested for noncriminal offense is because you have (or had) a Drivers License, Voters Registration, state-issued Birth Certificate, or So-So Security Number – a whole bunch of folks will probably deep-six those documents and then revoke the underlying applications that changed them from sovereign Citizens into citizen-subjects.

Moreover, police officers generally see themselves as "good guys" enforcing good laws. Corporate government can't want their officiers to find out they're enforcing ordinances that deceive the public and violate the Constitution. The system can't easily survive police who know themselves to be lawbreakers and instruments of corporate oppression. Therefore, the system has a vested interest in not contesting cases that might educate the public, police, witnesses, and jurors that the driver was arrested unlawfully.

At minimum, once the police realize they are implementing ordinances that violate the Constitution, they should lose their enthusiasm for issuing "no seat-belt" and "improper turn" tickets. Worse, if traffic tickets aren't truly lawful, sooner or later some cop will arrest a pro se litigant who won't simply get away without paying for having no insurance. Instead, that pro se litigant will counter-sue the officer for false arrest and take his home. Faced with that possibility, the police might conclude it's a lot safer to pursue burglars, rapists and armed robbers than folks driving with expired vehicle registrations.

Despite claims to the contrary, traffic law is not primarily intended to protect the public's safety. It is, instead, an extortion racket intended to enrich the corporate governments of local municipalities. This extortion racket is absolutely dependant on deception that takes advantage of the public's ignorance. Because the racket depends on public ignorance, it can't afford to *answer questions* that reduce that ignorance by exposing how and why the racket really works.

Remember how the officer comes up to your car when you get a ticket? All powerful and authoritarian. What's he do besides try to control the entire incident with his *questions*? "Did you know that you were driving 73 miles per hour in a 60 mile per hour zone?" "May I see your license, registration and proof of insurance?" "Are you JOHN DOE, the

party identified on this license?"

We tend to automatically answer the officer's questions. We almost never dare to question the officer, himself, because we *presume* the law is entirely on his side. Our presumption (ignorance) may be false. If we know the right questions, it appears that the officer may have no more right to stop us along the road than we have to speed 75 in a 60. In fact, he may even have less right to stop us for a noncriminal or noncommercial offense than we do to speed (provided no one is actually injured).

Further, if traffic cases aren't prosecuted as violations of criminal law, they're probably being prosecuted in courts of *equity*. If so, one of the hard rules of equity is the "clean hands" doctrine that those who seek equity must do equity. That is, a police officer can't break the law to enforce a ticket in equity. So if you could show how the officer's "hands" were "dirty" (he was violating the law or rules of equity to issue a ticket), a court of equity might be obligated to decline to dismiss the tickets.

But how can you raise a "clean hands" issue if you presume the officer acted entirely within the law? And how can you correct your false presumptions except by asking *questions*?

Questions, questions, questions. Nobody's suggesting you to scream at the officer or pull a gun. Just ask some questions. Where's the harm in politely but persistently asking some simple questions?

In a sense, one of the most dangerous traffic stops any officer can face is that of a driver who does not automatically answer the officer's questions without first asking questions of his own. Who are you? Did you observe me commit a criminal act? Was the offence committed "in" a municipal corporation or "on" the soil of State of the Union called "Texas"? Was any person or property damaged by my actions? Did you see evidence to suggest that I was driving a commercial vehicle or otherwise engaged in commerce? Was I travelling on the right of way when the offense took place? If so, can you specify your authority to stop me from using the right of way? Do you have evidence that my vehicle is property of a trust? If you issue a ticket to me and I decide to contest that ticket, will my case be heard in a court of law, equity or some other? Please specify.

And perhaps most importantly, "If I show you the documents you've requested, will you use them against me?"

I don't pretend the police can't get around these "magic" questions. Asking them won't guarantee that you can drive without license, registration or insurance. But these questions - especially the last one – might present a Catch-22 that traffic officers can't easily ignore or answer.

Similar questions are being discovered, refined and politely asked by constitutionalists all over the country – and not just for traffic, but also for IRS, family law and probate issues. Sometimes these questions are oral, sometimes through Freedom of Information Act requests, sometimes by Privacy Act requests, sometimes by Administrative Requests for Information. As we learn how to ask increasingly sophisticated questions, our understanding grows and government's opportunity to exploit our ignorance declines.

But strangely, the answers are often less important than the questions themselves. Why? Because *questions* challenge a person's *authority*. Anyone who has kids knows who the little monsters can get you running, put you on the defensive by simply asking "Why, Daddy?" – and when you answer, they give you another "Why, Daddy? and so one until you are forced to admit to the child as well as yourself that, "Well, damnit . . . I don't know!"

That little kid just kicked your butt, Daddy. And the kid knows it. He can see it in your eyes, in your uncertainty. The balance of power between you and the child has shifted in the kid's favor. Your authority over the child is diminished; the child's independence and freedom is relatively increased.

A virtually identical process takes place when an adult essentially asks "Why, Daddy?" to the all-seeing, all-knowing government officials. You can almost see the shock in an official's eyes when you question them on anything.

Sometimes they almost seem to say, "Why . . . how dare *you* [you little peon], question *me* (the grand high government official] on *anything*?!"

And then, if your questions are reasonable and persistent, the officials become confused, visibly aggitated, even defensive when they realize they can't reply because they don't know the answer. And, just like a Dad who can't answer his little boy's questions, if a government agent can't explain what he's doing, he generally can't explain *why* he's doing it, which results in a moment of self-doubt, a diminished sense of authority and a major change in the psychological balance between the official and the person asking the questions.

If an official can't answer your questions, he must go find an *higher* official who can answer your questions. By seeking a higher official, the agent you're confronting implicitly admits his incompetence not only to you, but to his boss is. More importantly, if the officer doesn't have the answers, he's clearly not in control. The boss is the guy who has the answers. Everyone else is a grunt.

But what happens if you pose a question to an officer, and the officer can't answer it, and when he asks his boss, the boss can't answer either? So his boss must go see an even higher boss, and every step of the way, everyone is playing "Why, Daddy?", implicitly challenging each higher boss's authority and learning that *nobody* seems to know why they're doing whatever it is they're doing, and thus *nobody* seems to have real authority to proceed.

That can't be good for morale.

Questions are contagious. I ask you, you ask him, he asks some-

one else, and unless we can find someone to answer the original question, we have to admit we are incompetent. That fosters self-doubt and a diminished sense of personal authority. You can devastate an organization's morale by publicly "carpet bombing" its employees with a series of fundamental questions. If no one in the organization can (or dares) answer those questions, everyone in the organization begins to realize something's wrong.

See, these government employees and officials are just like you and me. They don't like to ask questions. Instead, they just follow orders. Why? Because they presume their boss (the "Daddy") is all-wise and powerful and has all the answers, and thus the authority to order them around. But when you pose questions to an official, and that official is forced to ask his boss-daddy for anwers, and the boss-daddy doesn't know – all the sudden the lowest official begins to realize his "boss-daddy" is not so smart, not really a god, not really in control. Now (just like the dynamic that takes places when the little boy says "Why, Daddy?") the employee knows he has figuratively becomes a "teenager" and can now routinely challenge the boss's authority. Life in that organization will never be quite the same.

If you re-read the story that started this article, you'll see that on being confronted by a simple question ("Will you use these documents against me?"), the first officer "lost control," jerked on the car door handle, almost fell down, called in *reinforcements* consisting of *three* more cop cars and *four* more cops (including the god-like Sergeant Baker). Think about it. Do you realize what it cost the cops in manpower and gasoline to deal with one long-haired, greasy "patriot" who merely asked a question?

And how did it end? With the first officer – with *shaking hands* – returning the Drivers License and Sgt. Baker's business card to the curious patriot. Sgt. Baker was not only unable to simply order the patriot to produce his license (instead, he had to almost beg), he wanted more information. Good Lord, that means Sgt. Baker thinks the patriot may be *right!* The five officers have just learned they don't have the absolute authority they'd previously assumed. Worse, they've just learned that some patriot's "daddy" can beat their "daddy".

Remember the first time you realized your Dad wasn't all powerful? You didn't say anything, but it was a shocking and debilitating moment. You might not have understood, but you sensed that your life had just been radically changed. If you Dad wasn't all powerful, then he couldn't absolutely protect you, and that meant you were suddenly vulnerable in the big, bad world. Even now, when you look back at that moment – whether you remember it or not – you know that was the end of your childhood. That was the end of your innocense. On that day you felt your tingle of fear.

Remember the last time the driver in this story saw the police? Sgt. Baker (the publicly defrocked "father") was driving off alone, and the other four officers (the former "kids") were standing in a group along the road, talking. What do you think they were talking about? Could it be that they were bewildered to learn that four cops and one mighty Sergeant couldn't issue a lousy speeding ticket to some guy who merely asked a *question*?

Until that day, how many of those officers do you suppose intended to make a twenty or thirty year career of police work? But after that patriot posed one simple question, how many officer began to change their minds and start looking for another line of work?

If you want to destroy an organization, you don't need bombs or bullets. Just learn to ask the right questions in a public format where everyone gets to see who can and can't answer.

Questions are the first sign of the public's diminishing consent to be governed. *Questions* force officials to learn that their presumed powers have no foundation in law. *Questions* wreck government morale and force government to alter its laws and deceptive procedures.

This alteration might be for the better (government may have to stop the deception) or for the worse (government may give up deception and instead rely on overt force to sustain the extortion). But one way or another, Americans who simply ask questions will ultimately force government to stop lying or admit the truth.

Either way, if we keep asking questions, we keep challenging authority, learning their authority is weak (ignorant) and ours is growing. Thus, out of simple questions, mighty revolutions grow.

Suing *Jurors?!*

by Alfred Adask

For about a month—in the back of my mind—I've entertained the peculiar notion that it might be possible for litigants to sue jurors. In other words, if you go to court and the jury rules against you, you sue the jurors.

Sure, the idea seems impossible. No, not just impossible—goofy. (How could anyone be *crazy* enough to think litigants might be able to sue *jurors*?)

But sometimes I just get this "feeling," a hunch, an intuition that just won't let me be. This is one of those times. Crazy or not, can you imagine what would happen to this legal system, if jurors were liable to being sued by litigants? The whole damn system might collapse, and it might not take long.

At first, I wondered if jurors—who *think* they're hearing cases in *law*—could be shown to be somehow negligent or incompetent if (as I suspect) most cases are heard in *equity*. Of course, virtually no juror has any idea that our courts (presumed to operate in *law*) routinely operate in *equity* or some other administrative capacity. Since jurors don't have a clue, they can't be criminally liable. (Where there's no sense, there's no intent, hmm? And without intent, there can be no crime.)

Still, whether they know it or not, jurors in a court of equity are essentially masquerading as jurors in court of law, unwitting accomplices who took part in a larger scheme to deceive litigants into thinking they enjoy legal rights. It struck me that this "masquerade" might create a legal liability, but I can't quite imagine how that liability might be claimed and proved in court.

However, I'm pretty sure that the average, ignorant juror subjected to a series of intelligent questions on a deposition would innocently (and falsely) testify that he "agreed" to hear a particular case "in law". ("Agreement" is the innocuous heart of *conspiracy* charges. If you could get a juror to admit he "agreed" to do something with the judge or prosecutor, you might be able to have some real fun.) Further, I suspect a juror being deposed would probably make several more innocent admissions that, in sum, might be suffi-

cient to prove with his own sworn words that he assumed a responsibility that he didn't understand or anticipate.

Could a juror deciding a case in equity that everyone expected to be tried in law be charged with violating some duty of "reasonable care"?

Under the heading "carelessness," *Black's Law Dictionary* (7th) reads in part, "A man may take all the care of which he is capable, and yet be accounted negligent for failing to reach the objective standard. He may honestly . . . believe that the facts are such that he is not imperiling anyone; but he may be held to have been negligent in arriving at that belief."

Thus, it seems *remotely* arguable that a juror might assume an unexpected personal liability if he mistakenly thinks he's deciding a case at *law* that was actually decided in *equity*.

OK. Even if the idea of suing jurors who unwittingly decide cases in equity is intriguing, it's still virtually impossible. Perhaps the biggest reason why jurors can't be sued is that jurors are picked, approved and agreed to by the litigants. If a litigant doesn't want to be judged in equity by twelve fools who think his case is being heard at law, it's probably incumbent upon the *litigant* to make that distinction between law and equity clear to the jurors during the jury selection process.

For example, if a defendant failed to advise his jurors of their role in equity rather than law *before* the trial began, I doubt that the defendant could later maintain an action for negligence against the jurors *after* the trial ended. After all, the defendant is even more negligent than the jurors since 1) he has more lose; yet 2) failed to put the jurors on notice early on.

Obviously, my idea of suing jurors is daft.

Nevertheless, when it comes to conjecture, I'm not the sort to abandon an intriguing trail of inquiry simply because it leads toward lunacy. Being obsessive-compulsive, I have a certain persistence that causes me to dissipate a great deal of time pursuing idiotic notions—but also forces me to stick with some improbable ideas until they reveal an occasional flash of truth.

Yes, as any fool can see, you can't sue jurors.

I know that.

Still, my small obsession with juror liability persisted until it occurred to me that jury summons are sent to jurors identified by all upper-case names. For example, I have a summons in my desk drawer addressed to "ALFRED NORMAN ADASK" rather than my proper (capitalized) name, "Alfred Adask".

Anyone who's read the *AntiShyster* for long understands that I suspect that the all upper-case name ("ALFRED") identifies an artificial entity that is separate from the natural man identified by the proper, capitalized name "Alfred". In other words, "ALFRED" is not "Alfred"—they are two entirely different legal entities. While the natural man "Alfred" is "endowed by his Creator (God) with certain un-

alienable Rights," the artificial entity "ALFRED" is created by government, absolutely subject to government authority and without any claim on God-given, unalienable Rights. In essence, this theory proposes that "Alfred" (the natural man) is government's master, while "ALFRED" (the artificial entity) is government's slave.

Likewise, anyone who's read the articles I've published on fiduciary relationships (*AntiShyster* Vol. 10 No. 3), knows I suspect that the natural man "Alfred" is routinely deceived into acting as a *fiduciary* for the artificial entity "ALFRED". As I understand fiduciary relationships, any obligation or duty imposed on the principal entity (in this case, "ALFRED") are automatically assumed by its fiduciary ("Alfred"). Thus, once a fiduciary relationship is established, "Alfred" (the natural man) becomes bound to perform whatever duties and obligations government imposed on "ALFRED" (the artificial entity).

Fiduciary relationships appear to be potentially dangerous if the two entities have vastly different (or even conflicting) rights and responsibilities. For example, if "Alfred" (the natural, free man who enjoys God-given, unalienable Rights) could be tricked into voluntarily acting as fiduciary for "ALFRED" (an artificial entity and government slave that has only civil rights), "Alfred" would indirectly slip into the same legal status as the government slave ("ALFRED"). So long as "Alfred" acted as (or was presumed to be) a fiduciary for "ALFRED," "Alfred" would accept the status of government slave and implicitly deny his natural capacity to claim his unalienable Rights.

If this were true, then a devious government could conceivably pass endless, even ruinous laws for the artificial entity "ALFRED" that couldn't possibly be passed to apply to the natural man "Alfred". But, through the use of fiduciary relationships, government could trick "Alfred" (the natural man) into obeying those endless laws that could only be lawfully applied to "ALFRED".

Assuming this line of conjecture ("Alfred" is fiduciary for "ALFRED") were valid—then, the natural, flesh and blood jurors ("Alfred" et al)—who receive summonses in the upper-case name ("ALFRED" etc.)—presumably appear for jury duty as *fiduciaries* for "ALFRED".

Get it? The government summons "ALFRED" to appear for jury duty, but "Alfred" shows up as "ALFRED's" fiduciary (representative). Thus, the flesh-and-blood jurors sitting in the jury box would unwittingly be hearing the case as fiduciaries.

Intriguing idea, No?

We see faint evidence to support this possibility when judges instruct juries on "the law". But what "law" is the judge talking about?

Could it be the common law that applies to flesh and blood men? Or is the judge explaining the statutory law as it applies to artificial entities like "ALFRED"? In other words, is the judge instructing the jury on the relevant common law? Or is he instructing them on whatever statutes define their *fiduciary duties* as representatives for the artificial entities ("ALFRED" et al.) that were created by the corporate state and summonsed to serve as jurors?

Also, why are jurors only advisory? Why can judges overrule a jury's decision? Could it be that judges overrule when juries fail to fulfill the *fiduciary* duties which they (unwittingly) assumed when jurors like "Alfred" agreed to hear a case on behalf of artificial entities like "ALFRED"?

Although half-baked, this is still an intriguing line of inquiry. In fact, it makes me laugh with glee. Because even though reason tells me the idea of suing jurors can't possibly be right, my gut keeps telling me I'm on to something important.

I still don't see how this line of reasoning might be used to sue jurors—but it might be used to sue the court. It seems to me that there is an element of deception and possibly fraud in any trial where jurors acted as fiduciaries when they decided a case. The trial court judge, the administrative judge who assigned the case (and perhaps the lawyers) know or should've known that this deception (equity masquerading as law; jurors masquerading as "JURORS") is taking place. If the trial could be challenged on the basis of fraud, could the judges and lawyers be held liable?

What fraud . . .?

Well, if the jurors are fiduciaries, they're bound to decide the case according to whatever standards, regulations and laws bind the *artificial entities they represent*. That implies that "fiducial jurors" can't be *impartial*—a requirement imposed by the 6th Amendment. I.e., fiducial jurors can't truly judge a defendant according to their conscience as natural men and women, but instead must judge the defendant (often in opposition to their conscience) according to whatever legal burdens are imposed on the artificial entities ("ALFRED" et al) the jurors represent.

In essence, fiducial jurors would be trying to serve two masters: 1) the common law of the natural man/ defendant in the case; and 2)

the entire equitable/ corporate/ administrative legal system that created the artificial entities the jurors have unwittingly volunteered to represent. This legal schizophrenia could produce some serious distortions in the legal process.

For example, constitutionalists have complained for years that judges and prosecutors (and usually defense lawyers) are part of the same prosecutorial team—but who imagined that even *jurors* (acting as fiduciaries) might also be *de facto* representatives of that same governmental prosecution? But if jurors are fiduciaries for artificial entities created and ruled by government, it's arguable that there's virtually NO impartiality in our courts.

Could a litigant have a 6th Amendment complaint if his jury was composed of fiduciaries obligated to serve governmental interests (imposed on artificial entities) rather than judge the litigant on the natural, "man to man" basis all of us expect takes place in court? Do we have an "expectation of impartiality"? Do we have a 6th Amendment right to an impartial trial? If so, jurors acting as fiduciaries (representing another governmental interest) would seem to violate that right.

And what about the oaths taken by jurors (and *witnesses*) to be *impartial* and/or tell the truth, the whole truth, etc.? Don't those oaths imply that the person swearing does so as a free and independent person, accountable *only* to his God? But if those jurors and/or witnesses were actually appearing in court as fiduciaries for the artificial entities ("ALFRED") actually summonsed to appear, wouldn't their oaths be compromised if they were obligating themselves to serve *both* God (as natural men) *and* government (as fiduciaries)?

And how 'bout a right to a jury of my peers? If I could terminate (or legally deny) my fiduciary relationship to "ALFRED" (the artificial entity that's probably being tried in the court), could I ("Alfred", the natural man) even "appear" before that governmental court? Or would I be "invisible" to the corporate courts as a "non-fiducial" man? And if I did "appear" to be tried as a natural man, could a jury qualify as my "peers" if they accepted jury duty as fiduciaries?

If jurors unwittingly obligated themselves to government as fiduciaries and to God with their oaths as natural men, would that constitute a *conflict of interests*?

Black's Law Dictionary (7th Ed.) defines "conflict of interest," in part as, "A real or seeming incompatibility between one's private interests and one's public or *fiduciary* duties." [Emph. add.]

Oooo . . . I'll be darned.

It remains to be proved that jurors actually act as fiduciaries in the jury box. But according to *Black's*, if jurors *were* fiduciaries it *would* create a conflict of interest. So perhaps my theory is not quite as daft as it first seemed.

Black's offers a second definition for "conflict of interest": "A real or seeming incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation ad-

versely affects either client or if the clients do not consent."

Whoa! Now that's sufficient grounds to trigger for a whole 'nother line of inquiry. I won't allow that inquiry to seduce me at this time. However, I can't help wondering if the next time I hire a lawyer, who will the lawyer represent? "Alfred" or "ALFRED"?

Is it possible that my lawyer might be representing *both* "Alfred" (the natural, private man) and also "ALFRED" (the artificial, public entity)? If so, do those entities have conflicting interests? After all, while "Alfred" has unalienable Rights, "ALFRED" would only be entitled to the civil rights of second-class citizens. More importantly, in a criminal case, "ALFRED" will probably be indicted, but if there's a conviction, "Alfred" will do the time. Seems like a pretty serious "conflict of interests" to me. Frankly my dear, I don't give a damn if they jail "ALFRED" (assuming they can find the s.o.b.), but I'm much opposed to jailing "Alfred".

Further, in his private capacity, "Alfred" should be absolutely immune from prosecution for any number of offenses that could be routinely charged against the artificial entity "ALFRED". For example, there's no doubt that "ALFRED" could be bound by law to have a drivers license and wear a seat belt. But could the same law bind "Alfred"? If not, could either entity ("Alfred" or "ALFRED") therefore refuse a lawyer's representation based on that conflict in rights and liabilities? Could either entity ("Alfred" or "ALFRED") even refuse to accept *prosecution* for offenses committed by the other? And how would a judge rule if the issue of these hypothetical conflicts of interest were raised in court? . . . Heh, heh, heh . . . it is to laugh.

As usual, this article is pure conjecture. Pure theoretical law. Or maybe pure nonsense. I've merely posed some intriguing questions—perhaps idiotic questions—that I can't answer, but make me grin nevertheless. Even make me giggle. Actually, they make me laugh.

Just imagine if this line of inquiry—investigating whether jurors act as fiduciaries and are thus not "impartial"—had any validity. If so, this little article could precipitate something extraordinary in our legal system. Maybe even revolutionary.

Sure, it probably won't happen. Probably can't happen. But until I know that for sure, the possibility doesn't only make me laugh, it even gives me chills. The faintest chance to throw a screw back into the judicial system that took my kids from me back in 1983 . . . well, it just makes my day.

Ooo, I like my job. The pay's not much, but it *is* fun.

If any of you folks can answer my peculiar questions about jurors serving as fiduciaries, let me know. Drop an email to **adask@gte.net**.

Thanks.

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they wish something which has never been or will be."

Whose car is it?

by Agitarox@banet.net

Lots of people wind up in traffic court at one time or another. Most people just pay their tickets to avoid going there in the first place, most of the rest wind up paying no matter what their defense might be. However, an obstinate few will bring up their rights recognized by the Constitution as a part of their defense – sometimes in relation to the actual charge, sometimes in relation to the way the court handles the case itself.

My advice?

Don’t bother bringing up the Constitution in traffic court.

Why? Because in my opinion, the Constitution is irrelevant. More than once I’ve heard people tell stories of exasperated judges warning the “hose-ees” appearing in that court that if they mentioned the Constitution one more time, they’d be found in contempt of court.

How could the Constitution *not* be relevant in a court, you ask? Well, if the case at hand was a matter of *law*, and it involved *your* property, and you weren’t involved in a star chamber/extortion mill proceeding, the Constitution might be relevant. Unfortunately for you, traffic cases don’t involve law, it don’t involve your property, and when entering traffic court, you’ve stepped onto a conveyor belt designed and operated to part you from your money.

The astute observer will have noticed at least two issues in that last statement that don’t jibe with conventional thought. Allow me to examine them in a little detail.

Are you sure it’s your car?

The first issue is whether this traffic incident actually involves what you *think* is your property – “your” car. But are you sure it’s *your* car?

You bought the car brand, spanking new from your local dealer and finally paid off the bank note. What a nice feeling to get that envelope in the mail with that “Certificate of Title” marked “PAID.”

Ahhhhhhhh . . . it’s Miller time!

But before you get too comfortable and break out the potato

chips, let's look at what happened over the last 48 months.

When you bought the car what did you do? You wrote a check for the down payment. When the car arrived at the dealer's lot, you wanted to drive it NOW so you let the dealer title it with the state. Naturally, since you still owe a lot of money on that car, the bank got the "Certificate of Title" until you paid off the loan.

STOP. Think about what just happened.

What's a FRN?

First, you cut a down payment check to be "paid" in Federal Reserve Notes. Since I started talking about the Constitution let's examine what FRN's are.

First I'll tell you what they aren't. They aren't money. They may be "legal tender for all debts public and private" but they aren't money. Debts can only be *paid* with money; lawful money, i.e., gold and silver coins of the united States of America per 12 USC 152.

So you didn't really PAY off that loan, you merely *discharged* that debt with a negotiable instrument of debt (FRNs). So you didn't really *pay* that debt, you merely *discharged* it.

If you didn't really pay for "your" car, how can you claim to own it?

It was your car . . . sort of . . .

The next thing you did was let the dealer "title" your car since you wanted to drive that new car off the lot NOW – not later.

What exactly happens there? The dealer took the Manufacturer's Statement of Origin (MSO), which was the first piece of paper constituting legal evidence of ownership of the car and *gave it to the state*!

Think about that. Here you are, authorizing the dealer to take the only evidence of "ownership" associated with that car and *donate* it to the government.

What does the state give the dealer in return for that document of ownership? They give him a "certificate of title" – evidence that a "title" *exists* – but not the "title" itself and not a document showing that *you* have the actual absolute right, title, and interest in that car.

Huh? You got a piece of paper that has your name on it, THEIR name on it, and the word "owner" is next to your name. You own it, right?

WRONNNNG!!!

The "*certificate* of title" is merely *evidence* that a title exists. Someone in the state government has signed a document that "certifies" that a title exists (somewhere). Hence, the document is called a "*Certificate* of Title" rather than a "Title".

There are a dozen different ways to legally define "ownership" but the one we're concerned with here involves the bare legal owner-

ship in the form of a "possessory right."

You may have physical *possession* of the car but that doesn't necessarily mean you "own" it the way you think of the concept of ownership.

What is the true title for that car? The "Manufacturer's Statement of Origin" (the "MSO") – an actual attested legal document prepared by the manufacturer stating that they created the car (manufactured it) and therefore own it (until they sell it).

The next owner can prove his true ownership of the new car in law by possession of the MSO *and* a bill of sale. What was the document showing ownership or "title" of the car during the time between when the manufacturer built and owned it and the dealer sold it to you? The MSO.

If the MSO is only an indication of what type of car it is, what year it was made, or other sundry descriptive information, why would the state be so concerned with receiving and RETAINING it?

If the MSO is not the legal title, why wouldn't simply showing the MSO to the state suffice? Why is the state so concerned that the "Certificate of Title" be printed on archival grade, fraud resistant, security-featured document paper - the kind normally reserved for legal documents like stock certificates, and titles to homes and land?

Why do they insist on the delivery and *retention* of the *original* MSO? Why wouldn't a court certified copy do? Or an official notice from the manufacturer? Isn't the point of the MSO to simply to show that the car that was delivered to you was new and that you own it? In fact, if you march down to a court reporter/notary public/judge with the dealer and have the reporter/authority certify under oath that the MSO that you hold is the original, have the dealer affirm under oath in an affidavit that he delivered the original MSO to you – and you then bring a court-certified copy of that MSO to the Department of Motor Vehicles to "title" it – they still won't take it.

Why? Because they need the *original* MSO to effect a transfer of actual title to them, to the *state*. They then issue you a "Certificate of Title" which merely evidences that a transfer took place, that an actual title does exist, and that while they hold *actual* title and therefore legal ownership of they car, you have bare legal possession of the car. So who was it that really owns "your" car?

Your car goes into a trust

OK, so now the state owns your car. So what? Well, here's what. What's the first thing you let that dealer do after he got "your" car titled? He registered it.

What's wrong with that? You have to understand how registration affects the status of property and you have to understand the concept of trusts. A trust is a situation where property is held by a legal entity for the "benefit" of another. That property may or may not be in the physical possession of a trustee of the trust. No matter who has physical possession of the property, it is subject to the terms of the trust. Anyone having physical possession of trust assets has a fiduciary duty to maintain or improve the assets of that trust for the benefit of whoever holds interest in the trust.

The terms of a trust are its "constitution." While the Federal Constitution involves *law*, the terms of a trust involve private law or contract law that will be litigated in courts of equity. (Incidentally, who owns and operates the courts of equity? The same state that owns legal title to "your" car. Should we be surprised if the state's courts routinely ruled in favor the state?)

What is required to create a trust? Massachusetts law is probably representative of most state's law on trust creation. In Massachusetts, there are three legal requirements to create a trust:

1. A written transfer of the property to another "person" containing a description of the property.
2. The names of at least three parties involved
   a. creator/transferor of the trust;
   b. custodial trustee of the trust;
   c. beneficiary of the trust.
3. An evidencing of the creation of a trust by a registration of the property.

Check it out. According to the Massachusetts General Laws,

> 2. Uniform Custodial Trust Act
>
> § 18:52 Generally; creation [14 Mass Jur DECEDENTS' ESTATES AND TRUSTS]
>
> A person may create a custodial trust of property by a written transfer of the property to another person, evidenced by registration or by other instrument of transfer, executed in any lawful manner, naming as beneficiary, an individual who may be the transferor, in which the transferee is designated, in substance, as custodial trustee. 95 [Emphasis added]

If you read Section 18:52 carefully you'll notice two terms that are easily misunderstood or overlooked: "person" and "individual." The average person wouldn't dream that the meanings of "person" or "individual" could include "government," but the average person would be WRONNNNNNG!!!

Both "person" and "individual" can be used to identify a legal

fiction such as corporate state government. Look them up in *Black's Law Dictionary* to see what I mean.

Notice also that the *creation* of the trust is "evidenced by *registration*" of the property. What did you do with that car after you gave the title to the state? You *registered* it. By *registering* the car, *you* effectively created a trust wherein the state owns legal title to the car and you merely retain equitable title (possession).

The Uniform Custodial Trust Act continues:

> A person may create a custodial trust of property by a written declaration, evidenced by *registration* of the property or by other instrument of declaration executed in any lawful manner, describing the property and naming as beneficiary an individual other than the declarant.
>
> A registration or other *declaration of trust* for the sole benefit of the declarant will *not* constitute a custodial trust. 96
>
> Title to custodial trustee property will be in the custodial trustee and the beneficial interest will be in the beneficiary. 97
>
> Any person may augment existing custodial trust property by the addition of other property pursuant to the Act. 98
>
> The Uniform Custodial Trust Act will not displace or restrict other means of creating trusts. A trust whose terms do not conform to the Act may be enforceable according to its terms under other law. 99 [Emphasis added]

Notice also this section:

> C. 201C Sec. 1. Transfer to Statutory Custodianship Trustee.
>
> An adult person may, during his lifetime, transfer any property owned by him, in any manner otherwise consistent with law, to one or more named persons designated, in substance, as a "Statutory custodianship trustee".
>
> Such *transfer* shall be sufficient to create a trust upon the terms set forth in this chapter as it is in effect at the date of the transfer *without any further trust instrument* or designation of terms and without appointment or qualification by any court, and shall be complete upon *acceptance* of the trust by the trustee or trustees manifested in any form. The trustee or trustees shall serve without giving bond or surety unless the transferor by written instrument, or the probate court upon the application of any person interested in the estate of the transferor and upon good cause shown, shall provide for a bond. All transfers in trust under this chapter shall be revocable by the transferor at any time he has legal capacity by a writing signed by him and delivered to the person, or if more than one to any person serving as trustee. [Emphasis added]

Thus, it appears to me that after donating the title (MSO) to "your" car to the state, a "constructive trust" is created.

But don't take my word for it. Look up the exact definition of

"constructive trust" in a law dictionary. You have unwittingly succumbed to the deceit of the manufacturer, dealer and state government and transferred title (MSO) to property *you* supposedly owned to the state or it's agent. You then *registered* the property which is all that is necessary to *create* a trust. Remember that it says:

> "A person may create a custodial trust of property by a written declaration, evidenced by *registration* of the property or by other instrument of declaration executed in any lawful manner, describing the property and naming as beneficiary an individual other than the declarant."

Remember that registration wouldn't constitute the creation of a trust if the document only had your name on it. (See item "96," above.) Usually, that "title" and "registration" application and document have:

a) your name,

b) the name of the state and motor vehicle agency representing the state you're dealing with; and finally,

c) the signature and/or seal of the head of that agency.

So there are the requisite number of entities or "person"(s) named on the documents to create a trust.

You unknowingly created the trust by transferring legal title – *but not possession* (equitable title) – of the property to the agency head named on the "Certificate of Title"/"Registration." Usually, this person's signature or seal is included on the document. Take a look at yours and see.

The state/DMV agency names you as "owner" although you only have "ownership" in the form of bare legal possession of the car. You don't have all right, title, and interest in the car, just bare legal possession. As beneficiary to this auto-trust, you are also placed in a fiduciary capacity to make sure that "your" car is well-maintained and operated safely under the rules of the owner-state.

You go to court and . . .

So what happens when you get a ticket for a defective tail light? You start whining that nobody was hurt and, under the Constitution, the common law says that there has to be an injured party and you demand the state produce the injured party!

Whereupon, the judge says "Shut up and don't mention that Constitution again or I'll throw you in jail for contempt!"

You're scratching your head but the judge is right. He's enforcing the terms of a constructive trust that *you* helped to create. Trusts

are private contractual agreements and operate outside of the law and generally have nothing to do with the Constitution. Thus, your constitutional defense was irrelevant.

You have a fiduciary duty to the owner-state to keep that car in tip-top shape and you screwed up when you let the tail light burn out on the car the state has been kind enough to let you use. It doesn't matter that nobody was hurt; and the judge *will* toss your butt in the can if you keep bringing up that damned common law and Constitution.

Homework

There's one last thing the sharper readers may have noticed. The end of C. 201C Sec. 1 reads:

> "All transfers in trust under this chapter shall be *revocable* by the transferor at any time he has legal capacity by a writing signed by him and delivered to the person, or if more than one to any person serving as trustee."

Here's today's homework assignment. Figure out 1) what it means to have "legal capacity"; 2) what it is that you have to say in that writing; and 3) to whom you have to present your legal "writing".

Hint: Search Am Jur 2.

If you could learn how to revoke the transfers under the auto-trust to "your" car, you might be able to regain legal title (and real ownership) to "your" car.

There's one other tactic that might defeat the judge's silent judicial notice and presumption of trust. Let's say you return your "Certificate of Title" to the state along with your registration utilizing the forms prescribed for that purpose. (You can't very well claim that *you* own "your" car when you're holding evidence that the *state* owns in your wallet! In truth, the "Certificate of Title" and registration don't prove you do own "your" car, they prove you *don't*.) What if you were to then to publish a legal notice, three times, over 3 consecutive weeks, in a newspaper of wide circulation in your area that looked something like this:

Parties claiming interest in property(ies): (1) 1984: AMC: Jeep: CJ7: VIN#: 1234567890987654321 and/or (2) 1987: Chev: Blazer: S-10: VIN#: 1234567890987654321 must state interest by March 30, 2001 by replying at Box 1234, Any county News, Anytown, TA.

According to *Black's Law Dictionary* 6th edition.

The term "**interest**" means, but is not limited to:

[1] an instrument of security by hypothecation,

[2] claim: adverse, equitable, legal, marketable,

[3] interest: adverse, equitable, legal,

[4] ownership: adverse, equitable, legal, possessory,

[5] right: adverse, equitable, legal, possessory,

[6] presumption by statute,

[7] subject by trust: constructive, de son tort, ex-delicto, ex-maleficio, implied, involuntary,

[8] title: adverse, equitable, legal, marketable,

[9] interest resulting by trust defined in law: private, public, International, Federal, General-Laws of the People's Republic of Taxachusetts, statute(s),

[10] subject of bankruptcy,

[11] interest by operation of law: private, public , International, Federal, General-Laws of the People's Republic of Taxachusetts, statute(s),

[12] lien or encumbrance.

Then, if you were stopped for a ticket, what would happen if you motioned a court for a declaratory judgement stating that by virtue of no claims of interest being stated pursuant by your notice, you have absolute right, title, and interest in those properties? Do you think they'd submit evidence that they actually own "your" (and everyone else's) car to refute your claim of ownership? They might, but would they?

A final note for those annoying Constitutionalists

For all of those Constitutionalists who have the temerity to think they have a right to travel with their private property without first getting permission from the state, remember that the judge always takes silent judicial notice that you're "driving" one of the state's cars – regardless of whether the registration is current or even exists or whether you returned their "Certificate of Title."

Until you regain the MSO or get *their* court to recognize that "your" car is, in fact and in their law, *yours* – you're just whistling "Dixie."

Rule 12(b)(6) & Mandamus

Rule 12 section (b) of the Federal Rule of Civil Procedure reads in part, "Every defense, in law or fact, to a claim for relief in an pleading . . . shall be asserted in the responsive pleading thereto . . . except that the following defenses may . . . be made by motion: . . ." and goes on to list seven defenses that can be made by motion.

The sixth defense – known as Rule 12(b)(6) reads, "failure to state a claim upon which relief can be granted."

Most pro se litigants who've ventured into federal courts have been stung (or have at least heard of) "Rule 12(b)(6)" orders in which their case or motion against the government is mysteriously dismissed by the courts "for failure to state a claim upon which relief can be granted."

But what does that *mean*? You've presented a case which you believe complies with the requirements of Federal Law that is rejected because you've failed to "state a claim" for which "relief can be granted"? Of course, you stated a claim. But as the following court order illustrates, the legitimacy of the claim is not the only issue.

In early 1999, the petitioner in the following case (who wished to remain anonymous) was liened by the IRS over back taxes. In December, 1999, the defendant countered by filing a petition with the court in which he alleged that (under Texas law) anyone wanting to file a valid lien must first file a UCC-1 Financing Statement with the Texas Secretary of State.

Since the IRS had not filed a UCC-1 Financing Statement with the Texas Secretary of State, there was no legal foundation for the IRS lien. Therefore, the petitioner allegedly moved the court to compel the IRS to file the UCC-1 Financing Statement.

The court sat on the defendant's petition for *over a year*. Some suspect the petitioner's UCC-1 challenge to the legitimacy of an IRS lien was sufficiently powerful that government was temporarily stymied. Rather than rule quickly, government lawyers studied hard, spotted real or imagined flaws in the petitioner's paperwork, and ultimately dismissed his petition on a Rule 12(b)(6) motion in which the IRS alleged that the petitioner had "failed to state a claim for which relief could be granted."

Whatever the true reason for the court's year-long delay, the resultant order is well-written and offers insight into the technicalities and mysteries of mandamus and Rule 12(b)(6) dismissals.

If you read this order closely it implicitly explains how to file a 12(b)(6) motion of your own to defeat some government prosecutions, and also specifies enough details to show how to defeat a 12(b)(6) motion filed against you.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

E. G. A., Petitioner,
v.
LINDA SMITH, Revenue Officer, and
District Director, INTERNAL REVENUE SERVICE,
Respondents.

Civil Action No. 3:99-C V-2371-L

ORDER

Before the court is Respondent's Motion to Dismiss Petition, filed December 29, 1999. Upon careful consideration of the motion, response, the pleadings on file in this case, and the applicable law, the court grants the motion for the reasons stated herein.

I. Factual and Procedural Background*

Respondents issued two IRS summonses[1] to Petitioner and his company on October *5,* 1999, requiring him to appear, testify and produce books, records, papers and other identified data before Respondent Smith on October 19, 1999. The purpose[2] of the summonses was to gather information to collect income tax liabilities for the years 1992 - 1994, and determine whether returns were required for the years 1997 - 1998. The IRS also filed a Notice of Lien against Petitioner in Ellis County on September 8, 1998. The IRS did not file a UCC-1 financing statement with the Secretary of State; Petitioner claims[3] that a UCC- 1 must be filed before a Notice of Lien can be filed. Petitioner did not comply with the summonses, but instead filed this petition. He seeks to quash the two summonses, alleging that the IRS has no authority to issue such, and requests that the court issue a writ of mandamus to Respondents requiring them to file a UCC-1 to establish their claim.

* On a Rule 12(b)(6) motion to dismiss, the court accepts the petitioner's factual allegations as true. *Buckley v. Fitzsimmnons,* 509 U.S. 259, 261 (1993); *Spivey* V. *Robertson,* 197 F.3d 772, 774 (5th Cir. 1999).[4]

[1] These summonses were issued by the IRS – presumably an agency of the *Executive* branch of government – but they are not *judicial* summons.

[2] Whenever a court adds seemingly superfluous words or text to an order, I assume they are revealing something they want on the record in case there is an appeal. In this instance, reference to the summons' *purpose* seems almost gratuitous – and perhaps it is. But I suspect the "purpose" for these executive branch summons is important. If so, executive summons can only be issued for a limited number of purposes. Point: If you want to challenge a summons, dig into its *purpose* and those purposes allowed by law.

[3] What is a 12(b)(6) dismissal all about? Failure to state a claim for which relief can be granted. Here, the court specifies the petitioner's claim: "Petitioner claims that a UCC- 1 must be filed before a Notice of Lien can be filed." If so, this single statement (claim) is somehow defective and probably the foundation for the dismissal. But what's wrong with this "claim"? Note that the IRS did not file a Lien, they filed a Notice of Lien. I suspect the dismissal may have turned on this distinction. While a UCC-1 Financing Statement may be necessary to file a legitimate *lien*, there's no requirement to file a UCC-1 financing statement to validate a *notice*. Since a "Notice of Lien" is an *notice* (not a lien), there is no legal requirement to file the UCC-1.

[4] The idea expressed in this footnote "the court accepts the petitioner's factual allegations as true" is repeated later in the body of the court order. While the court must accept the petitioner's allegations of fact as true, this is not an unalloyed blessing. The double emphasis of this mandate suggests that if the petitioner makes any technical mistakes in his allegations of facts, the court cannot ignore those errors or interpret them "liberally" in the petitioner's favor. In other words, if the petitioner fails to precisely dot every "i" and cross every "t," the court will rule against him. I suspect the court is subtly saying that the petitioner (the alleged taxpayer) made a unwitting error in his statement of facts and therefore his petition must be denied.

II. Standard of Review

A motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6) "is viewed with disfavor and is rarely granted."[5] *Lowrey v. Texas A&M University System,* 117 F.3d 242, 247 (5th Cir. 1997). A district court cannot dismiss a complaint, or any part of it, for failure to state a claim upon which relief can be granted "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."[6] *Conley v. Gibson,* 355 U.S. 41, 45-46 (1957); *Blackburn v. City of Ma rshall,* 42 F.3d 925, 931(5th Cir. 1995).

In reviewing a Rule 12(b)(6) motion, the court must accept all well-pleaded facts in the complaint as true[7] and view them in the light most favorable to the plaintiff. *Baker v. Putnal,* 75 F.3d 190, 196 (5th Cir. 1996). In ruling on such a motion, the court cannot look beyond the face of the pleadings.[8] *Id.; Spivey v. Robertson,* 197 F.3d 772, 774 (5th Cir. 1999), *cert. denied,* 120 5. Ct. 2659 (2000). The ultimate question in a Rule 12(b)(6) motion is whether the complaint states a valid cause of action when it is viewed in the light most favorable to the plaintiff and with every doubt resolved in favor of the plaintiff. *Lowrey,* 117 F.3d at 247. A plaintiff, however, must plead specific facts, not mere conclusory allegations, to avoid dismissal.[9] *Guidry v. Bank of LaPlace,* 954 F.2d 278, 281 (5th Cir. 1992).

III. Analysis

Respondents [the IRS] move to dismiss the petition in its entirety pursuant to Fed. R. Civ. P. 12(b)(6), contending that it states a claim upon which relief can be granted.

[5] Bunk. Rule 12(b)(6) may be granted only "rarely" against lawyers. But pro se litigants see their cases and motions routinely stopped by 12(b)(6) dismissals.

[6] The court declares that a claim for which relief CAN be granted can't be dismissed unless it appears "*beyond doubt* that the plaintiff can prove *no* set of facts" sufficient to support his claim. Thus, a claim presenting *any* plausible set of factual support cannot be dismissed. Unless the plaintiff has completely lost his mind and no set of facts could conceivably prove his case, that case can't be dismissed. Therefore, cases where *factual* proof seems at least possible are not subject to Rule 12(b)(6) dismissals.

Thus, the central issue in a 12(b)(6) dismissal is a question of *facts*. To avoid a 12(b)(6) dismissal, you must present a sufficient number of facts.

Also note the word "appears" in "unless it appears beyond doubt". The question is "appears" *where*? As you'll read below, the motion must be decided based entirely by the *paperwork*. That is, if there are not adequate facts presented *on the paperwork*, it can be judged "beyond doubt" that no set of facts (on the paper work) can be proven sufficient to sustain the motion. Implication: You must include sufficient "facts" in your petition itself to restrain the court from dismissing that petition.

[7] If the court must accept all well-pleaded facts as true, there seem to be only two valid challenges sufficient to justify a Rule 12(b)(6) dismissal: 1) Either certain *facts* required by law are not in evidence; or 2) certain *facts* required by law are not "well-pleaded". Thus to make or break a Rule 12(b)(6) dismissal, the issue is one of *facts*.

[8] If the court can't "look beyond the face of the pleadings," it appears that no amount of common sense or *presumptions* can overcome a strict interpretation the details of the paperwork. If you fail to provide *all* relevant facts *on the paperwork*, you will lose.

[9] To properly plead a rule 12(b)(6) defense, you must understand the difference between objective facts and personal conclusions, beliefs or presumptions.

For example, suppose your adversary alleged that your are a "citizen of the United States". Is that a fact, a conclusion or a presumption? Most Americans would say it's a "fact". But there are several forms of citizenship in this country, and while virtually all of us are *presumed* to be "citizens of the United States," in some cases, those presumptions are false.

I know of one astute litigant who understood the difference between facts and conclusions so thoroughly that he was able to successfully defeat government claims against him by showing that several of the government's alleged "facts" (required by law

Specifically, Respondents argue that any suit to quash the summonses is premature until an enforcement action is commenced, and that petitioner has not adequately pled the prerequisites for a grant of a writ of mandamus. In his response, Petitioner concedes that the request to quash the summonses is premature and asks that the petition be amended to eliminate that request. The court therefore is left with Petitioner's request for a writ of mandamus directing Respondents to file a UCC-1 to create a lien.[10]

"Before mandamus is proper, three elements must generally co-exist. A plaintiff must show a clear right to the relief sought, a clear duty by the defendant to do the particular act, and that no other adequate remedy is available."[11] *Green v. Heckler,* 742 F.2d 237, 241 (5th Cir. 1984). "Mandamus is not available to review discretionary acts of agency officials." *Id.*[12]

Respondents contend that Petitioner has alleged neither the lack of another adequate remedy nor a non-discretionary duty by Respondents to file a UCC- 1.[13] Petitioner fails to respond to this challenge, but it is clearly correct in any event. The court fails to see[14] how Respondents would have a non-discretionary duty to file a UCC-1 against any particular individual.

Petitioner's real complaint appears to be that the Notice of Lien filed in Ellis County is not valid *because* no UCC-l

to secure a conviction) were instead merely "conclusions" (or even presumptions). For example, suppose that the defendant in a particular case must be a "citizen of the United States," but the defendant was able to show that "fact" was not necessarily false, but was a conclusion or a presumption. The case would have to be dropped until it could be *proved* that the defendant was in fact, such a "citizen".

The ability to demonstrate that certain commonly accepted "facts" are "conclusions" or "presumptions" is a subtle art requiring a detailed understanding of 1) the *facts* required by law to initiate any case; and 2) the subtle difference between "facts" and "conclusions" (or presumptions) that appear on the plaintiff's claim. But if you master that subtlety, you can create defenses that are very difficult to overcome.

[10] Through a simple exercise in logic, the IRS has distilled the alleged taxpayer's petition to a single motion: That the court issue a mandamus to compel the IRS to issue a UCC-1 to create a legal foundation for whatever lien the IRS wishes to file.

[11] Here, the IRS quotes case law implicitly listing the factual requirements necessary to justify a mandamus: The petitioner must have a clear right, the defendant must have a clear duty, and no other adequate remedy can be available. If those factual requirements aren't met, the mandamus should not be granted. Does the petitioner have a "right" to force the IRS to file a UCC-1 on a *notice*? I don't think so. Further, while the IRS lien may be challenged as invalid without a UCC-1, I doubt that the petitioner has any "right" to compel the IRS to file the UCC-1 financing statement. In a sense, if anyone wants to file a defective lien (without a UCC-1), they have every "right" to do so. It's done every day. Then, it's up to the opposing party to prove the lien is invalid.

[12] Apparently, mandamus can be applied against administrative officials, but only with regard to their *mandatory* duties. However, the courts cannot mandate that administrative officers perform those acts that are properly within their *discretion*. By implication, the IRS seems to say that its decision to file or not file a UCC-1 Financing Statement is discretionary, rather than mandatory. If so, I agree.

[13] The previously cited case law indicates that three elements are required for a successful mandamus: 1) the plaintiff's right; 2) the defendant's non-discretionary duty; and 3) no alternative remedy. Earlier, the court mandates that the case must be "well-pled". I suspect that if there are three requirements to successfully request a mandamus, all three requirements must be *specifically* pled in the petition. Here the IRS points out that the petitioner failed to 1) properly plead that the IRS had a non-discretionary duty to file a UCC-1 Financing Statement and 2) allege that there is no other adequate remedy. The plaintiff pled his "right," but not the government's duty nor the fact that there are no other remedies. Ergo, he lost.

14 But "fail to see" *where*? On the paper work!

was filed.[15] If Petitioner contends that the Notice of Lien is invalid and his interpretation of the law is correct, however, he has other adequate remedies.

IV. Conclusion

Because Petitioner concedes that his request to quash the summonses is premature, and because he has not pleaded facts demonstrating that his request for a writ of mandamus is based on a non-discretionary duty of Respondents, Petitioner is not entitled to the relief sought. The court therefore grants Respondents' Motion to Dismiss, and Petitioner's claims are dismissed without prejudice. Judgment will be entered by separate document.

It is so ordered this 23rd day of January, 2001.

s/ Sam A. Lindsay
United States District Judge

[15] Exactly. The petitioner's goal should not be to "mandate" that the IRS file a UCC-1 Financing Statement to validate their *Notice* of Lien, but rather to argue that the lien itself is invalid because no UCC-1 had been filed.

Again, while a UCC-1 Financing Statement may be required to make a legitimate claim (like a lien), it's unclear whether an IRS "Notice of Lien" is, in fact, a Lien. A lien is a lien, but a "*Notice* of Lien" is only a *notice*. While a UCC-1 may be necessary to file a legitimate lien, I doubt that a UCC-1 is required to file a *notice* – not even a Notice of Lien.

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"In the best interests of"

Allegiance & Birth Certificates

by Alfred Adask

62 Mo. 332 SOUTH WESTERN REPORTER, 2d SERIES

In the Matter of G. K. D., a Minor.
N. D. L. (petitioner), Appellant,
V.
FAMILY & CHILDREN'S SERVICE OF GREATER ST. LOUIS, Respondent.

No. 30236.
St. Louis Court of Appeals. Missouri. Feb. 16, 1960.

In 1957, an unmarried woman put her infant child ("G.K.D.") up for adoption. Shortly after the child was adopted, the child's father married the mother and sought to revoke the adoption and regain custody of their child.

The court ruled against the biological parents and sustained the adoption. In the process, the court provided some remarkable revelations into the legal foundations for family law and government's ability to take children from their biological parents.

What follows are excerpts from the case and portions of the commentary they've inspired. The entire case and my complete commentary is published on my website (http://www.antishyster.com) under "Annotated Cases" link on my homepage. If you're interested in reading the entire case-commentary, look for the case designated "1960 In the Matter of G. K. D., a Minor" (It's about 20,000 words—three times the size of the article published here).

This is a long, rambling article because this case triggered an explosion of insight and conjecture into family law and, especially, the government's relationship to our kids. Stick with it. It's got some "stuff". As you'll see, the government's authority to take your kids seems to stem from the child's natural allegiance that attaches by virtue of the child's birth.

> "The appellant [mother] bases her appeal on the ground that the trial court erred in (1) retaining jurisdiction when in fact the Juvenile Court of the City of St. Louis did not have jurisdiction over the matter under the statutes of the State of Missouri,"

As you'll read, the mother's argument was defeated by the fact that the *mother* filed the original petition to allow the adoption in that court and thus *conferred jurisdiction* on that court. When *she* called that court to hear her case in the first place, she granted jurisdiction that she could not later revoke. Thus, jurisdiction is to some extent "contractual". Once *you* agree to it, it's a done deal without further reference to law (unless perhaps, you'd been somehow deceived and falsely enticed into a particular court and thus defrauded).

> "Adoption is purely a creature of statute and repugnant to the common law." [Emph. add.]

First, note that adoption of children is a "*creature* of statute". That means the very concept of "adoption" was *created* by statute (by a legislature) and therefore might not apply to persons not subject to that legislative authority.

Second, *Black's Law Dictionary* (7th Ed.) defines "repugnant" as "Inconsistent or irreconcilable with; contrary or contradictory to . . . ." If adoption is repugnant to common *law*, then presumably, adoption does not exist in common law nor can any adoption case be heard in (common) *law*. Instead, adoption (and most other "family law" issues) must probably be heard in courts of *equity*. If adoption (and perhaps most family law) is "repugnant" to common law, it might be possible to stop an adoption or frustrate some aspect of family law, if you could force the court to act in *law* rather than equity.

> "Our courts strictly construe the adoption statutes where the situation involves the destruction of the parent-child relationship."

Note that courts "strictly construe" the statutes when a *relationship* is being destroyed. But what is a "relationship"? This court case treats a "relationship" as a noun, apparently a thing in itself—not the parent or the child or even a right—but an intangible "thing" that exists on its own, between the parent and child, but independent of the parent or child.

What is the weight, color and size of a relationship? Obviously, a relationship has no physical reality. In fact, it's often true that a parent's and child's view of the same relationship might be entirely different. Life and literature are littered with lives wrecked by contrary assessments of the same relationship (I love her madly; she despises me as an idiot, etc.).

Thus "relationship" appears be a legal fiction—an artificial entity somewhat like a corporation or a trust. If so, a court of *law* probably

couldn't have jurisdiction over *artificial* "relationships" (after all, where to do you find "legal title"—and thus legal right and standing in a court of law) to litigate over a "relationship"?

Conspicuous omission

"Relationship" is a common term in legal parlance (parent-child relationships, fiduciary relationships, principal-agent relationships, etc.), so we should expect to find the word clearly defined. But surprisingly, *Black's Law Dictionary* (7th ed.) does not define the words "relation" or "relationship".

However, *Black's* 7th does define "legal relation" as:

"The connection in law between one person or entity and another . . . ."

If you parse the words in that definition, you'll find that the word "connection" is also undefined by *Black's* 7th, but the definition for "connecting factors" seems helpful:

"Factual or legal circumstances that help determine the *choice of law* by linking an action or individual with a state or jurisdiction. An example of a connecting factor is a party's domicile within a state."

This implies that the kind of "relationships" (connecting factors) we claim as subject matter in our case may determine the jurisdiction in which our case will be heard.

For example—since the concept of "adoption" is "repugnant to common law"—if I agree to litigate a case on adoption, I implicitly agree that the case will not be heard in (common) law but will be instead be heard in *equity*. Thus, by making "relationships" the issue of my case, I effectively determine the jurisdiction in which my case is heard. This determination can be crucial since unalienable Rights can't be demanded in courts equity.

Unlike *Black's* 7th (1999) which does not define "relation", *Black's* 4th edition (1968) defines "relation" in part as,

"The connection of two persons, or their situation with respect to each other, who are associated, whether by the law, by their own agreement, or by kinship, in some social status or union for the purposes of domestic life; as the relation of guardian and ward, husband and wife, master and servant, parent and child; so in the phrase '*domestic relations*.'" [Emph. add.]

In *Black's* 7th, "domestic relations" reads, "SEE FAMILY LAW." And when you look up "family law," it's about what you'd expect: "The body of law dealing with marriage, divorce, adoption, child custody and support, and other domestic-relations issues. . . ."

Since "adoption" is part of Family Law and adoption is repugnant to common law, it seems probable that all modern "family law" is

"repugnant" to common law and thus heard only in courts of equity.

Legal fictions

Black's 4th offers another clue to the nature of "relations" in the maxim, "Relatio est fictio juris et intenta ad unum". 3 Coke, 28. In English, this maxim means, "Relation is a *fiction of law*, and intended for one thing."

Ta-da! A "relationship" is a legal *fiction*. As such, a relationship (fiction) would be recognized in equity, but might not even be "cognizable" in a court of law.

Further, it appears that every legal relation (legal fiction) has a specific *purpose* ("intended for one thing"). If identified the "purpose" behind the legal fiction of a particular relationship and could prove that its stated "purpose" did not apply in your specific case, or that the use of a relationship in your case was contrary to the relationship's "purpose," you might be able to defeat legal process against you that was based on a particular "relationship".

Although all *biological* relations (parent-child, uncle-nephew, etc.) are recognized as "natural" (and may be therefore subject to "Laws of Nature and Nature's God" of the *Declaration of Independence*), at least one (and probably *only* one) non-biological relationship is also recognized as "natural": that of husband and wife married *under God*—but *not* under the corporate state. If so, a Biblical (natural) marriage may be excluded from the venue of modern "family law" (legal fictions in equity). Thus, there might be two *kinds* of marriage: natural (Godly) and statutory (artificial; legal fiction; lie; ungodly).

Nevertheless, even "natural" relationships (like parent-child) might only be cognizable in a court of equity if the evidence of those relationships was found in certificates issued by the *corporate* state. In other words, there might be both "natural" and "statutory" (artificial) parent-child relationships. If you tried to prove your "natural" relationship to your child with evidence issued by the corporate state (marriage license, birth certificate, SSN, etc.), you might inadvertently allow the court to judge your natural relationship (subject only to God's *law*) according to the statutes concerning artificial relationships enforced in *equity*. In other words, the kind of evidence you submitted to prove your relationship would determine what "kind" of relationship the court would rule on. If you only submit written evidence of artificial/statutory relationships, the court will issue an order in equity consistent with that written evidence. As a result, your verbal claims to a "natural" relationship with your child at law might be ignored. (Sound familiar?)

Thus, if you wanted to keep custody of a child, you might do well

to structure your case entirely on common law and unalienable Rights rather than make some claim on a statutory "parent-child relationship" that would condemn your case to determination in equity wherein the judge can rule however he pleases.

In the best interests of . . .

> ". . . the statute is to be liberally construed with a view to promoting the best interest of the child, . . ."

Any father who's been through a divorce and custody contest can tell you that the phrase "best interest of the child" is both infuriating and seemingly inexplicable. What *are* the "best interests of a child"? Where are they spelled out in law?

So far as I can, those interests are not spelled out in law. Instead, they are left primarily to the judge's discretion. Why? Because divorce cases are heard in *equity* rather than law. As you'll see, the reason is that marriage is currently regarded as a *trust* relationship, and the determination of trust issues are decided in courts of equity rather than Law. Thus, whenever I see the term "best interests of the child," I suspect that the case is being heard in equity, the judge is acting in the capacity of a trustee, and the child is viewed as a beneficiary for whom the trust (the case) is being administered by the judge.

> "* * * but such liberal construction is obviously not to be extended to the question of when the natural parents may be divested of their rights to the end that all legal relationship between them and their child shall cease . . . . * * * Consequently, it is uniformly held as a simple matter of natural justice that adoption statutes are to be strictly construed in favor of the rights of natural parents, and that when controversy arises between natural parents and those who seek to destroy their parental status, every reasonable intendment is to be made in favor of the formers' claims." [emph. add.]

First, note that the courts are prohibited from ending "all legal relationship" between the biological parents and their children. Sounds great, hmm? Well, it's not so great since it only means they must normally throw the biological parents a bone. That is, they can terminate 98.5% of your parental rights, but so long as they don't terminate "all" of 'em, it's OK. When a court allows a father to see his kid three days a month, that's OK. After all, the court didn't destroy all of the father's rights to a legal relationship.

Second, note that the phrase "divested of their rights" can't reference the God-given, "unalienable Rights" of the *Declaration of Independence*. Unalienable Rights can't be taken away by any earthly power. Thus, the rights referenced in the previous quotation are not granted by God and must therefore be granted by man.

The import of this distinction is this: If you litigate over rights that are man-made and man-granted, the government that gave you those rights can also divest you of those rights. On the other hand, if you were to frame your demand based on God-given "unalienable Rights," government might not be able to lawfully "divest" your of those God-given rights. For example, if you were to claim custody of your child under a "civil right" that had been created and granted by statute, you could be easily deprived of your child. But if you made a similar demand based on God-given "unalienable Rights," government might be estopped from "divesting" you of that God-given Right.

Reap what you sow

> "But [the mother] may not arbitrarily undo and destroy that which she herself has permitted to be set in motion. It must be remembered that the ultimate purpose of adoption statutes is the welfare of the child, and the wishes and wants of the natural parents and also of the proposed adoptive parents can be considered as only secondary to this ultimate purpose."

The court declares, "But she may not arbitrarily undo and destroy that which she herself has permitted to be set in motion." Again, we see that because the mother herself selected the original trial court and initiated the resulting process, she has no legal argument against that court's jurisdiction or the subsequent results. Moreover, the ruling implicitly goes beyond merely declaring that she is responsible for precipitating the case in a particular court – it declares she "*permitted*" that process to be "set in motion". That initial *permission*—which might even be presumed simply from a party's silent assent to jurisdiction—is apparently sufficient to vest a court with jurisdiction. This implies that if you are going to protest jurisdiction, you'd better do so from the git-go rather than wait until later. If you silently assent to the original trial court's jurisdiction, your implicit permission may constitute a grant of jurisdiction that will not be easily revoked at a later time.

> "* * * the trend of the more recent authority is toward the position that where an natural parent has freely and know-

> ingly given the requisite consent to the adoption of his or her child, and the proposed adoptive parents have acted upon such consent by bringing adoption proceedings, the consent is ordinarily binding upon the natural parent and cannot be arbitrarily withdrawn so as to bar the court from decreeing the adoption, particularly where, in reliance upon such consent, the proposed adoptive parents have taken the child into their custody and care for a substantial period of time, and bonds of affection in the nature of a "vested right," have been forged between them and the child.' "

This last paragraph might be interpreted to mean mothers who consent to place their children into courts of equity, implicitly agree that she (the mother) has no legal title (unalienable Right) to the child. Instead, she implicitly asks and permits the *court* to determine and grant whatever equitable rights (interests) the court pleases on all of the interested parties.

Further, her consent to the adoption becomes binding once "bonds of affection" are formed between the child and adoptive parents and the judge deems these bonds create a "vested right" to custody of the child. By placing her child in equity jurisdiction, the mother essentially said she had no legal rights to the child. So if the *court* deems the adoptive parents have *any* "vested" rights whatever, they seemingly have more rights than the mother (who implicitly admitted to having none), and are thus entitled to custody.

> "We think also that the welfare of the child should be considered on such inquiry, but only in and limited to the question as to whether or not it will be materially affected by the change of condition wrought by the discontinuance of the existing situation. All these things, and no doubt more which we have failed to mention, might properly be considered by the court and weighed and balanced against each other in determining whether the revocation should be allowed, and each case must be decided on its own circumstances."

To say each case must be decided on it's own "circumstances," suggests that there is no binding general *law* that applies to all cases of this type. Instead, "case-by-case" determinations seem to signal *equity* jurisdiction where the judge rules strictly according to his conscience on each case based on the "facts" of each case but without obligation to rule according to law.

Are you married? Or inter-married?

> "If a man, having by a woman a child or children, afterward inter-marries with her and recognizes the child or children to be his, they are thereby legitimated."

Note use of the term "inter-marries". This 1958 case is not taken from such a remote period in American history that the language

was different then than it is now. We'd therefore expect the court to use the word "marries," but instead it chose "inter-marries".

Why?

Two different words. Two very different meanings.

According to *Black's* 4th, "**Marriage** . . . is the *civil status*, condition or relation of one man to one woman united *in law* for life, for the discharge to each other and the community of the duties legally incumbent on those whose association is founded on the distinction of sex." [Emph. add.]

But *Black's* 4th defines "intermarriage" as:

"**Intermarriage**. . . . *contracting* of a marriage *relation* between two persons considered as members of *different nations*, tribes, families, etc. . . . But in law, it is sometimes used (and with propriety) to emphasize the *mutuality* of the marriage contract and as importing a reciprocal engagement by which *each of the parties "marries" the other*. . . ." [Emph. add.]

A comparison of the two definitions raises a number of intriguing implications.

For example, while "intermarriage" is a "relation" based on (apparently private) *contract*, "marriage" takes place "in law" (presumably "common law"). If "marriage" only signifies people united "in law," then perhaps "marriage" does not include persons joined in trust relationships, by private contract, or in equity.

On the other hand, the term "intermarriage" appears to describe all of those *contractual* relations which are formed and exist outside of public law. This implies that most modern, licensed "marriages" are in fact "intermarriages" that exist in equity, but not in law.

Also, note that while "intermarriage" is only a "marriage relation," "marriage" can be a "civil *status*, condition or relation".

Black's 4th does not define "civil status," but does define "status" as,

> ". . .Standing, state or condition. . . . The legal relation of individual *to rest of the community*. . . . The rights, duties, capacities and incapacities which determine a person to a given *class* . . . . A *legal* personal relationship, not temporary in its nature nor terminable at the mere will of the parties, with which third persons and the state are concerned. . . . While the term *implies* relation, it is not a *mere* relation. . . ." [Emph. add.]

Note that while "status" *implies* relation, it is more specific, has

more legal effects and is not a "mere" relation.

Also, "status" involves the *whole* community and thus, presumably the common law. Conversely, this implies that "mere relations" do not involve the "whole community" and are thus . . . essentially *private* in nature?

These comments suggest that "status" is a term that relates to one's *public* standing in *law*, while (mere) "relation" signals a more *private* association that may only be recognized in *equity*. Apparently, "status" is a much stronger concept than "relation". I.e., while "status" exists primarily in law, "relation" exists primarily in equity. If so, you might want to explore whether you should argue your divorce or custody case based on your "mere" marriage *relation* (intermarriage?) or on your marriage *status*.

Conflict of law?

Black's 4th defined "marriage" in part as a "civil status", and "status" is defined as "The legal relation to the rest of *the* community." Note the implication: persons married are part of the same, *singular* "community".

Compare the application of marriage within a single community to the definition of "intermarriage" which as "a marriage relation between two persons considered as members of *different nations*, tribes, families."

When two persons of the same community "marry," they do so under the single "common" law of that singular community. However, when two persons from "different nations" enter into any agreement (including a "marriage relation") there is a question as to which nation's law will control the administration of their agreement.

For example, if a man from Russia contracts to buy automobiles from a factory in Germany, which nation's law will control in the event of a dispute? Virtually every commercial agreement specifies *one* nation's law to have jurisdiction in case the agreement must be litigated. By specifying which nation's law will control, the document avoids a "conflict of law" wherein *any* court might seize (or be *denied*) jurisdiction.

If "intermarriage" presupposes that the spouses are from two different nations or communities, I suspect the purpose for a state-issued "marriage license" is to establish which nation's courts will have jurisdiction over the resulting relationship. If the license is issued by the corporate STATE OF TEXAS, then in the event of a dispute or divorce, that STATE will have jurisdiction over the marriage, even though the two spouses may have naturally belonged to two entirely different nations/communities.

Thus, the marriage license may have less to do with "getting" married than it does with *later* marriage disputes and divorce. In a sense, the license doesn't pre-

cisely authorize the marriage; it establishes the *jurisdiction* in which the subsequent divorce and custody battles will take place and thereby eliminates any future conflicts of law.

Married in the eyes of the STATE?

My recollection of marriage ceremonies includes the declaration "Let no man part those whom *God* hath joined"—implying that a truly sacred marriage is performed and sanctioned *by God*.

But *Black's* 4th definition of "intermarriage" declares that "each of the parties 'marries' the other." This implies that an "inter-marriage" may be performed solely by the *contracting* parties (the spouses) themselves—but without God's sanction. If so, we again see faint evidence that the parties to modern "inter-marriages" have no claim on the "unalienable Rights" of marriage that would otherwise be granted by God.

In support, *Black's* 4th defines "Marriage License" as,

"A license or permission granted by public authority to persons who intend to *intermarry* . . . ."

Again, It appears that those who get marriage licenses are presumed to "intermarry"—perhaps without the blessings and unalienable Rights that God might otherwise provide. If so, it follows that those who wish to be "married" as an act of God, should avoid marriage licenses and state-sanctioned "civil" (non-godly) marriages.

Threesomes, anyone?

If you review the article "Divorcing the Corporate State" (*AntiShyster* Volume 10 No. 1), you'll see modern case law that defines marriage as a *menage at trois* between husband, wife and the corporate state. Modern licensed marriage seems to include *three* parties—not just man and wife— but also the corporate state. If so, such tripart relations are clearly not Biblical and arguably "monstrous".

And here's part of the definition of "marriage" from *Black's* 7th that tends to support our suspicions that modern, licensed marriages (intermarriages) are all authorized by the STATE but not sanctioned by God:

". . . in the American states, [marriage] is a civil, and not a religious institution."

Not a *religious* institution?! Then what are all you "married" folks actually doing? "Shacking up" with the STATE's permission?

Also, the terms "America," "American" and "American states" are curiously undefined in *Black's* 7th. Those are suspicious omissions.

But what is "America" and what are "American states"? I can't say for sure, but I know that "America" is not simply another word for the

"United States" or "U.S.A."

I.e., North America includes Canada, the United States, Mexico and several Central American countries. South America includes Brazil, Peru and a number of other countries. Technically, then, the term "American states" could include Mexico, Peru and Brazil—as well as the United States.

Black's 4th defines "American" as, "Pertaining to the western hemisphere or in a more restricted sense to the United States. . . . 'American' included all classes of citizens, native and naturalized, irrespective of where they originally came from."

This definition supports the possibility that "American" is such a broad, undefined and ambiguous term that it could include virtually any "state" or "citizen" found in the western hemisphere. Thus, "American states" could theoretically include Canada, Mexico, Texas . . . and even the corporate STATE OF TEXAS.

If the term "American states" includes all other states in North and South America, then the foundation for the previous definition (that marriage is a civil, not religious institution) might be found in some treaty with other "American" countries rather than our own "national" law.

If you look up "state" in *Black's* 7th, you'll find two seemingly contradictory definitions. The first declares a state to be an "association of human beings". That strikes me as the proper definition of "State of the Union"—meaning a collection of *people*, not territory—that was embraced by our nation's founders.

However, the second definition reads,

> "A state is an *institution* . . . a system of *relations* which men establish among themselves as a means of securing certain objects . . . a system of order within which their activities can be carried on. *Modern* states are *territorial*; their governments exercise control over persons and things within their *frontiers*, and today the whole of the habitable world is divided between about seventy of these territorial states. A state should not be confused with the *whole community* of persons living on its territory; it is only one among a multitude of other institutions, such as churches and *corporations* . . . it is not . . . an all-embracing institution, not something

from which, or within which, all other institutions and associations have their being; . . . ." [Emph. add.]

This second definition is clearly compatible with idea of a corporate state, but not a Republic.

But more importantly, notice that the modern definition of "state" (*Black's* 7th was published in 1999) declares that there are only about *seventy* of these territorial states in the entire world. Clearly, this definition must mean those "national states" like France, Uganda and the corporate United States, but can't include the 50 States of the Union (and/or 50 corporate STATES) we have in the U.S.A.

If so, what is the STATE OF TEXAS? An *agency*-state of the mother corporation/institution UNITED STATES?

And what about the United Nations which currently includes 189 "Member States"? If the *Black's* 7th definition is correct and there are only 70 territorial states in the entire habitable world, it appears that roughly 119 "Member States" of the UN are not "territorial states"—or perhaps they aren't even states.

Licenses? We don' nee no steenkin' licenses!

In any case, the assertion that modern marriage is a "civil, and not a religious institution," implies that modern, licensed marriages aren't really sanctified by God—only by the state (and probably by the *corporate* state, at that).

If modern licensed marriages are secular rather than godly, it follows that these civil ("un-godly"?) marriages would provide no legal foundation from which you might claim any God-given, "unalienable Rights" of the sort declared in the *Declaration of Independence*. Statutory marriages might not provide any "unalienable Rights" and thus no standing to litigate marriage, divorce or custody issues in a court of *law*. Instead, a civil (un-godly) marriage might condemn its three parties (husband, wife and state) to settle their differences only in courts of equity—which, coincidentally, are run by and for the *third party* to the civil marriage: the STATE.

If so, it follows that a common law marriage performed without state sanction (license) might actually provide a foundation for demanding unalienable Rights to marriage property—perhaps even custody of your children.

On the other hand—although it's another unlikely hypothesis—if a natural father stumbled into a court of equity that's run by and for the same corporate government that is the third party in his civil marriage (and apparent "rival" for his wife's affections), should we be too surprised if the natural father loses in the government-rival's court?

(In all of this, I can't help noticing the similarity between modern married women being seduced into divorce by the corporate court's promise of custody, property, alimony and child support—and the serpent's promise to Eve that she could be "like a god" if she'd eat some apple. In 5,000 years since Genesis, the female impulse to want more than they deserve has rendered them eminently suitable

for seduction. What's easier to hook than an insatiable fish?)

Vested vs. unalienable Rights

> "A child is not a chattel. It would be a repudiation of the public policy as by the legislature, and contrary to the best interests of the child, to hold, as the intervening petitioners urge, that the laggard putative father, by a marriage with the mother occurring at any time before the filing of a petition for adoption, is vested with the right to control the adoption proceedings by, either giving or, refraining from giving his consent thereto."

The court did not say recognizing the father's unalienable Rights would be against the *law*. The court only said that *vesting* the "laggard" father with certain rights (presumably *equitable* rights) would be against "public policy". Again, "vested" rights flow from man and government rather than God.

Also, note that the court qualifies it's statement as only applying to an "adoption proceeding". But as previously seen, "adoption" is "repugnant to common law" and thus this case (and the father's "vested rights") must only appear in a court of *equity*.

Point: If the father wanted to prevail and gain custody, perhaps he should've demanded his *"unalienable Rights"* in *law* based on a true "marriage" rather than plead for equitable rights (interests) in equity based on his licensed "intermarriage".

Blessed be the bonds that bind?

> "It must also be considered that the statute requires a delay of six months between the time when the child is taken to the home of the adoptive parents and the filing of a petition for adoption. During that period bonds of affection would undoubtedly have been forged between the adoptive parents and the child, and the breaking of such bonds might have a marked effect on the child both physical and psychological. It was, to prevent such disturbances that the legislature, made the consent of the parents to the adoption of the child irrevocable."

At every turn, the court claims to be interested only in the "best interests" and "welfare" of the child. We suppose that the court does

so out of some sense of compassion for the helpless child.

But if you stop to think about it, you might ask what is the legal foundation for an alleged "compassion" that subordinates the parents' best interests, and even the law to the welfare of a child? After all, the child doesn't vote, he has no money to make political campaign contributions. Why, then, do the "compassionate" courts care more about an unwitting child than they do about the 1 million innocent *unborn* who are routinely murdered by abortion in this country? As you'll read below, the surprising answer involves the place of the child's birth and the child's resultant "natural allegiance".

> "We give great weight to the considerations mentioned in the testimony (quoted above) of the psychiatrist from the Children's Medical Center. . . . When a child is placed by its parent for adoption in a good family the inevitable consequence will be that firm bonds of affection and confidence will rapidly arise on both sides. The damage to the child, who cannot understand what is happening, from breaking these bonds is something which even competent psychiatrists may be unable to predict."

No controlling law here; only an "equitable" guess at future consequences.

> "In the absence of compelling statutory command, such a breach should not be permitted lightly at the request of either of the natural parents who had their chance to take care of the child themselves and who themselves have created the unfortunate situation. The *interests* of the natural parents in such a case must be completely subordinated to the paramount *interest* of the child." [Emph. add.]

The court did not subordinate the parents' unalienable *Rights* (which probably exist only under natural/ God's law). Instead, the court subordinated the natural parents' *interests* (which only exist in *equity*).

> "In illegitimacy cases, is the consent of the mother alone, without that of the biological father, sufficient for a valid committal?"

That principle behind that question reflects common law. If the parents are married and the child is *legitimate*, in common law, the father's consent is predominant. However, if unmarried and the child is illegitimate, the mother assumes the dominant position and consent by the biological father (who may be unknown) is unnecessary. But who would have predominant say in an intermarriage? Given that an intermarriage does not take place in common law, the father would not be predominant. Instead, the mother would dominate because an "intermarriage" was not a lawful (Godly) marriage. Sound familiar?

But here comes the mother lode:

Parental trusts

> "Parents who faithfully discharge their parental obligations with assiduity and to the full extent of their means and abilities are entitled to the custody of their children."

Thus, custody (at least in equity jurisdiction) is not a function of natural, biological rights determined at the child's natural birth, but is instead contingent on the current quality of biological parent's *performance* at serving the child. Parents effectively "earn" their rights with their performance and based on that performance are "entitled" (by government) to custody of the child. But that entitlement is always *conditional*. Any time the parents fail to toe the parental line, government (third party to the marriage and *de facto* dominant husband) can step in, terminate the entitlement, and seize the kids.

> "Parental rights, however, are not absolute and are not to be unduly exalted and enforced to the detriment of the child's welfare and happiness."

First, "parental" rights aren't necessarily synonymous with "parent's" rights. I've seen other applications of the "al" suffix on words that seem to signal two entirely different "kinds" of entity. I.e., "government" seems to signify the legitimate government. However, "governmental" seems to signal the exercise of power by an institution, corporation or agency that may be *derived* from the lawful government, but is not a true manifestation of the constitutional government. For example, a "government agency" would probably be part of one of the three branches of government. However, a "governmental agency" would more likely be a corporation or trust like the IRS that is generally concerned with a government purpose, but is not strictly part of the three branches of government.

If that observation is valid and also applies to "parental," it implies that "parental rights" may only exist in equity while "parent's rights" exist in law. If so, "parental" may be virtually synonymous with "trustee".

Further, since "parental rights" are not "absolute," they are clearly

not "unalienable," not God-given, and therefore probably not recognized in law.

> "The right of parentage is not an absolute right of property, but is in the nature of a *trust* reposed in them, and is subject to their correlative duty to protect and care for the child." [Emph. add.]

All right! The s.o.b.s finally admitted it!

The child is the apparent beneficiary of a *trust*, and the biological parents are only given conditional custody as trustees so long as their performance at serving the child is deemed acceptable by government. Because "parent-child" is presumed to be a *trust* relationship (*artificial* rather than natural), the issue of custody and child support (like all trust issues) will be decided in a court of equity.

I pledge allegiance

> "The law secures their parental right only so long as they shall promptly recognize and discharge their corresponding obligations. As the child owes *allegiance* to the government of the country of its birth, so it is entitled to the *protection* of that government, which as *parens patriae,* must consult its welfare, comfort, and interests in regulating its custody during its minority. Purinton v. Jamrock, 195 Mass. 187, 80 N.E. 802, 18 L.R.A.,N.S., 926." [Emph. add.]

Holy cow! What an extraordinary revelation!

The child's *allegiance* provides the legal foundation for governmental control over the child's welfare and custody.

According to *Black's* 4th, "allegiance" means, "Obligation of fidelity and *obedience* to government in consideration for *protection* that government gives. . . . "

Note that a child's natural allegiance is presumed due to the government of the country in which the child is *born*. Further, allegiance is a two-edged sword. Your duty of obedience is balanced against government's duty of protection. Seems fair enough. Because the U.S. government protects you, you are obligated by allegiance to obey the U.S. government. Since the government of Nigeria does not protect you, you have no obligation of allegiance (obedience) to that government. But once the *place* of your allegiance is established (probably by your *birth certificate*), you are not only obligated to obey the government of that place, but that government is also

obligated to provide you with its *protection*.

Get it? Allegiance is a two-edged sword. Allegiance creates 1) the individual's duty to *obey* government; and 2) the government's correlative *duty* to *protect* the individual.

The danger in allegiance, then, is that it creates the governmental DUTY to meddle in the child's upbringing and welfare. Get it? Government is using the pretext of the child's natural allegiance as an excuse to exercise its governmental "duty" to "protect" the child from incompetent biological parents, inadequate education, improper food, going to school without vaccinations, traveling in an automobile without adequate safety seat, or being taught too much religion. It is the child's natural *allegiance* to the country where he was born that empowers government social workers to seize the child and take him away from his parents.

Birth certificates

How do we establish allegiance? What is the evidence or proof of allegiance?

Well, what document identifies the *place* of your birth?

Your *birth certificate*.

Over the past decade, I've heard several anecdotes (one of which I know to be true) wherein Child Protective Services from one state or another seized one or more children from their parents for various reasons—but ignored the children who *did not have birth certificates*. In other words, Child Protective Services would bust in and grab four of five kids and take them away and place them in foster care—but they wouldn't touch the one child in the family who the parent's had not registered with a birth certificate.

Until now, I knew birth certificates had some mysterious significance but I had no idea what that significance was.

Now I get it. *Allegiance*—as exemplified by the child's *birth certificate*—gives government the correlative "duty" (and legal excuse) to control the child's life regardless of the biological parents' desires.

Born "on" or "in" the State or the STATE

At first, the possibility that birth certificates provide evidence of our children's allegiance (and government's power to meddle) seems interesting but without obvious legal effect. After all, the child was certainly born somewhere and thus subject to some government's "protection".

Yes. But *which* government's protection?

Suppose there are two different "Texases". Then, your child's allegiance would depend on which "Texas" he was born "on"—or "in". And therefore, depending on which "Texas" is the state of your birth, one Texas government would have a duty to meddle in your child's life while the other might not.

For example, suppose that "Texas" signified the real, constitutional State of the Union and the "STATE OF TEXAS" signified a corporation that acts as a governmental agency. If your child were born on Texas, on the soil of that real State, then he would owe allegiance to that State of the Union, and that State of the Union would have the correlative duty to protect your child.

But if evidence indicated that your child were born in the corporate "STATE OF TEXAS," he would presumably owe his natural allegiance to that corporation (and perhaps its parent corporation, the UNITED STATES, Inc.), and therefore be forced to endure the correlative *duty* of that *corporate* state to interfere in his upbringing.

So far as I know, Texas (the State of the Union) has no Child Protective Services. If your children were born on Texas ("on" the soil), the *corporate* "STATE OF TEXAS" (which has an aggressive Child Protective Service agency) might be unable to claim any "duty" to protect your children and thus have no authority to meddle in your life or the lives of your children.

Of course, all native Texans were born "on" Texas (the State of the Union). But if they get a "birth certificate" from the corporate STATE OF TEXAS, I suspect they unwittingly create the legal presumption that they were born "in" the legal fiction and are thus subject to its corporate "protections" ("We're here from the government and we're here to help you" . . .?)

So where were you born? On the soil of "Texas" or in the corporate "STATE OF TEXAS"? If you use a birth certificate issued by the corporate STATE to provide evidence that your children were born "in" that corporate STATE, you will effectively subject your kids to that corporate STATE's tender "protections".

"On" or "in"?

In the previous section, I highlighted the use of the words "on" and "in". I'm told by a particularly insightful economist that a natural, flesh and blood person can be born "on" the soil of a physical State of the Union like Texas or Illinois, but he can't be born "in" a corporation like the STATE OF TEXAS. Because a corporation is a legal fiction that exists only in our imagination, it has no soil or physical reality. Without physical reality, it's impossible for a *natural* person to be born "on" or even "in" the imaginary (corporate) "State of Texas". Therefore, only an *artificial entity* (perhaps identified by an all uppercase name like "ALFRED") could be born "in" the imaginary (artificial) STATE OF TEXAS.

And as nuts as it sounds, I suspect that if your birth certificate indicates that a legal entity identified by an all uppercase name (like "ALFRED") was born "in" the "STATE OF TEXAS" (or some other corpo-

rate state), that legal entity will be presumed by our courts to be an artificial entity subject to the absolute jurisdiction and "protection" of the corporate STATE of its birth. If you used that corporate-issued birth certificate to identify yourself or your children, you would unwittingly empower the courts of that corporation to view you and your kids as artificial entities born "in" the corporate state and thus subject to all the corporate rules, regulations, "benefits" and "protections" you can stand.

On the other hand, if your birth certificate declared that a natural person identified with a proper, capitalized name ("Alfred") was born on a State of the Union like "Texas," you would owe allegiance to that State of the Union—but you might not owe allegiance to the corporate STATE OF TEXAS nor would that corporation have any correlative "duty" (or other obnoxious pretext) to "protect" you from your own parents.

Parens patriae (Uncle Sam?)

This court case also declared that by virtue of his allegiance, the child is "entitled to the protection of that government, which as *parens patriae, must* consult its welfare, comfort, and interests in regulating its custody during its minority." Thus, government is acting as *parens patriae* relative to the child.

Black's 4th explains that "*parens patriae*" means "Father of his country; parent of the country. In England, the king. In the United States, the state, as a sovereign—referring to the sovereign power of guardianship over persons under disability . . . . such as minors, and insane and incompetent persons . . . ."

First, if the state is the "*parens patriae*," who is the biological father? What is the status of that biological father in the tri-part marriage?

There is an historical analogy: Joseph. Husband of Mary, mother of Jesus. God was the true father and "*parens patriae*" of Jesus. Joseph was just a nice guy who gave Jesus a name, the appearance of legitimacy, and helped support Mary. But in any serious contest of parental authority, you can bet that Joseph would've been bounced right out of the entire family by the superior *parens patriae* (God).

Today, in the state-licensed tri-part marriages, we again have mere mortals (the biological fathers) who are routinely ejected

from the children's lives by coalition of mothers and the *parens patriae* (corporate government). Sure, if the biological father doesn't get out of line or aggravate the wife, he can stick around, but in the end, he's easily disposed of by the corporate *parens patriae*.

Do you see the intriguing spiritual implications in this arrangement? Like Jesus, each new American child has a mother, a flesh and blood father, and an "immortal" father. The difference is that God was the immortal Father of Jesus while the immortal father (*parens patriae*) of most new born children is the corporate state.

But what is a corporation? A legal fiction. What's a fiction? A lie. Therefore all corporations are lies. And who is the father of all lies? If you wanted to pursue this analogy, you might be able to argue that every children born of a licensed marriage and registered with birth certificates in a corporate state was technically "fathered" by a lie. If you were a real "holy roller," you might even be able to argue that "ALFRED's" real *parens patriae* is not simply the corporate state, but the father of all lies.

If this line of spiritual conjecture seems irrational, there is evidence that could be construed as support. In 2000, the New Hampshire Legislative Committee to Study the Status of Men was created by the state legislature by passage of HB 553 to find reasons for "the rapidly deteriorating status of men and boys in New Hampshire". The Committee presented its first report in February, 2001. Acccording to that report,

> "In expressions of powerlessness and depression, men are neglecting and killing themselves at alarming rates. . . .
>
> "Men have increasing problems with their health. Men are now dying a full 10 years sooner than women in New Hampshire . . . . The suicide rates for boys, young fathers and older men range from four to ten times higher than that of women. Males have higher arrest and incarceration rates. They are more likely to be victims of homicides. . . ."

The New Hampshire state legislature's report traces the primary cause for these problems to the *absence of biological fathers* in the family structure:

> "Nationwide, 40% of America's children live in a home absent their biological father. Fatherlessness is considered . . . to be our foremost social problem. Fatherless children have a higher likelihood of welfare dependency. A strong link exists between father absence and substance abuse, juvenile delinquency, teen pregnancy, and educational failure. Children having a poor or non-existent relationship with their biological father have lower scores in moral development and overall wellness. In New Hampshire's Youth Development Center, *80%* of incarcerated youths came from homes *absent their biological father*." [Emph. add.]

The New Hampshire report identifies gender-biased governmental policies as the primary cause for removing fathers from the family structures:

> "MIT economist Lester Thurow has described how the median wage of American males between the ages of twenty-five and thirty-four has *decreased in real terms by 25 percent*, and *one-third of them earn less money than is needed to keep a family of four at or above the poverty line*. Government policy may be unwittingly [?] creating perverse dis-incentives for traditional family formation and the decline of males. Author Lionel Tiger coins the term "bureaugamy" to describe government options in family formation with which marginal wage-earners are unable to compete [with government] in economic terms. According to the CATO Institute, wage-equivalent government welfare benefits exceeded the minimum wage by *as much as 200 percent, or more*, in many areas of the country including New Hampshire. [Bracketted insertions and added emphasis are mine.]

Thus, the State of New Hampshire report could be interpretted to mean that the corporate state has 1) taxed one-third of men into poverty; but 2) provided welfare benefits to mothers that are twice are much as a father can earn on minimum wage.

Result? The corporate state has become a wealthier and more able "provider" than one-third of American men.

Result? Women are trading their husbands for the invisible embrace of the *parens patriae*/ corporate state.

While my previous conjecture concerning the "spiritual" implications of a tri-part marriage and rivalry between biological fathers and *parens patriae* may seem unbelievable, this study by the New Hampshire state legislature offers evidence consistent with that conjecture. Whether it means to or not, the corporate state/ *parens patriae* is effectively competing with biological fathers and driving them from their homes and families.

A more conventional interpretation

My previous "spiritual" odyssey into allegiance and *parens patriae* may seem more mythological than Ulysses'. However, conventional thought would seem to agree that a birth certificate confers the "power of guardianship" onto the sovereign government while the child is a minor or deemed otherwise incompetent. This suggests that our birth certificates might only be hazardous to our political health while we are minors. After all, once we reach our majority age, we are presumed competent, and no longer directly subject to the government's "protection"—at least not to the same degree as was true in our youth.

If so, government must be using some other device to again subject us (as adults) to its "protections". In "Counting the Serfs" (see, *AntiShyster* Volume 10 No. 1) we reported that the object of the Census—by law—is to count members of the "defective, dependent and

delinquent classes". In other words, virtually everyone who was counted in the 2000 Census is now presumed to be "defective, dependent or delinquent". Sounds like a bunch of "incompetent persons" to me.

Do you suppose the Census lays a legal foundation for presuming all adults in the singular United States are *incompetents* and therefore once again subject to the protections of the *parens patriae* (AKA "Big Brother"?) in Washington D.C.? Is it possible that once we reach our majority and "outgrow" the care of our legal guardian (Uncle Sam), that Uncle slips us a fast Census and—Bang!—We're once again trapped in the status of wards of the corporate state subject to its "protection" racket?

Virtual matriarchy

Again, I'm reminded of "Divorcing the Corporate State" (*AntiShyster* Volume 10 No. 1) in which author Barry Weinstein identified several cases where government admitted to being a *third party* to all licensed marriages. I.e., it appears that a state-licensed marriage creates a *menage a trois* that includes you, your spouse and the corporate state as coequal partners in the marriage.

Not only is such tri-part marriage anathema to any Biblical concept of marriage, it is consistent with the results we see in divorce courts and custody battles wherein the corporate state (*parens patriae*) ejects the rival (natural) father and seemingly takes the mother and children for its own.

Sure, that interpretation sounds nuts, and may be. Nevertheless, that interpretation is generally consistent with human dramas recorded since the beginning of time. Two males vying for the affection (or control) of one female. The weaker male is ultimately ejected leaving the female and her offspring to the stronger male. The only difference is that in modern tri-part marriages (and divorces) the weaker male is flesh and blood and the stronger "male" (the corporate government's *parens patriae*) is invisible, imaginary and a legal fiction. A lie. We fathers are losing our children to a lie.

The resulting designation for government guardianship over our children is "*parens patriae*"—not "*parens matriae*". Our Congressional guardian is a great white *father* rather than a great white *mom*. The implications are fantastic, but it seems that by replacing the child's natural father

rather than the natural mother, the government's *parens patriae* is leaving many of our children to be raised in a "virtual matriarchy". The of lives of children of the virtual matriarchy are increasingly characterized by little contact with their biological father and even less awareness of the invisible, corporate *parens patriae*.

That characterization is consistent with what typically happens in our divorce courts. Mothers are retained in the family while biological fathers are ejected and seemingly replaced by the *parens patriae*. And how do the children do without their biological father, raised instead under the care of the corporate *parens patriae*? They flounder and fall victim to drugs, violence, promiscuity, mental illness, disease, early death and suicide. Not all of 'em. But a lot. (Sounds like just the sort of result the father of all lies might desire.)

Are we really in the midst of a institutionalized "virtual matriarchy"? Or is that concept merely the creation of my undisciplined and overactive imagination. I don't know.

All I can say for sure is that it walks like a duck.

Ohh. And I can say one other thing for sure: A computer search of the Bible finds the word "motherless" just once. On the other hand, "fatherless" appears 44 times. I don't believe that disproportionate reference to "fatherless" is accidental. I don't doubt that 5,000 years ago, they understood that children raised without their mothers may have some problems, but children raised without their biological fathers are extraordinarily vulnerable. In virtually every Biblical instance, the "fatherless" child is seen as disabled, typically unable to adequately defend himself and "easily oppressed".

If the Bible is true, it appears that any government bent on oppressing its people would do well to separate children from their biological fathers. Even as adults, fatherless kids are extraordinarily reluctant to fight and are thus easily oppressed.

Conversely, any people determined to raise healthy children able to resist oppression and remain free should take any measure necessary to protect the natural relationship between children and fathers.

Historical foundation?

The source of government's power to seize or control your kids flows from the concept of allegiance and the correlative "duty" of government to act as *parens patriae* and "protect" the kids. But, as previously noted, *Black's* 4th defines "*parens patriae*" as "Father of his country . . . . In the United States, the state, as a *sovereign*—referring to the *sovereign* power of guardianship over persons under disability. . . ."

I don't believe for one minute that Geo. Washington and the rest of the Founders created a constitutional Republic in 1789 wherein the State or Federal governments were intended to be sovereigns, let alone *parens patriae*, over the People and especially their children. If there was any suggestion that the Constitution adopted in 1789 would allow any State to supplant biological fathers and control the upbringing of children, the Founders would've been shot rather than celebrated. Instead, it was presumed that We the People – the *whole community* of people – were the sovereign, and the State and Federal governments were merely our agencies and servants.

Remember the first definition of "state" from *Black's* 7th?

> "The political system of a body of people who are politically organized . . . an association of human beings . . . ."

That's the kind of "state," that's consistent with the States of the Union that were formed and intended under the Constitution.

But, remember the second definition of "state" from *Black's* 7th?

> ". . . an institution . . . a system of relations which men establish among themselves as a means of securing certain objects . . . a system of order within which their activities can be carried on. *Modern* states are *territorial*; . . . . A state should not be confused with the *whole community* of persons living on its territory; it is only one among a multitude of other institutions, such as churches and *corporations* . . . it is not . . . an all-embracing institution, not something from which, or within which, all other institutions and associations have their being; . . . ."

Hmm. So a *"modern* state" (like the corporate STATE OF TEXAS?) is an institution like a "corporation," but apparently not an "association of people". Moreover, a "modern state" is not the "whole community of persons living".

Hmph. Well, I'd bet that the term "We the People" (immortalized in the Preamble of the Constitution), is intended to include the "*whole community* of persons living on the territory" of the United States of America".

Likewise, I'll bet that the sovereign States enshrined under the original Constitution were defined as the "whole community of persons living" on the thirteen territories known as New York, Virginia or Georgia. Further, I'll bet that those original states all had state constitutions which included declarations that the people of the state were the sovereign. By implication, the state governments were merely servants and agencies of the sovereign "whole communities".

And whenever anyone talks about "We the People" being the original "sovereign" in this country, I'd bet they're implicitly talking about the "*whole community* of persons living".

But *Black's* 7th tells us that "*Modern* states are *territorial*; . . . . [and] should not be confused with the *whole community* of persons living on its territory; it is only one among a *multitude* of other institutions. . . ."

If a "*modern* state" does not include the "whole community," then it appears that a "modern state" is only sovereign over *some* of the people in that "whole community". That implies that some of us could be a member of the "whole community" and still not be subject to the sovereign or parens patriae powers of the "modern state".

Further, if the "modern state" does not include the "whole community," it follows that whatever sovereignty that state claims would not seem to flow from "We the People". If a *modern* (corporate?) state is merely one of a "multitude" of "institutions" (like IBM, K-Mart and the Church of Christ, Inc.), then it's "sovereignty" (and its derivative status as *parens patriae*) would seem to apply to only those persons subject that particular "modern state" (corporation).

In other words, a "modern state's" authority over you might be no more automatic than the authority of the President of IBM. If you work for IBM, that president might be described as your "sovereign". If you don't work for IBM, that president can kiss off.

Likewise, the "modern state's" status as sovereign and parens patriae may be far less automatic than most people suppose. If you could show that you didn't work for (or was otherwise subject to) the authority of a "modern state," you might be able to tell that state's government to "kiss off" right along with the president of IBM.

All of this suggests that the concept of "state as sovereign" and thus "parens patriae" may be a recent invention that only applies to "modern states".

I suspect the government's modern claim of "sovereignty" (and

therefore *parens patriae*) flows from the corporate national government ("UNITED STATES") formed during or shortly after the Civil War, and from the 14th Amendment which created a class of citizen that is *subject* to the Congress (rather than sovereign over Congress). As *subjects*, 14th Amendment "citizens" have at least compromised their standing as members of the "We the People" sovereign community. Instead of being "sovereign," 14th Amendment citizens are *subject to* a sovereign – the Congress and whatever corporate agencies and corporate states it wishes to create.

The New Hampshire state legislature's report on the status of men offers some faint support for my chronology:

> "In basic terms, cultural presumptions have held, since *1900* or so, that there should be a strict division of labor within the family unit: mothers as nurturers, fathers as providers. It was assumed that everything a child became was the result of the maternal primary care taking role with paternal breadwinning a necessary supplement. As a result, mothers came to be seen as biologically predisposed to care taking and socialization, while fathers became "the forgotten contributor to child development." [Emph. add.]

Note that the onset of the shift from a positive paternal presumption to a positive maternal presumption is recognized as beginning around 1900—about 35 years after Civil War and passage of the 14th Amendment. Perhaps it's only a coincidence, but that time frame is consistent with my speculation that the "modern" corporate state and *parens patriae* took root shortly after the Civil War.

Women's work is not much fun

At the same time men are being degraded in "family law," it's an interesting "coincidence" that "free trade" is pushing American factories overseas. As those factories leave, they don't merely take machines or "jobs". They take "*men's* jobs"—they take the jobs of heavy industry for which *men*, by virtue of their size, strength and testosterone, are naturally suited. As heavy industry and manufacturing jobs disappear, men are left to compete for work in the "service economy" of hairdressers, secretaries, bureaucrats and nurses.

These service jobs not only pay less than manufacturing jobs, they are intrinsically unsuitable for most men. Men are built to exert themselves physically. They get an endorphin "high" working hard at smelting steel and assembling automobiles. They feel proud of their physical accomplishments in factories and heavy industry. Service work, on the other hand, is more sedentary and compatible with natural abilities and aptitudes of women.

Of course, I'm not saying that no service work is fit for men. I'm simply pointing out that those jobs wherein men have a natural superiority and aptitude are being shipped overseas. Result? A substantial percentage of men are left without opportunity for work that's conducive to male satisfication and pride. Instead, many men (espe-

cially at the blue collar end of the economic spectrum) are being forced to compete with women in service jobs where women have a natural aptitude and advantage.

Unable to effectively compete with women at "woman's work," some men are being relegated to a second-class status wherein they can't live *as men*, they can't work *as men*, and they're routinely denied the "right" to even be fathers. It's like sending a boy with natural athletic ability to a school where the only sport is ballet. Yes, ballet involves physical strength, coordination and even teamwork, but most boys can't find much self-esteem in donning a tutu. The situation is as abnormal as forcing all girls to play football with the boys. Under these circumstances, should we be surprised if men become depressed, angry, violent or even suicidal?

And why are the "men's jobs" being sent overseas? Why does our government support "free trade"? So multinational *corporations* (legal fictions; lies) can prosper. But this *corporate* prosperity is bought at the cost of *natural* men's self-esteem, family stability, and children's mental health.

Do we have government of the people, by the corporations (lies), and for the corporations (lies)? The answer's increasingly obvious.

Bring me the head of the *parens patriae!*

Whatever the reason, when a judge in a "modern (corporate) state" rules on a biological father's relationship to his children, he appears to rule as representative (perhaps surrogate) for the child's "artificial" father—the "modern state" created under the 14th Amendment and 3rd party to the state-licensed intermarriage—the *parens patriae*.

If so, should we be surprised if the biological father is roughly ejected from his family like some Lothario trying to seduce another man's wife? As nuts as it sounds, the *parens patriae* is treating biological fathers exactly as if those "persons" were rivals for the man's wife. The *parens patriae* is acting by intent or consistent accident to diminish those fathers' authority in society and remove them from their families. The result is children who are fatherless, spiritually weak, easily corrupted and easily oppressed.

This is no game. As the New Hampshire study warns, American men are now *dying* 10 years earlier than women. Whether it does so by intent or by accident, the *parens patriae* is *killing* American men, crippling our children and seducing our wives into bondage as corporate concubines (welfare recipients). Regardless of its intent, the artificial *parens patriae* is causing enormous and inexcusable harm to natural people.

It must be stopped.

It must be *destroyed*.

By *any* means necessary.

I won't delve further into this line of spiritual conjecture, but this analysis implies arguments that might be used in a 1st Amendment's (religious freedom) challenge to "modern" family law. It might even be possible to argue for the revocation of whatever corporate mar-

riage licenses, marriage documents, and birth certificates burden yourself and your children. All corporations (being lies) might be susceptible to challenge based on the religious principles espoused in the Declaration of Independence and guaranteed by the 1st Amendment. For example, could any good Christian be forced to knowingly embrace a *lie* as his father or as the *parens patriae* of his children?

To regain primary authority over your kids and your lives, men should study birth certificates, allegiance and 14th Amendment citizenship. If your research supports my suspicions, consider removing yourself and your children from the effects of those institutions.

Curiouser and curiouser

Pretty strange, hmm?

Much of what I hypothesize is like living through and trying to describe an adult game of "Dungeons and Dragons". The dungeons are real enough, but it's hard to know which of the dragons are real, which are artificial and which are delusions.

For example, how could a flesh and blood man—even a strong man—fight for his wife and kids against an invisible, artificial rival that he doesn't even know is there? If your wife is sleeping with another man, you might catch them and fight it out. But, until now, how could you catch and fight an invisible corporate rival?

And given that corporate government and *parens patriae* are legal fictions (lies), the theoretical relationship to the "father of all lies" raises uncomfortable, seemingly impossible spiritual implications. If this bizarre conjecture has any validity, would it follow that a natural father tangled up in a divorce, contesting custody of his kids, would in fact be unwittingly struggling with one of the bastard sons (corporate *parens patriae*) of the father of all lies . . . ?

Nah.

Prob'ly not.

Just another one of my peculiar notions.

Well, we'll find out if any of it's true when we see St. Peter.

In the meantime, recognize that government's claim on your kids seems to flow from the children's natural *allegiance* to the government of the country of their birth. Based on that allegiance, government claims a correlative "duty" (pretext) as *parens patriae* to "protect" your kids. Even against you.

The proof of that allegiance (and duty of protection) appears to be demonstrated by the child's *birth certificate*.

How we deal with a STATE-issued birth certificate remains to be seen. Nevertheless, if you're concerned with government intrusion into your life or the lives of your children, you may want to further investigate the concept of allegiance and birth certificates. At minimum, you might want to resist using a birth certificate issued by a corporate STATE as the foundation document for other identification papers like passports, drivers licenses, etc. If we get smart or lucky, we might even find a way to revoke or supplant existing corporate-state birth certificates.

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This six-volume set was originally published in 1939 and is now out-of-print and rare (complete sets of original books can cost over $400). These six books offer the finest insight and education on how our post-1933 legal system works available. Their text is clearly written and easily understood. Volume titles include: "Common Law," "Crime & Criminal Law," "Public Law," "Business Law," "Property," and "Legal Relations". Ideal for self-education and home schooling. This is an unparalled bargain. Individual titles available for $9.95 each.

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This 1921 text is a remarkable exposition on the title subjects – especially trusts. I've referenced this text several times in previous AntiShyster articles. If you are interested in trusts – especially those used by government to bypass the Constitution – you need this book. I'm still formatting the text, so final e-book size is uncertain but I expect the PDF document to contain roughly 1,000 pages.

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“Important Information”

Here’s the exact text of a form letter (SSA-L676) sent from the Social Security Administration to PAUL DELAND which explains why they *can’t* give him a Social Security Number. Unfortunately, I don’t know what strategy the natural Paul DeLand used to remove himself from Social Security, but just as this form says, this document nevertheless provides some “important information”.

Note the relationship between Social Security Number and *benefits*. If you don’t take benefits, you’re not required to have the SSN.

Note the greeting: “Dear MR DELAND”.

“MR” is not abbreviated (there is no period behind the “MR”). Apparently this omission is not accidental since “MR” is also un-punctuated in the name on the address and also where “MR DELAND” appears in the body of the letter. Three times. No period. No accident.

Also, the word “Dear” is capitalized, but on the very same line, the name “MR DELAND” is spelled in all upper-case letters. Since it seems unlikely (especially on a computerized, form letter) that these variations in capitalization would occur on the same line by accident, I suspect this is more evidence that the all upper-case name (“MR DELAND”) signifies an artificial entity other than the natural man, “Paul DeLand”.

Also, note that the paragraph which explains why “MR DELAND” can’t have a SSN is written entirely in upper case letters. I have no evidence, but some people suspect that government text written in all upper-case letters is the “language” of the corporation. Proper English (capitalized and lower case properly punctuated) is for natural men and women. All upper-case text is for artificial entities.

Maybe yes; maybe no.

In any case, for those of you who want to escape the disabilities of Social Security, this form letter does contain some “important information”.

SOCIAL SECURITY ADMINISTRATION

Important Information

Rm. 1A07
819 Taylor St.
Ft. Worth,, TX 76102
Phone: 978-1772ex3105
TDD: Not Available
FAX: (817) 978-3883
Office Hours: 9:00 a.m. to 4:00 p.m.

April 26, 1999

MR PAUL EDWARD DELAND
7540 NE LOOP 820 STE 108-110
FORT WORTH TX 76180

Dear MR DELAND:

We cannot give you a Social Security card because:

MR DELAND IS NOT RECEIVING FEDERAL AID OR GOVERNMENT ASSISTANCE OF ANY KIND. THEREFORE, HE IS NOT REQUIRED TO HAVE A SOCIAL SECURITY NUMBER.

If You Disagree

If you think you should get a Social Security number or card based on what you have given us, you can ask us to review your case. Someone who did not look at your first application will review it.

Please call, write or visit any Social Security office to ask for a review.

If You Have Any Questions

If you have any questions, please call us at the number shown at the top of this letter. We can answer most questions over the phone. You also can write or visit any Social Security office.

If you do call or visit us, please have this letter with you. It will help us answer your questions.

s/ L. Williams Sr.
For ESAU VARGAS
District Manager

SSA-L676

Withdrawing from Social Security

by Alfred Adask

When I first started publishing the *AntiShyster* in 1990, I quickly fell in love with this job. However, I was usually so broke, I could barely afford to leave my apartment. But it didn't matter because I believed I'd found the work God meant for me to do. Once that was clear, money (or the lack of it) was unimportant. Nevertheless, there were a couple of months when I was actually praying that God would send me *some* money so I could—briefly—return to real world and pay a few bills.

While I prayed for relief from poverty, a bunch of papers "drifted" under my work chair and piled up. After a couple months, I finally cleaned up that drift and discovered an unopened letter. Inside, I found a $1,000 contribution from a fan. It was postmarked almost two months earlier.

Thus, all the while I'd been sitting on my chair, working, writing, praying to God to *please* send some money—and wondering why He wouldn't relieve my desperate condition—I had a $1,000 check sitting about 18" below my kiester.

That story still makes me laugh. God does answer prayers, but sometimes we have look around to find His answer.

Today, my office is just as messy as it was in 1991. I try not to misplace any more checks, but things still disappear into the piles. Periodically, I clean the mess and make more remarkable discoveries. For example, I did a little cleaning last week and found a faded fax I'd received in March of 1999. Almost *two years ago*.

In that fax, a particularly brilliant individual sent a copy of an Affidavit he'd used to withdraw from Social Security.

The irony is that, in the last issue of the *AntiShyster* (Volume 10 No. 3), I made a quite a fuss about our recent "discovery" that Social

Security Form 521 could be used to terminate one's fiduciary relationship to Social Security. That discovery was quite an astonishing find, no? I was pretty proud of myself for publishing that story.

Well, when I read my friend's fax from *1999*—you guessed it—he'd used SSA Form 521 to withdraw from Social Security. See the irony? The information I and Dick Clark "discovered" last November had been siting in one of the piles in my office for almost two years.

Once again, I've been humbled by my own "relaxed" style of organization. If I'd had sense enough to read that fax and understand it in 1999, I could've published information on SSA Form 521 at least a year earlier than I did. (Incidentally, if you're curious about form SSA 521, a complete copy appears in *AntiShyster* Volume 10 No. 3.)

But there's also a benefit in the "re-discovery" of the 1999 fax. My friend (who prefers anonymity) still believes Form 521 is the solution to the Social Security problem. And given that he's brilliant and had almost two years to test his belief, I find his two year old fax to be *confirmation* for most of the recent conjecture I presented in Volume 10 No. 3 on SSA Form 521.

Therefore, I'm using this article to reproduce my friend's original Affidavit. I've sanitized the text to conceal his identity. Although my friend's understanding has grown sufficiently during the last two years to warrant some revisions, I suspect his Affidavit still offers a generally valid illustration of how one might withdraw from Social Security and the legal disabilities that attach to all beneficiaries.

Essentially, my friend's strategy was not to simply send SSA Form 521 to Social Security. Instead, he sent the SSA 521 as an *attachment* to a notarized *affidavit*. Apparently, while a mere form might be ignored or misunderstood, an affidavit carries a higher evidentiary value. Bureaucrats who might lose or ignore a form, may be more responsible when handling an affidavit. Moreover, while a mere form only provides interesting (but debatable) information, an affidavit provides *sworn* statements that can't be easily refuted except by a second *affidavit* to the contrary. And unless refuted, an affidavit might effectively bind government to accept the statements presented—including the withdrawal from So-So Security—as legally valid.

Note that the following affidavit is not merely witnessed by several of the affiant's friends or neighbors. It is *notarized* by an officer of the state. I suspect that notarization imparts an "official" quality that makes the affidavit doubly difficult for government to refute.

Also, note the subtle logic of this affidavit. SSA Form 521 is entitled "Withdrawal of Application for Benefits". That's the form's *purpose* – to stop receiving *benefits*.

In item #3 of the following affidavit, a court is quoted as ruling that merely *having* an Social Security Number or a Social Security Card constitutes a "statutorily created *benefit*". It therefor follows that SSA Form 521 (intended to terminate reception of benefits) should be the proper form to relinquish the "benefit" of having a SSN or SS card.

Affidavit of John William, Doe

Comes now, John William, Doe, being fully competent and of the age of majority and declares:

1. I have duly examined the book titled "Social Security Handbook," 13th Edition, 1997, and various Social Security forms and pamphlets.

2. I have duly read the case of *William Jones, et al., v. Otis Bowen, Secretary of Health and Human Services*, N.D. Illinois, E.D., (Aug. 2 1988), cited as 692 Fed Supp. P. 887 (N.D. Ill. 1988).

3. Therein I believe the court, as stated by Judge J. Conlon, declared "because an SN or the corresponding card, constitutes a statutorily created benefit," that the indicated and identified Social Security number is, in fact, a benefit.

4. I have no knowledge of any contradictory judicial opinion.

5. I believe the form SSA 521 is the proper and appropriate administratively-created form for any intended purpose herein to which Constitutional due process must apply.

6. I have, in good faith and with due diligence, completed and signed form SSA 521 as attached Exhibit A to this Affidavit.

7. I intend, for the reasons indicated on said form attached as Exhibit A, to not accept any benefit of a SSN.

8. Pursuant to procedural due process, I intend and request that delegated actors or agents for the Social Security Administration administratively eliminate and cancel the appearance and fact of any benefit to me of a Social Security number created on application.

9. If the SSA 521 form is not administratively correct in the judgment of the Secretary of Health and Human Services or delegated actors, agents or assigns for my intended elimination of the benefit as SSN (as in No. 8, above) please send, in a timely manner, the correct form and proper instructions on how to effectively and properly fill out any said form for my intended purpose to the non-domestic location set forth below:

C/o Corporation Sole [Editor's note: See the next article]
123 West Main Street; near
Dallas (75354)
Texas

I declare, under penalty of perjury pursuant to the Laws of The State of Texas and the United States of America, that the foregoing is true, correct, and certain to the best of my current knowledge and belief.

Executed this 24 day of March, A.D., 1999 on the soil Dallas county, The State of Texas.

S/_____.
John William, Doe

Dallas county)
Texas) ss;
United States of America)

On the 24 day of March, A.D., 1999, before me, a notary public for and in Dallas county, the State of Texas, personally appeared John William, Doe, known to me to be the person who, of his own free, voluntary act, placed his signature on the aforesaid Affidavit and on the form SSA 521 and executed the within Affidavit for the purpose herein stated.

My seal expires on Jan. 27, 2001

Dated: March 24, A.D., 1999

[Notary stamp] S/ Jane Roe
Notary Public in and for said
County and State

The following research on SSA-521 was sent to me from Anthony Wayne at "Lawgiver.Org" (info@lawgiver.org) just before I was going to (finally) publish this issue on the website. I'm grateful for his contribution. However, I'm late again as usual, so I don't have time to fully integrate his research into this article. Nevertheless, since his research seems important, I've simply appended it to this article on SSA-521. The blue comments are my insertions.

The following information is from "The SSA Handbook" (published at http://www.ssa.gov/OP_Home/handbook/ssa-hbk.htm. If you look in the Table of Contents link, you'll see Chapter 15. Click on it, and look for section "1515".)

1515. Right to withdraw application.

AN APPLICATION MAY BE WITHDRAWN if a written request for withdrawal is filed *before SSA makes a determination* on it and the request is filed by the claimant or a person acting on his or her behalf and the *claimant* is *alive* at the time the request is filed. [Emph. add.]

The previous section implies that there's no problem in withdrawing an original application for social security benefits (including the SS Card and SSN) so long as the application is withdrawn *before*

the Social Security Administration (SSA) makes a "determination" based on the original application for benefits. Although this section does not specify what constitutes a "determination," the next section provides a hint:

> An application may *also* be withdrawn *after* SSA makes a determination on a claim if the conditions in the above paragraph are met and if (1) *all individuals* whose entitlement would be nullified by the withdrawal *consent in writing* to the withdrawal and (2) all affected individuals *repay any benefits* received based upon entitlement which is nullified by the withdrawal. Though a person withdraws a claim, SSA retains possession of the application form and all related papers. [Emph. add.]

It appears that a "determination" involves 1) the SSA having already identified "all individuals" scheduled receive a financial benefit from your Social Security Account; and 2) if any financial benefits have been paid out on your account, that money must therefore be returned. This implies that a "determination" may be required before SSA pays out any benefits on a particular account to anyone. If so, if you haven't received (or at least requested) any SS financial benefits, there may not have been a *determination* and therefore you might be able to use SSA Form 521 without much resistance from the SSA.

> . . . . Ordinarily, *the effective date of the withdrawal* is the day the request is *received*; however, the mailing date, as shown by the *U.S. postmark*, may be used if it is advantageous to the claimant. (There is no right to reconsideration or appeal based on a withdrawn claim.) A new application will have to be filed if the person later wishes to claim benefits. [Emph. add.]

This illustrates the importance of filing an SSA Form 521by registered mail to validate it's "effective date". When you receive your "green card" receipt back from the Post Office, you might want to include a copy of that green card/ receipt with all subsequent communication concerning your use of the SSA-521.

> *If SSA approves* a request to withdraw an application, the application will be considered *as though it was never filed*. If SSA *disapproves* a request for withdrawal, the application is treated *as though the request was never filed*. [Emph. add.]

"*If* the SSA approves a request to withdraw," makes clear that the Social Security Administration conducts some sort of approval process. Merely sending in a SSA Form 521 is not necessarily sufficient to guarantee that your "Application for Withdrawal" has been automatically approved.

However, the basis for the SSA decision to approve or disapprove your application is, as yet, unclear. Worse, while the administrative process used to arrive at that decision is probably specified with great precision somewhere in the SSA rules or regulations, it's also possible that the final decision may be largely discretionary. That is, the SSA may be empowered to accept or reject requests for withdrawal on an arbitrary or capricious basis.

Further, once the SSA reaches its decision (for or against), we've yet to see evidence that the SSA is obligated to notify the original applicant of their decision. Their decision might be inferred at some reasonable time after the SSA-521 was submitted by requesting information on the status of your former SS Account. For example, if your request for withdrawal was approved, your original application "will be considered as though it was never filed". If so, it follows that once you submit a SSA Form 521, your original SS account may be terminated or at least altered in a way that indicates the account is at least inactive, and thus – by inference – your SSA-521 request must've been approved.

Nevertheless, such inferences are unsatisfactory. For example, suppose you sent in a SSA-521 request for withdrawal, and 60 days later discovered that your SS Account was closed or inactive. You might reasonably infer that your request for withdrawal had been approved. But what is your *proof* of that withdrawal if you want to get a job and your employer wants a SSN? Further, just because your SS Account appears to be closed or inactive in March doesn't prove that it might not be reopened or reactivated without your knowledge at some later date.

Point: The SSA decision to accept or deny your notice of withdrawal is far too important to rely on inference and speculation. If you try to withdraw from Social Security, you need documentary evidence from the SSA to certify that your request was approved (or denied).

The trick is to discover a precise procedure for submitting a "bulletproof" request for withdrawal (SSA-521). That procedure should probably satisfy three requirements: 1) identify *all* of the administrative requirements needed to effect a proper withdrawal; 2) present evidence of satisfying those requirements in a form (perhaps an affidavit) that cannot be disregarded or easily rejected by the SSA; and 3) include a procedural element that compels SSA to provide legal notice as to whether they have or have not closed or deactivated your SS Account.

The next section implies that 20 CFR 404.615 and 20 CFR 404.957 should be studied thoroughly to identify "*all* other conditions for withdrawal," and how "regulations . . . *generally* barring the reopening of a determination" may be overcome.

> SSR 65-17: SECTION 202. — APPLICATION FOR BENEFITS — WITHDRAWAL OF APPLICATION 20 CFR 404.615
>
> Where a claimant established entitlement to benefits and 6 years later requested in writing, withdrawal of her application, and where *all other conditions* for withdrawal were met under pertinent regulations (20 CFR 404.615), held, withdrawal of the application *may* be approved and the previous determination may be rescinded notwithstanding regulations (20 CFR 404.957), generally barring the reopening of a determination more than 4 years after the date of the notice of the initial determination.

The previous section can be found at http://199.173.224.109//OP_Home/rulings/oasi/01/SSR65-17-oasi-01.html

I haven't had time to find and read the relevant CFR's, but in the previous section, they are at least identified. Hopefully, some of you will find and analyze the relevant CFR's and let me know what you discover and what you think. We'll publish more info on this topic in the next issue of the *AntiShyster*.

Hasta la vista, baby!

I.R.S. "Terminator"?

by Alfred Adask

In Volume 10 No. 3 of the *AntiShyster* I presented information indicating that IRS Form 56 might be used to terminate the fiduciary relationship through which government tricks natural men ("Alfred") into paying taxes on behalf of an artificial entity created by government and identified by an all uppercase name like "ALFRED". The following article will be easier to understand if read the previous articles on fiduciary relationships in Volume 10 No. 3.

The following sections from the I.R.S. Handbook were provided by Anthony Wayne of Lawgiver.org and are much appreciated. According to Anthony,

"I think I found a major key from the IRS HANDBOOK (revised 01-01-2001) in how to file a total termination of the ALL CAPS vs. fiduciary Christian name relationship. Also note that this directly effects the *taxpayer's* Master File, his address and modifies his IMF Account Number (SSAN) STATUS."

INTERNAL REVENUE SERVICE HANDBOOK
PART 3 -
REVENUE, RETURNS AND ACCOUNTS PROCESSING
CHAPTER 13 - SC DOCUMENT SERVICE
SECTION 5 - IMF ACCOUNT NUMBERS

3.13.5.2.4 (01-01-2001) DATA MASTER ONE FILE (DM-1)

The Data Master One file (DM-1) is a database of name controls and TIN's received from three sources:

- SSA
- Through IRS valid processing and,
- The Individual Taxpayer Identification Number File (ITIN)

The DM-1 receives weekly updates from all three sources.

Thus, the DM-1 (and presumably your obligation to pay income taxes) will be deemed valid if any one of those three "sources" of information (SSA, IRS valid processing, or Individual Taxpayer Identification Number File) indicates you are subject to paying income tax. If so, escaping just one or even two of those "sources," may still leave the third source as a foundation sufficient to compel you to pay income tax. Point: If you're going to try to avoid paying income taxes, your relationship (if any) to all three of those information "sources" may need to be terminated.

> The DM-1 file determines the validity of all transactions. It "directs" transactions to either the valid or the invalid segment of the IMF.

They admit there are "valid" and "invalid" taxations designated solely by the "IMF" (Individual Master File)... Presumably, a "valid" file indicates a tax liability; an "invalid" file indicates no tax liability. It's also possible that a "valid" may be synonymous with "enforceable" while "invalid" may translate as "unenforceable".

> **3.13.5.3 DOCUMENT PROCESSING (01-01-2001)**
> The instructions contained in this section are used for establishing, changing, maintaining, and/or processing internal and external IMF forms for individual taxpayer accounts on the Individual Master File (IMF).
>
> **3.13.5.3.1 (01-01-2001) MANUAL REFUNDS**
> Upon the discovery of the necessity for issuance of a manual refund, the Entity unit should refer to IRM21.4.4-Manual Refunds, on how to prepare a manual refund."

This implies that once the IMF file is shown to be "invalid," a refund is manually applied if requested.

> **3.13.5.3.9 (01-01-2001) FORM 56, NOTICE CONCERNING FIDUCIARY RELATIONSHIP**
> Form 56, Notice Concerning Fiduciary Relationship, is filed to notify the IRS of a fiduciary relationship:
> A *fiduciary* assumes the powers, rights, duties and privileges of the *taxpayers*, until notice is given that the fiduciary capacity has ended. The Master File should be updated to reflect this information." [Emph. add.]

Note that the "fiduciary" and "taxpayer" are clearly two different entities.

I believe that the fiduciary is a natural man identified by a proper, capitalized name ("Alfred") and the "taxpayer" is some sort of artificial entity or public capacity identified by the all uppercase name ("ALFRED") and/or a SSN.

I suspect that the income tax can be lawfully imposed only on

the artificial entity ("ALFRED") but not the natural man ("Alfred"). But (as previously outlined in *AntiShyster* Volume 10 No. 3 articles on fiduciary relationships), the government essentially tricks the natural man ("Alfred") into voluntarily assuming the role of fiduciary for the artificial entity/taxpayer ("ALFRED").

Once the natural man "Alfred" becomes fiduciary for the taxpayer ("ALFRED"), the natural man "assumes the powers, rights, *duties* and privileges of the taxpayer". These assumed "duties" presumably include the obligation to *file* income tax return forms and *pay* the income tax due "on behalf of" the "taxpayer". Thus, the natural man becomes unwittingly bound to file and pay income taxes on behalf of another entity ("taxpayer ALFRED")

If this hypothesis is correct, then if the natural man ("Alfred") could sever his fiduciary relationship to the "taxpayer" ("ALFRED"), he might be able to legally stop paying income taxes.

IRS Form 56 appears to provide the procedure for severing that fiduciary relationship. Thus, it appears that IRS Form 56 might be used to terminate your fiduciary "duty" to file and pay income taxes.

"File Form 56 with the last Form 1040 or 1041 filed."

This instruction appears to be directed to IRS personnel and tells them that once they receive an IRS Form 56, they are to file it with the last 1040 or 1041 they have on file for a particular taxpayer. Although Form 56 can be used to initiate or terminate fiduciary relationships, the previous one-line instruction ignores this distinction and simply orders that every Form 56 be filed with the last 1040 or 1041.

First, we might reasonably ask if an IRS Form 56 is used to terminate a fiduciary relationship, why isn't it filed with whatever form originally initiated that fiduciary relationship? But maybe it is. By filing IRS Form 56 with the last 1040, there is a faint implication that the 1040 itself might have served as the original notice of fiduciary relationship. In other words, when "Alfred" first volunteered to file his first 1040 on behalf of "ALFRED," he may have thereby unwittingly notified the IRS that he ("Alfred") would serve as fiduciary for "ALFRED" (taxpayer) and thus assumed the lifelong "duty" of paying income tax on behalf of

"ALFRED". Point: It seems probable that your first 1040 served as your first notice of fiduciary relationship to the IRS.

Second, it seems reasonable to conclude that by filing a Form 56 that *terminated* a fiduciary relationship with a "taxpayers" *last* 1040 or 1041, that taxpayer's account is thereby effectively closed or deactivated until some other fiduciary could be found.

Third, note that the Form 56 is to be filed only with the taxpayer's last 1040 ("U.S. Individual Income Tax Return") or 1041 ("U.S. Income Tax Return for Estates and Trusts"). Since Form 1041 deals with Estates and Trusts, we would expect the word "fiduciary" to appear in the body of that form—and it does. But curiously, although the previous IRS instructions make clear that Form 56 (which deals exclusively with fiduciary relations) should also be filed with the taxpayer's last 1040, the word "fiduciary" does not appear on the 1040 Form. I haven't had time to read the current 1040 instruction booklet, but I'll bet the word "fiduciary" is also missing from those instructions.

Why, pray tell, would the IRS publish a Form 56 dealing with fiduciary relationships in Form 1040's, and yet never mention "fiduciary" on that 1040? Oversight? Efficiency? Or deception? The clear implication is that the 1040 "U.S. Individual Income Tax Return" routinely contains a fiduciary relationship that is not expressly disclosed to the public on the face of the form.

I believe that fiduciary relationship is embodied in the fact that the tax imposed on "ALFRED" (the taxpayer and artificial entity identified at the top of the 1040 with a SSN), is being paid by "Alfred," the fiduciary and natural man who unwittingly signs his name at the bottom of the form. The reason that fiduciary relationship is not mentioned is to conceal the deception and fraud that's being perpetrated on the American people.

The fact that Form 56 can be used to terminate "invisible" fiduciary relationships found on 1040 Income Tax returns is good indirect evidence that the Form 56 is exactly suitable for terminating any fiduciary "duty" to pay *income tax*. There seems to be no mistake. Form 56 is *the* appropriate instrument for terminating fiduciary relationships found on 1040 Individual Income Tax Return form.

Anthony Wayne (Lawgiver.org) speculates the instruction to file Form 56 with the last 1040 or 1041 will determines the "validity" of the income tax as it applies to the taxpayer and fiduciary from that point onward. He suspects that difference between a "valid" and "invalid" tax files reflects the presence or absence of a *fiduciary*. Thus, if there's no fiduciary for the taxpayer, the tax file become "invalid" (which may mean "unenforceable").

More IRS instructions for editing the Individual Master File based on information provided on the Form 56. These instructions are unclear and should be read closely and with reference to the IRS Form 56:

> Refer to sections of the form entitled "Total Revocation or Termination" [PART IV, SECTION A] and "Substitute Fidu-

ciary" [PART IV, SECTION C]

If either box is checked [i.e., Section A], then Authority need not be attached.

Some people interpret this instruction to IRS agents to mean that an average person might be able to use an IRS Form 56 to terminate his fiduciary relationship to the "taxpayer" without providing any authority for that termination. Although the text is ambiguous, I disagree. The previous instruction for the IRS employees only says that the fiduciary's authority terminate need not be "attached" to the paperwork the IRS employee files. So say that such authority need not be "attached" is not the same as saying that no authority is necessary. This is a debatable issue, but for now, I suspect that some evidence of *authority* is required on the IRS Form 56 to successfully terminate the fiduciary relationship to the taxpayer. Certainly, even if authority were not required, any notice to terminate a fiduciary relationship would be stronger and more likely to succeed if the notice contained a proper authority for the termination.

However, assuming the person wishing to terminate his fiduciary relationship checked Box 5 (under Part IV, Section A) or box 7 (under Part IV, Section C) of IRS Form 56, the instructions for IRS employees continue on how to adjust the Individual Master File (IMF), once the fiduciary relationship is terminated under Form 56:

If either box is checked [i.e., Section A]:

a. Remove the fiduciary's name from the second name line of the taxpayer's account.

b. Restore the taxpayer's address. (Use the taxpayer address shown on the Form 56.) If none is shown, restore to address used before changing to fiduciaries' address.

Again, we see evidence that the "fiduciary" (listed on the "second line" of the taxpayer's account) is someone other than the "taxpayer" who is presumably listed elsewhere (perhaps line one) as the name of an "account".

I don't have copy of an IMF, so I don't know what name is listed on the "second name line of the taxpayer's account". But, clearly, *whatever* that second name is, it identifies the *fiduciary*.

Therefore, if you could get hold of your own IMF, you could disprove my hypothesis (concerning fiduciary relationships and income tax) by simply reading the "second name line of the taxpayer's account". If there's no name on that second name line, then there'd

seem to be no fiduciary relationship compelling your duty to pay income tax and my hypothesis would probably be false. Likewise, in the unlikely event that a fiduciary's name on the "second name line" identified someone other than yourself, it would also appear that your obligation to pay income taxes was not based on a fiduciary relationship. Again, my hypothesis would appear to be false.

But if that "second name line" on your IMF listed your proper, capitalized name as the "fiduciary" for the "taxpayer"—then it would strongly support the validity of the hypothesis that we must pay income taxes because we are fiduciaries.

However, there are additional instructions (under Box 5 of Part IV, Section A—Total Revocation or Termination on Form 56) for checking one of the three "sub-boxes" that can be used to explain your "reason" (or authority) for terminating your fiduciary relationship:

Box "a" reads, "Court order revoking fiduciary authority. Attach certified copy"

Box "b" reads, "Certificate of dissolution or termination of a business entity. Attach copy."

Box "c" reads, "Other. Describe ⇨ " and leaves a blank space for you to hand write your explanation.

This section and boxes imply that you may need some "authority" to terminate the fiduciary relationship that seemingly obligates you to pay income tax. But what that "authority" might be is unclear.

Box "a" is self-explanatory. If you can get a court to order termination of your fiduciary relationship to your taxpayer, you can skate. However, the probability of getting any court to rule that "Alfred" may sever his fiduciary relationship to "ALFRED" does not seem high. Note that they require a *certified* copy of the court order authorizing the termination of the fiduciary relationship.

Box "b" is more mysterious. What is a "Certificate of dissolution or termination of a business entity"? I don't know, but seeing that it's a "Certificate" (like the "certified" court order in Box "a") it must probably be an official (or at least notarized) document issued by the state.

Box "c" ("Other") gives almost no clue to the required authority—except that whatever this "Other" authority might be, it need only be "described"—not "certified". Thus, Box "c" would seem to be the option wherein a private person might explain that he didn't understand he was volunteering to be a fiduciary when he filed his first 1040. Therefore, our reluctant fiduciary might devise a 13th Amendment argument ("no involuntary servitude") to revoke his original "voluntary" act of becoming a fiduciary. After all, how could he truly "volunteer" if he didn't

understand what he was volunteering to do? And even if he did volunteer once, he shouldn't be held to volunteer forever. In other words, under the 13th Amendment, he might simply file a proper notice that he'd decided to quit volunteering. Thus, volunteering to be a fiduciary to pay income taxes might be somewhat like voluntarily committing yourself into a mental health facility. If you volunteered in, (with proper notice) you should also be able to volunteer out.

Alternatively, you might find Biblical precedent to reject acting as a fiduciary as contrary to your faith. For example, *Proverbs* 11:15 reads, "He who puts up security for another will surely suffer, but whoever refuses to strike hands in pledge is safe." I suspect that the natural man "Alfred" essentially puts up his entire earning capacity as "security" when he volunteers to act as fiduciary for the artificial entity/ taxpayer "ALFRED". Therefore, based on a religious prohibition, the 1st Amendment (freedom of religion) might provide sufficient "authority" to terminate a troublesome fiduciary relationship.

And finally, it's possible that SSA Form 521 might also be sufficient "Other" authority to terminate your fiduciary relationship to the taxpayer. Why? Because up near the top of a 1040, where the name(s) of the taxpayer(s) are listed, the form reads,

"**Important!** You **must** enter your SSN(s) above."

Well, if you've already used SSA Form 521 (see previous article) to "withdraw your application for benefits" under Social Security—and thereby relinquished the inestimable benefit of your SS Card and SSN—then you can't very well fill out a 1040, can you? I mean if you "**must** enter your SSN," and you no longer have one, it just wouldn't seem right, would it? As much as you might *like* to fill out the 1040 and *really want* to pay your "fair share" of income tax, it would seemingly be illegal for you to do so if you had already relinquished the "benefit" of having a SSN. And, golly, you sure wouldn't want to break the income tax law, now, would you?

So, do you need "authority" to terminate your fiduciary relationship to the taxpayer? I'm not sure. Too early to tell. But either way—with authority or without—it appears that diligent study of the relevant IRS Handbook instructions and use of IRS Form 56 can terminate any fiduciary relationship that obligates you to pay income tax on a 1040.

If so, it follows that once the fiduciary relationship is terminated and the name of the fiduciary is removed from the "second name line of the taxpayer's account" on the IMF—the duty to file and pay income tax would likewise be terminated.

That would make I.R.S. Form 56 the Income Tax "Terminator" and empower you to bid the IRS, "Hasta la veesta, bay-beee!"

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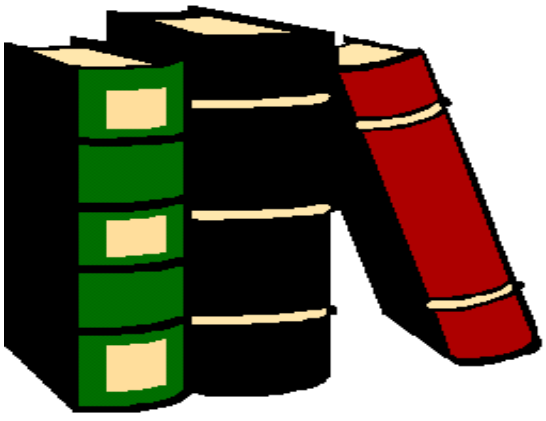

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I'm a (Corporation) Sole Man!

by Alfred Adask

In the previous article ("Withdrawing From Social Security"), did you notice that the affidavit's author characterized himself as "Corporation Sole" in his mailing address? This may be another important element of self-characterization needed to distance yourself from corporate government's jurisdiction.

I'm still fuzzy on the "corporate sole" concept. However, I think it it's important, so I'll share the few clues and conjecture I currently enjoy.

First, consider the definition of "King" in *Black's Law Dictionary* (7th Ed.):

> **King.** *English law.* The British government; the Crown.
>
> "In modern times it has become usual to speak of the *Crown* rather than of the King, when we refer to the King in his *public capacity* as a *body politic*. We speak of the property of the Crown, when we mean the property which the King holds in right of his Crown. So we speak of the debts due by the Crown, of legal proceedings by and against the Crown, and so on. The usage is one of great convenience, because it avoids a difficulty which is inherent in all speech and thought concerning corporations sole, the difficulty, namely, of distinguishing adequately between the *body politic* and the *human being* by whom it is *represented* and *whose name it bears*." John Salmond, *Jurisprudence* 341-42 (Glanville L. Williams ed., 10th ed. 1947) [Emph. add.]

Note that the King's "corporate sole" includes two capacities: 1) the "body politic" (the public capacity); and 2) the "human being". This duality is remarkably similar to the "evil twin"/ "strawman" theories which propose that "Alfred Adask" and "ALFRED ADASK" are two related but distinctly different legal entities.

Further, within the King's corporate sole, his "human being" *represents* his "body politic" (public capacity) . This representation is very similar to theories advanced in *AntiShyster* Volume 10 No. 3 concerning *fiduciary* relationships.

Thus, it's possible that the duality we sense in "Alfred" and "ALFRED" might be explained as the two aspects of a corporate sole. In other words, perhaps by virtue of a corporate sole, "Alfred" is the human being who represents "ALFRED" (the body politic/ public capacity).

OK, if "Alfred" and "ALFRED" are tangled up in a corporate sole, how'd it happen? Isn't there a requirement that every corporation be specifically chartered by the state? I don't recall ever establishing a corporate sole, so how could I be bound up in one?

Some believe the answer to that question goes back to our *Declaration of Independence* (1776 A.D.) and the *Treaty of Paris* (1783 A.D.).

When Thomas Jefferson and the founders declared that "all men are created equal," they weren't merely talking about plumbers, roofers and accountants. They meant that *all* men – including kings and popes – were equal. That being so, if the king was entitled to enjoy the dual capacity of a corporation sole, then it followed that *all* men (including you and me), were also entitled to enjoy that dual capacity.

If everyone was entitled by the *Declaration* to act as a "corporation sole," some believe that capacity "naturally" attaches to each of us from the moment birth or perhaps even from conception. Thus, no state-approved corporate charter may be necessary. Perhaps you have (or "are") a "corporation sole" simply by virtue of being born in the USA.

In 1783, the Treaty of Paris concluded the Revolutionary War and reestablished peace between Great Britain and the (sev eral) United States. Article 1 of that Treaty reads:

> "His Brittanic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof."

In 1783, the common definition of "state" was an association of *people* rather than a territory or corporation. Based on that definition, some contend that when King George recognized each of the several "United States" to be "free, sovereign and independent" he conveyed that sovereign capacity to every member of those "states".

This contention seems unlikely. After all, why would King George concede that every politician, tradesman and rag-picker in the several United States were his equal?

Well, maybe King George didn't realize the legal implications of the treaty. I suspect that "states" like those in the United States (where all men were equal and there was therefore no *single* "sovereign" ruler) were a brand new invention, an new political concept, previously unknown to the European monarchies.

For example, when England fought France and later agreed to peace, the treaty was not between the people (state) of England and the people (state) of France. The treaty was strictly between the *sovereigns*, the two kings of those countries acting as individuals. In a sense, the "people" were simply the kings' pawns.

Being used to negotiating only with other individual sovereigns, how could the sovereign of the English monarchy sign a treaty with "states" where "all men were created equal" and thus had no single sovereign ruler? Having no experience at reaching agreements with "kingless" states, King George may have unwittingly verified that each member of the several states were equally "sovereign".

Alternatively, King George may have thought that without real Kings, the several United States were a political farce that couldn't possibly last for long. It's unlikely but conceivable that he knowingly verified the sovereign status of *all* members of the several United States as a kind of sly joke – in a sense, believing that if "too many cooks spoil the soup," just wait to you see how too many "kings" would spoil the "colonies".

Whatever the true explanation, some believe that either the 1776 *Declaration*, the 1783 *Treaty of Paris*, or perhaps some other instrument we've yet to uncover, provided a legal foundation for automatically granting (or at least entitling) every member of the several United States to act as a "corporate sole".

The truth remains to be seen.

Nevertheless, the concept of "corporate sole" outlined in *Black's* definition of "King" proves that the hypothesis that "Alfred" and "ALFRED" are two different entities (or perhaps "capacities") is not impossible or even unreasonable. If King George had two legal capacities (body politic and human being), it follows that you and I might also have two capacities.

Further, according to *Black's*, using the word "Crown" to signify

George's public capacity and using "King" to signify his human capacity, is a,

> ". . . great convenience, because it avoids a difficulty which is inherent in all speech and thought concerning corporations sole, the *difficulty . . . of distinguishing adequately between the body politic and the human being* by whom it is represented and whose name it bears." [Emph. add.]

Here they admit that there's been an historic "difficulty" in distinguishing between a corporation sole's body politic and human being. The English solved this difficulty (at least for monarchs) by designating his body politic as the "Crown" and his human capacity as the "King". If you wanted to relate to George III on a man-to-man, private capacity, you called him "King". If you wanted to relate to him in his official, public capacity, you'd call him the "Crown". That solution worked fine for a country that apparently had very few "corporations sole". Thus, only two words ("Crown" and "King") might be necessary to distinguish between the two capacities of the monarch's "corporation sole".

But how could you distinguish between the two capacities among *millions* of individuals if they were all entitled to act as corporations sole? Obviously, it would serve no purpose to call everyone "Crown" who acted as a body politic (public capacity), nor would it make sense to call everyone "King" who acted as a human being (private capacity). You'd need an identifier that could easily distinguish between each person's capacities as a body politic and as a human being and still retain some clue to each person's unique identity.

Do you suppose that someone solved the "difficulty" of distinguishing between the ambiguous capacities of a corporation sole by identifying a person who acted in his "human" capacity with a capitalized name ("Alfred") while identifying that same person acting in his public, "body politic" capacity as "ALFRED" . . . ?

When I stop to think about it (especially in light of *Black's* definition of "King"), I can't imagine a more convenient or logical solution. Use capitalized, proper names ("Alfred") to signify acting in the human capacity; use upper-case versions of the same name ("ALFRED") to signify acting in the public/ "body politic" capacity. Generally speaking, this solution allows us to uniquely identify both the person and the capacity in which that person acts in any given transaction. It's simple and arguably brilliant.

This implies that the hypothesis that "Alfred" and "ALFRED" identify two different entities (or capacities) is not the least bit farfetched, and not only sensible but probably valid.

Questions remain. Are each of us "automatically" granted a corporation sole when we're born – perhaps by virtue of our birth certificates? Or are we merely entitled to act as a corporation sole at some later date if we fill out the proper papers (Social Security Application?) and essentially "charter" one for ourselves?

Also, if corporations (being artificial entities, legal fictions and therefore lies) raise some peculiar spiritual questions, does a good Christian want to use a corporation sole? *Can* a true Christian act as a corporate sole?

And if we're trying to escape the clutches of corporate government, why would we want to use a corporation sole to do so? That strategy seems at least a bit hypocritical, and perhaps even counterproductive. After all, it's possible that by using any kind of corporation, we might implicitly subject ourselves to corporate government.

I don't know the answers to any of those questions.

But I have a hunch that the author of the affidavit in the previous article may identify himself as "corporation sole" in order to preserve his liberty to decide which capacity he wants to use when he responds to his mail. In other words, so long as government writes to the "corporation sole," perhaps the man who opens the mail can respond to government in either his capacity as a "body politic" or as a "human being".

For example, if government writes to "ALFRED" and I ("Alfred") receive that letter, I ("Alfred") am presumed to be acting as fiduciary for "ALFRED". As fiduciary, I ("Alfred") am therefore *bound* by whatever rules and regulations apply to that artificial entity/body politic ("ALFRED"). But if government were instead compelled to write to me as "corporation sole," I might have the option of responding as either "Alfred" (the private man) or as fiduciary for "ALFRED" (the artificial entity or "body politic"). Alternatively, by forcing government to admit that I act as a corporate sole, I might defeat the government's *presumption* that I always act on behalf of "ALFRED" and thereby avoid being automatically subjected to rules and regulations that apply to "ALFRED" rather than "Alfred".

Whatever the answers to these questions, the dual capacities of a corporation sole are not only undeniable but also too similar to the previously observed duality between "Alfred" and "ALFRED" to be ignored. It is possible that there may be an explanation other than corporation sole to explain the perceived differences between "Alfred" and "ALFRED". However, given that the corporation sole concept is so well established in law and history, it seems unlikely that our legal system would invent yet another "dual-capacity" legal en-

tity. Why reinvent the wheel?

Thus I begin to suspect that the legal distinctions between "Alfred" and "ALFRED" may be explained as manifestations of a corporation sole.

More research must be done but, clearly, the concept of corporation sole deserves our attention.

I hope those of you who have or find further information on the corporation sole will forward it to my email at adask@gte.net. As more information is uncovered, I'll publish it here in the AntiShyster.

Etc.

An Amish boy and his father visited a mall for the first time in their lives. They were amazed by almost everything they saw, but especially by two shiny, silver walls that could move apart and then slide back together again.

The boy asked, "What is this, Father?"

His father (never having seen an elevator) replied, "Son, I've never seen anything like this . . . I don't know *what* it is."

While the boy and father watched with amazement, an old lady in a wheel chair rolled up to the moving walls and pressed a button. The walls opened and the lady rolled between them into a small room. The walls closed and the boy and his father watched the small numbers above the walls light up sequentially until they reached the last number and then the numbers began to light in the reverse order.

Finally, the walls opened again and a gorgeous 24-year-old blonde woman stepped out.

The father, not taking his eyes off the young woman, whispered to his son, "Go get your mother".

If you think the problem is bad now. . . just wait until we've solved it.

All I ask is a chance to prove that money won't make me happy.

If we could learn from our mistakes, I'd be getting a fantastic education....

Taxation *with* representation isn't so hot, either!

The most effective way to remember your wife's birthday is to forget it just once.

A little boy asked his father, "Daddy, how much does it cost to get married?" The father replied, "I don't know son, I'm still paying."

Then there was a man who said, "I never knew what real happiness was until I got married . . . . and by then it was too late."

Have you ever noticed: that anyone driving slower than you is an idiot and that anyone driving faster is a maniac ?

A woman was doing her laundry in the basement of her home. Her hair had just been set in pincurls and the overhead pipes were leaking. She spotted her son's football helmet and put it on to protect her hair. . . Then she decided to pull off the soiled dress she was wearing and put it in the washer.

Well, there she was stark naked, wearing only the football helmet when she heard a cough behind her. . . She turned and found herself staring into the eyes of the gas & electric company meter-reader ... As he headed out the door his only comment was, "Lady, I sure hope your team wins."

Signs of the times

Sign over a gynecologist's office: "Dr. Jones, at your cervix."

On a Plumbers truck: "We repair what your husband fixed."

At a car dealership: "The best way to get back on your feet: miss a car payment."

In a veterinarian's waiting room: "Be back in 5 minutes. Sit! Stay!"

At an optometrist's office: "If you don't see what you're looking for, you've come to the right place."

The Top 15 Oxymoron's

State worker
Legally drunk
Exact estimate
Act naturally
Resident alien
Airline Food
Good grief
Government organization
Soft rock
Sweet sorrow
Peace force
Terribly pleased
Tight slacks
Pretty ugly
Rap music