

# PASSPORT NOTICE AND DEMAND LETTER FORM INSTRUCTIONS

Last revised: 5/30/09

## 1. **PURPOSE:**

1.1. Those who wish to become Members of our Ministry are required by the following document to correct all government records reflecting their citizenship status, including their passport:

*Path to Freedom*, Form #09.015  
<http://sedm.org/Forms/FormIndex.htm>

1.2. This form allows those who are applying for a passport to respond to any one or more of the following inquiries of the following nature from the Department of State:

1.2.1. A request that they will not issue you a passport without a Social Security Number or Taxpayer Identification Number.

1.2.2. A demand that you must fill in Form IN-709-1.

1.3. For additional information about how to apply for a passport as a “national” and how to use this form, see Section 7 of the following article:

*How to Apply for a Passport as a “national”*, Form #09.007  
<http://sedm.org/Forms/FormIndex.htm>

## 2. **PROCEDURE FOR USE:**

2.1. The form is electronically fillable with the free Adobe Acrobat Reader available below. Please download and install the latest version of the program:

<http://www.adobe.com/products/acrobat/readstep2.html>

2.2. Fill in the return address and date on the cover letter with yours.

2.3. Fill in the destination address on the cover letter off the Department of State Website:

<http://www.state.gov/>

2.4. Fill in the name at the end of the cover letter.

2.5. Print out the document on double-sided paper to keep the size down.

2.6. Download, print, and Sign Enclosure (1).

*USA Passport Application Attachment*, Form #06.007  
<http://sedm.org/Forms/FormIndex.htm>

2.7. Download, print, and Sign Enclosure (2).

*Why It Is Illegal for Me to Request or Use a “Taxpayer Identification Number”*, Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>

2.8. Find a Postal Annex or UPS Store that has two people on duty, one of which is a notary and the other the Mail Server who will mail the item and complete the Certificate of Service.

2.9. In the presence of the Notary and using blue (not black) ink, sign section 5 and Enclosures (1) and (2).

2.10. Have the Mail Server fill out the attached Certificate of Service and sign it. Make sure item 2 includes the addresses where the items are mailed, as indicated in the Cover Letter.

2.11. Have the Notary fill out the Notary Public Jurat at the end of the Certificate of Service, which authenticates the identity of the Mail Server.

2.12. Make one copy of the entire package, including:

2.12.1. Cover letter

2.12.2. Enclosure (1): USA Passport Application Attachment

2.12.3. Enclosure (2): Why it is Illegal for Me to Request or Use a “Taxpayer Identification Number”

2.12.4. Enclosure (3): Exhibit CD

2.13. Have the Mail Server put the *copy* into the envelope, and then seal the envelope and personally drop them into the mail.

2.14. Keep the original for yourself and make several copies. You also might want to record the original with the County Recorder so that it becomes a public record which is automatically admissible as evidence in any court trial. The reason is that under [Federal Rule of Evidence 902](#), public records are not subject to the Hearsay Rule.

1. **PROTECT YOUR LEGAL EVIDENCE.** Keep the original in a safe place locked up, preferably away from your house so that it may not be seized. Also, scan it in as a full color PDF and make backups you keep in several locations. One of the first things a judge will do if you want the document admitted as evidence in a legal trial is ask about the chain of custody of the document and whether it has remained under your own control at all times so that there is an assurance that it was not tampered with. See the free article below:

*Techniques for Building a Good Administrative Record*, Form #07.003

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

**2. FURTHER READING AND RESEARCH:**

- 2.1. *How to Apply for a Passport as a “national”*, Form #09.007-describes the procedure for using this form.  
<http://sedm.org/Forms/FormIndex.htm>
- 2.2. *Sovereignty and Freedom Page, Section 3.4: Right to Travel*-Family Guardian website  
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
- 2.3. *Developing Evidence of Citizenship and Sovereignty*, Form #12.002  
<http://sedm.org/Forms/FormIndex.htm>
- 2.4. *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006*.  
Detailed information about citizenship law that explains why most people incorrectly claim the wrong status on federal government forms.  
<http://sedm.org/Forms/FormIndex.htm>

## CERTIFICATE OF SERVICE

**Republic of** \_\_\_\_\_ )  
**Subscribed and Affirmed** )  
**County of** \_\_\_\_\_ )

I, \_\_\_\_\_, the undersigned mailer/server, being of sound mind and under no duress, do hereby certify, attest and affirm that the following facts are true and correct, to wit:

1. That, at the city of \_\_\_\_\_, County of \_\_\_\_\_ and the Republic of \_\_\_\_\_ (statename), on the \_\_\_\_\_, 20\_\_\_\_, that, on behalf of (name) \_\_\_\_\_, a natural person, the undersigned personally deposited the following documents (listed below) inside the envelope, sealed them and transmitted them via the carrier indicated in item 2 below, to wit:

Item #	Document Description	Number of pages
1	Passport Notice And Demand	16
2	Enclosure (1): USA Passport Application Attachment	14
3	Enclosure (2): Why it is Illegal For Me to Request or Use a Taxpayer Identification Number	11
4	Enclosure (3): Exhibit CD	
5		
7		
8		
9		

Total of \_\_\_\_ ( \_\_\_\_ ) documents with combined total of \_\_\_\_\_ ( \_\_\_\_ ) pages.

2. That I personally mailed said document(s) via (initial those which apply):

\_\_\_\_\_ United States Postal Office, by regular mail, postage prepaid

\_\_\_\_\_ United States Postal Office, by Certified Mail # \_\_\_\_\_, Return Receipt Requested

\_\_\_\_\_ United Parcel Service (UPS), tracking number # \_\_\_\_\_

\_\_\_\_\_ Federal Express, tracking number # \_\_\_\_\_

\_\_\_\_\_ Other (specify): \_\_\_\_\_

at said City and State, one (1) complete set of **ORIGINAL/COPIED (circle one)** documents, as described in item 1 above, properly enveloped and addressed to (addressee and address):

Attn: \_\_\_\_\_

Cert. Mail No.: \_\_\_\_\_

3. That I am at least 18 years of age;
4. That I am not related to \_\_\_\_\_ by blood, marriage, adoption, or employment, but serve as a “disinterested third party” (herein “Server”); and further,
5. That I am in no way connected to, or involved in or with, the person and/or matter at issue in this instant action.

I now affix my signature to these affirmations.

(Signature): \_\_\_\_\_, Mailer/Server

(Printed name): \_\_\_\_\_

### NOTARY PUBLIC’S JURAT

BEFORE ME, the undersigned authority, a Notary Public, of the County of \_\_\_\_\_, Republic of \_\_\_\_\_(statename), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ mailer/server did appear and was identified by (circle one): 1. Passport; 2. Driver’s license; 3. Other:\_\_\_\_\_, and who, upon first being duly sworn and/or affirmed, deposes and says that the foregoing asseveration is true to the best of his/her knowledge and belief.

I certify under PENALTY OF PERJURY under the laws of the State of \_\_\_\_\_ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

/s/ \_\_\_\_\_ SEAL

Notary Public

My Commission Expires On:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_  
\_\_\_\_\_

Cert. Mail #

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subject: Passport Notice and Demand

Enclosure(s):

- (1) USA Passport Application Attachment.
- (2) Why it is Illegal for Me to Request or Use a Taxpayer Identification Number
- (3) Exhibit CD

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Dear Sir,

## **1 INTRODUCTION:**

This correspondence is intended:

1. To satisfy the additional proof requirements arbitrarily imposed by you as a precondition of issuing a passport. This correspondence and all attachments constitute an inseparable part of my original passport application.
2. As a notice and demand to cease and desist:
  - 2.1. Willful interference with my constitutional right to travel.
  - 2.2. Tampering with and threatening a witness. The passport application constitutes testimony of witness and your threats to withhold issuance, to demand that I become enfranchised, or that you will criminally prosecute me using the evidence I submitted without cause, all constitute unlawful witness tampering in violation of 18 U.S.C. §1521.
  - 2.3. Compelling me to participate unlawfully and fraudulently in federal franchises such as Social Security, Medicare, and income taxation in criminal violation of 42 U.S.C. §1994.
  - 2.4. Continuing efforts by you to induce me to commit fraud on a passport application by misrepresenting my status in criminal violation of 18 U.S.C. §1542, 18 U.S.C. §1001, and 18 U.S.C. §1621.
  - 2.5. Unlawful retaliation against me for demanding that you obey the law by threatening to withhold legal evidence submitted with my passport application and thereby interfering with and delaying future attempts to obtain a passport.

You are hereby advised that all written and voice correspondence between us shall become legal evidence to be used in the future litigation should this be necessary and that answering the phone or talking to me in person shall constitute consent to be recorded.

If you fail to issue me my passport, as I will go on to prove you are legally required to do so, then I will be forced to bring a legal action against you under the statutes cited above as well as 8 U.S.C. §1503(a). Your failure to issue my passport is:

1. Clearly in violation of the statutes cited above.
2. Arbitrary and capricious and discriminatory.
3. In violation of 22 U.S.C. §2721, which forbids the denial or revocation of a passport based on my religious beliefs, affiliation, or membership.
4. In violation of the Constitutional requirement for “reasonable notice” of the conduct expected. Your agency does not publish written guidelines available to the public of precisely what evidence is required to substantiate a claim that one is a “non-citizen national” as described in Enclosure (1), and this lack of clear guidance is being used an excuse to conduct continuing, malicious, and unconstitutional harassment, invasion of privacy, and injuries to my dignity as an American National. The lack of written, published guidelines for what evidence is required places far too much discretion in your hands and makes it impossible to know in advance the minimum evidence required with my original application without either compromising my Fourth Amendment right to privacy or violating my Fifth Amendment right of freedom from self-incrimination.
5. Clearly contradictory to previous agency action or inaction in the face of overwhelming evidence that the status that I claim is not only lawful, but the *only* way I can truthfully describe it from a legal perspective without committing perjury on a government form. You and your employer, the U.S. government, have been repeatedly presented with evidence proving that what I am saying is true which you refuse to address publicly, have agreed in court is accurate, and yet continue to avoid because of the economic consequences. In short, you are conducting an organized crime ring and “protection racket” designed to continue and expand the flow of unconstitutional and unlawful plunder.

Further, your continuing malicious and irrelevant questions about my ‘social security number’ or a ‘taxpayer identification number’ as your basis for not issuing my passport is illegal PURSUANT TO 42 U.S.C. §408(a)(8). There is NO requirement for A NONRESIDENT such as myself to have a SSN or an ITIN, as I will go on to prove by quoting you the law(s), the LAW you are required to comply with on the subject matter.

As clearly explained in section 5 of Enclosure (1), I WILL NOT complete and it is not necessary or legally required for me to complete your Form IN-709-01 form because:

1. It violates the Paperwork Reduction Act (PRA).
2. It is far beyond the scope of what is required to be issued a passport. The ONLY thing required to be issued a passport is proof of birth in the country and allegiance (22 U.S.C. §212), and you have legal evidence of both signed under penalty of perjury.
3. It is an invasion of my Fourth Amendment right of privacy.
4. I am fearful that you will enter this information into DHS computer systems and use it to conduct “selective enforcement” to further undermine my rights. You don’t require this kind of information from anyone else and by singling me out, you are hazarding my safety and encouraging undue interest in my affairs by enforcement personnel.
5. It represents a malicious attempt to connect me with a franchises that I cannot lawfully participate in and which are injurious to my life, liberty, and property. See the following, which is also part of Enclosure (3):

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

Lastly, I will contend that your actions against me by repeatedly asking me for a social security number are actionable civil discrimination and a criminal tort in violation fo 42 U.S.C. §408(a)(8). I am not a numbered person OR a government worker called a “U.S. Person” (26 U.S.C. §7701(a)(30)) who needs a license number to function, and you will NOT BE ALLOWED TO compel me to become one for any amount of money or perceived “benefit”, regardless of how many times you ask me for a number, how I pay taxes, how I have a job or how I have student loans. All of these questions ARE AN UNCONSTITUTIONAL UNCONSCIONABLE AND IRRELEVANT INVASION OF MY FOURTH AMENDMENT RIGHT TO PRIVACY, MY FIFTH AMENDMENT RIGHT OF FREEDOM FROM SELF-INCRIMINATION, AND MY FIRST AMENDMENT RIGHT OF FREEDOM FROM COMPELLED ASSOCIATION. My answers have no impact on my eligibility for a passport, or your legal requirements to issue me one. There are specific legal remedies available to me, and you risk personal and professional liability for your failure to perform your sworn duties under the law AND FOR YOUR REPEATED VIOLATIONS OF MY CONSTITUTIONAL RIGHT TO TRAVEL.

If you don’t understand the legal consequences and implications of your actions, then I advise you to seek the advice of competent counsel immediately AS I HAVE DONE.

## **2 SATISFACTION OF BURDEN OF PROOF OF CITIZENSHIP STATUS**

I remind you that the Acceptance Agent is the only person who I am required to meet the burden of proof for. The DS-71 form indicates that it is only for use by the Acceptance Agent and you are NOT the acceptance agent, but simply an administrative processing person AFTER acceptance has been accomplished by the Acceptance agent. My burden of proof has already been satisfied with the Acceptance Agent because if it hadn’t, you never would have received my passport application to begin with. The regulations do not expressly confer jurisdiction to yet ANOTHER unnamed person such as yourself to subsequently add to the requirement proof AFTER acceptance. If you believe otherwise, please produce evidence of same in your response signed under penalty of perjury.

***“Form DS-71 is an affidavit used to identify a passport applicant in cases where the individual is not able to proof his or her own identity to an Authorized Acceptance Agent. The form is to be completed by the witness, not the passport applicant. Form DS-71 must be signed in front of the agent and included with the passport application. Individuals that do not provide correct information may face consequences of fines and/or imprisonment. Form DS-71 may also be known as Department of State Passport Form DS71, DS 71, DS 0071, Form DS71 or immigration form DS-71.”***  
 [SOURCE: [http://www.usimmigrationsupport.org/form\\_ds71.html](http://www.usimmigrationsupport.org/form_ds71.html)]

***“This affidavit is required to be included with a passport application only when the applicant for a passport is unable to establish his or her identity to the satisfaction of a person authorized to accept passport applications. The applicant must still present some identification of his or her own. Witnesses must complete items one through ten (and if applicable, eleven through thirteen), sign when requested to o so by the same authorized acceptance agent who accepted the passport application, and present some form of current photo identification of his or her own.”***  
 [DS-71 form, p. 3]

In any administrative proceeding, the moving party has the burden of proof. 5 U.S.C. §556(d). You are the moving party if you assert that I do not satisfy the burden of proof. YOUR burden of proof as the moving party is:

1. To tell me what constitutes sufficient legal evidence that one is a “non-citizen national” as described in Enclosure (1).

2. To publish written evidence requirements on your website for access by the general public BEFORE they submit their passport application so that you have no discretion to change the requirements afterward.
3. To respond to this correspondence with your real, legal birthname and not a pseudonym, and to sign your response under penalty of perjury as required by 28 U.S.C. §1746 just as you require everything I submit to you. Otherwise, you are giving yourself an unconstitutional “title of nobility” and depriving me of equal protection mandated by the Constitution.
4. To describe to me anything and everything that is untruthful, inaccurate, or inconsistent with the law in this correspondence and all attachments and to be held in default and estoppel for anything and everything you do not contradict under penalty of perjury pursuant to Fed.R.Civ.P. 8(b)(6).

I’m requiring you to answer the following questions, and/or rebut my evidence that I am not only eligible for a passport, but am also fully qualified under the statutes that require you to give me my passport. Your failure to issue me my passport has caused me considerable and unnecessary grief, stress, expense and time.

Since you are obviously an expert in law, as you went on to quote to me the regulations that you used to make a legal determination as to my eligibility for a passport, and as you went on to provide me legal advice, then you won’t have any problems providing me with actual statutes, AND NOT REGULATIONS, that prove you are in lawful compliance with the additional forms and other information that you’re unlawfully and prejudicially compelling me to provide to you, as you’ve legally determined I am required to do so.

You quoted your authority to deny my passport under 22 C.F.R. §51.40, 22 C.F.R. §51.41 and 22 C.F.R. §51.46. As a note to you, these are merely ‘regulations’ and regulations do not have the same force and effect as law. I’ll go on to detail and enumerate to you the law, so that you can’t continue to insult and denigrate me, and to force you to do what you’re required to do as my public *servant*.

#### **22 C.F.R. §51.40: Burden of Proof**

*“The applicant has the burden of proof that he or she is a U.S. citizen or a non-citizen national.”*

My Answer:

My proof, already provided to you, is an expired U.S. passport, which remains in your possession. As you know, I provided my birth certificate to prove that I was eligible and met the requirements to be issued my first passport. If my expired passport is unacceptable as proof of my non-citizen national status, then provide me with very specific instructions on what IS acceptable as further evidence and proof. Then, provide me the law that states an expired passport is insufficient proof of my non-citizen national status.

#### **22 C.F.R. §51.41: Documentary Evidence**

*“The applicant must present documentary evidence that he or she is a U.S. citizen or non-citizen national”.*

My Answer:

Attached please find Enclosure (1), USA Passport Application Attachment, which meets the documentary evidence requirements enumerated above.

#### **22 C.F.R. §51.46: Return or retention of evidence of U.S. citizenship or non-citizen nationality.**

*“The Department will generally return to the applicant evidence submitted in connection with an application for a passport. The Department may, however, retain evidence when it deems necessary for anti-fraud or law enforcement or other similar purposes.”*

My Answer:

I’ve demanded you to either complete my application and issue my passport, OR, return ALL OF THE DOCUMENTS TO ME so that I may walk them through a passport processing facility. You refused the release of my documents, which obviously means that you’ve made a determination that my application is either fraudulent or somehow illegal, and yet you refuse to prove with statutes, which are evidence, why you think my documents are fraudulent. Since you’ve not made

such an assertion against me, then I am insisting that you provide all evidence supporting your determination signed under penalty of perjury as I am required to do in your case so that we may resolve this matter on an equal footing. ; If indeed you believe that my application is fraudulent or that I have no legal basis for making my application for passport renewal, then I insist that you make such a determination IN WRITING under penalty of perjury (28 U.S.C. §1746) and return the same to me immediately. You DO NOT have the right to just hold my documents which is preventing my lawful request and processing of my passport, which further enjoins me from several fundamental rights, such as the right to travel.

### **3 ACTIONS PROMPTLY REQUESTED OF YOU**

Please promptly:

1. Issue me a passport as LAWFULLY demanded.
2. Answer the Compliance Questionnaire later in section 4 to prove that your request is lawful. You has the moving party have the burden of proving that your request for additional information and/or denial of passport is lawful.
3. Return the evidence I submitted with my application for my safekeeping.
4. Provide in your response:
  - 4.1. Your phone number and email address so we can talk about your response if I have any questions.
  - 4.2. Your delegation of authority order that specifically authorizes you to make the claim you are making.
  - 4.3. Proof that you are legally responsible for what you say as a government employee, so that I have a reasonable cause to believe what you say. This proof must come in the form of a perjury statement and a court cite proving that if you say something false to me, you can and will be held legally responsible for that.
  - 4.4. All evidence needed to satisfy the burden of proving every claim you make in your response as required by [5 U.S.C. §556](#)(d). All evidence must be admissible in court and signed under penalty of perjury, just as everything I submit to you must be.
5. Cease and desist all unlawful efforts indicated in Section 1 to harass, terrorize, discredit, and burden me for the exercise of constitutionally protected right to travel and to not participate in federal franchises.
6. DO NOT enter any of the information provided other than what appears on the Form DS-11 application into any government information system, as this would violate my privacy and subject me to selective enforcement. You are required to obtain my consent to share information about me pursuant to 5 U.S.C. §552a(b) and you DO NOT have my consent to store or share my information with ANYONE after the passport is issued.
7. If you dispute or have doubts about anything in this correspondence, please read and then respond with a detailed rebuttal signed under penalty of perjury to:
  - 7.1. Anything you disagree with in this correspondence.
  - 7.2. Anything referenced in this correspondence.

I ask that in responding to this correspondence, you avoid the temptation to:

1. Make legal determinations about my status. I do not authorize you to practice law on my behalf or to tell me either what I AM or what I am NOT. The status I claim is an exercise of my protected First Amendment right of freedom of association and you may not interfere with the exercise of that right by telling me how, or under what circumstances, I choose to politically associate or disassociate with a specific political group called a "state" or government.
2. Label anything within this correspondence as "frivolous". For the purposes of your response to all correspondence or forms originating from me, that word shall mean "truthful, accurate, and consistent with prevailing law". I emphasize that you are a public **servant** and I am the public. You serve me and I have a right to expect that you will help me comply with the requirements of law by citing HOW to comply, not why you don't like my sincere efforts to comply.
3. Try to compel me to participate in federal franchises such as Social Security, Medicare, Unemployment, or the "trade or business" franchise. It is a criminal violation of the separation of powers and the Thirteenth Amendment to offer or enforce government franchises to those domiciled outside of federal territory or those not ALREADY lawfully employed with the federal government as public officers BEFORE they filled out any tax or passport form. See 18 U.S.C. §911 and the rebut the following and the questions at the end of the following if you disagree, which also appears within Enclosure (3):  
[Government Instituted Slavery Using Franchises, Form #05.030](#)  
<http://sedm.org/Forms/FormIndex.htm>

You have 30 days to respond to and rebut this correspondence or be found in default and equitable estoppel pursuant to Fed.Rul.Civ.P. 8(b)(6).

## 4 COMPLIANCE QUESTIONNAIRE

In order to facilitate me responding to your request for additional information while also protecting my Constitutional rights that you swore an oath to defend, please answer the following questions:

1. Explain why my original Form DS-11 did not address the issues raised in section 5 of the USA Passport Application Attachment attached to my original application, Enclosure (1).
2. Explain which of the three "United States" you mean in the term "U.S. citizen" on the DS-11 form. The three choices are listed in Section 7 of Enclosure (1). You can choose ONLY one, and whichever you choose must be demonstrated with a statute from Title 8 of the U.S. Code that includes everything you want to include within the definition. In the absence of a definition indicating that which you wish to include, everything ELSE is expressly excluded by implication:

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

3. Explain why you think the Paperwork Reduction Act (PRA) imposes a legal obligation upon me to fill out the Form IN-709-01 form. Enclosure (1), Section 5 proves that the form is not compliance with the PRA and is therefore not an authorized collection of information to the American public. Consequently, your IN-709-01 form may only be used within the government. I am not a government employee or officer and I don't consent to act in the capacity of one.
4. Explain why you are asking me to meet different and unequal standards than all the other passport applications you receive. Ordinary applicants are not required to fill out the Form IN-709-01. This appear to be discrimination based on my national origin as a "national" and also a violation of my right to equal treatment and equal protection mandated by the Constitution.

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

5. Explain how you can compel me to contract with you without violating the Constitution. In law, all franchises are contracts between the government grantor and the grantee. This includes, Social Security, Medicare, driver's licenses, income tax, etc.

*As a rule, **franchises spring from contracts between the sovereign power and private citizens,** made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>1</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. **But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.**<sup>2</sup>  
[Am.Jur.2d, Franchises, §4: Generally]*

By making it literally impossible to provide information needed to exercise my unalienable right to travel WITHOUT engaging in a federal franchise that issues government IDs, indirectly you are compelling me to contract with you, which would seem to be a violation of Article 1, Section 10 of the United States Constitution and engaging in involuntary servitude in violation of the Thirteenth Amendment?:

*U.S. Constitution  
Thirteenth Amendment - Slavery And Involuntary Servitude*

<sup>1</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga 731, 115 SE 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La 857, 47 So 2d 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 NW 691.

<sup>2</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga 731, 115 SE 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La 857, 47 So 2d 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 NW 691.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

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U.S. Constitution, Article 1, Section 10.

No State shall . . . [ . . . ] . . . pass any Bill of Attainder, ex post facto Law, **or Law impairing the Obligation of Contracts [and by implication, compelling contracts],** or grant any Title of Nobility.

6. Explain how you can lawfully institute the equivalent of a bill of attainder in violation of Article 1, Section 10 of the constitution against a person domiciled in a place protected by the Constitution and not lawfully engaged in any franchise that might result in a surrender of said right. The constitution forbids penalties by any administrative branch of the government without court trials. The only exception to this requirement is those who are participating in franchises and public rights, which I am not in this instance. I won't allow you to turn the exercise of my constitutional RIGHT to travel into a privilege and then penalize or otherwise regulate its exercise, and especially not without proof that I surrendered that right by signing up for a government franchise or privilege.

*"It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may not impose conditions which require the relinquishment of Constitutional rights. **If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence.**"*

*[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]*

7. Explain how I can comply with your request for additional information without violating my religious beliefs. My religious beliefs require me to not contract with, accept "benefits" from, or participate in any franchises of the government.

*"Do not walk in the [statutes of your fathers](#) [the heathens], nor observe their judgments, nor defile yourselves with their idols. I am the LORD your God: Walk in [My statutes](#), keep My judgments, and do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD your God."*  
*[[Ezekiel 20:10-20](#), Bible, NKJV]*

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*"You shall make no covenant [contract or franchise] with them [[foreigners, pagans](#)], nor with their [[pagan government](#)] gods [[laws or judges](#)]. They shall not dwell in your land [and you shall not dwell in theirs [by becoming a "resident" in the process of contracting with them](#)], lest they make you sin against Me [God]. For if you serve their gods [[under contract or agreement or franchise](#)], it will surely be a snare to you."*  
*[[Exodus 23:32-33](#), Bible, NKJV]*

All your requests for additional ID associate me with some kind of government franchise or license such as driver's licenses, Social Security, etc. The law cannot require an impossibility and you are a creature of the law. Please provide a way for me to comply with your request for additional information without associating myself with a government license, franchise, or "public right" and thereby violating my religious beliefs.

### **3. SIGNIFICANCE OF SPECIFIC STATEMENTS IN YOUR RESPONSE**

The First Amendment gives me a right to communicate with my government as I see fit. Included within that right is the right to define the meaning and significance of all the words and "terms" and actions involved, which are "symbols" that communicate the intentions of the parties. Even the federal courts have repeatedly said that you can't trust anything a government employee says, and therefore I am compelled to define all the words and phrases that may be used by either side in this interchange in order to avoid the sin of presumption and avoid being injured by any presumptions. Consequently, for the purposes of this correspondence and your response(s) to it, the following definitions and protocols shall conclusively apply:

1. A response not signed under penalty of perjury or signed without the real legal birthname, work address (NOT PO BOX), phone number, and place where you can be served with legal papers shall constitute a non-response for the purposes of this correspondence. Every time I correspond with you on a government form, I have to sign it under penalty of perjury and you have to abide by the same rule. Otherwise, an unconstitutional "title of nobility" has been illegally conferred and the requirement for equal protection that is the foundation of the Constitution has been violated.
2. Any issue raised in this correspondence that you remain silent on or do not explicitly rebut shall constitute an admission and an estoppel in pais for all future litigation on this subject. This is a requirement of [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), which says that failure to deny (with evidence rather than just opinion) shall constitute an admission. Federal Courts have also said that when a criminal, which is you, is confronted with evidence of his wrongdoing, and either responds with silence or claims the Fifth Amendment, that shall constitute an admission and a negative inference against them to a jury or factfinder.

*"It is well established that in a criminal trial a judge or prosecutor may not suggest that the jury draw an adverse inference from a defendant's failure to testify." United States v. Solano-Godines, 120 F.3d 957, 962 (9th Cir. 1997). However, in civil proceedings adverse inferences can be drawn from a party's invocation of this Fifth Amendment right. See SEC v. Colello, 139 F.3d 674, 677 (9th Cir. 1998). The seminal case in this area is [Baxter v. Palmigiano, 425 U.S. 308 \(1976\)](#). In Baxter, the Supreme Court was confronted with a prison inmate who had been brought before a prison disciplinary board on charges of inciting a disturbance. When informed that state criminal charges might be brought against him arising out of his conduct while in prison, the inmate was advised that he could remain silent before the board, but that his silence would be used against him. See id. at 312. During the hearing, the inmate was confronted with incriminating evidence, remained completely silent, and as a consequence was given further punishment under the assumption that he perpetrated the acts for which he was being questioned. See id. at 313, 317. **The Supreme Court held that the drawing of the adverse inference from the inmate's silence was proper when incriminating evidence had also been presented, and therefore no Fifth Amendment violation had taken place.** See id. at 317-18.*

**The Baxter holding is not a blanket rule that allows adverse inferences to be drawn from invocations of the privilege against self-incrimination under all circumstances in the civil context. Rather, lower courts interpreting Baxter have been uniform in suggesting that the key to the Baxter holding is that such adverse inference can only be drawn when independent evidence exists of the fact to which the party refuses to answer. See, e.g., LaSalle Bank Lake View v. Seguban, 54 F.3d 387, 391 (7th Cir. 1995); Peiffer v. Lebanon Sch. Dist., 848 F.2d 44, 46 (3d Cir. 1988). Thus, an adverse inference can be drawn when silence is countered by independent evidence of the fact being questioned, but that same inference cannot be drawn when, for example, silence is the answer to an allegation contained in a complaint. See Nat'l Acceptance Co. v. Bathalter, 705 F.2d 924, 930 (7th Cir. 1983). In such instances, when there is no corroborating evidence to support the fact under inquiry, the proponent of the fact must come forward with evidence to support the allegation, otherwise no negative inference will be permitted. See LaSalle Bank, 54 F.3d at 391. [Doe v. Glanzer, 232 F.3d 1258, 232 F.3d 1258 (9th Cir. 11/17/2000)]**

3. Previous responses by you to earlier versions of this document have predictably employed deliberately ambiguous terms in order to avoid admitting the truth. We therefore define all such terms below consistent with their statutory meanings. If you agree with these definitions, simply say nothing. If you disagree, please provide the statute the expressly includes that which you argue is included. Otherwise, the rules of statutory construction forbid arbitrarily extending the definitions or making presumptions about what is included because that would violate due process of law and cause you to establish a religion in violation of the First Amendment:

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

- 3.1. **"United States"**: Means federal territories and possessions and excludes states of the Union. There is no definition of "State" within the original Social Security Act of 1935 or any of its successors that has ever included a state of the Union. Congress cannot legislate for either states of the Union or the people in them without violating the Separation of Powers Doctrine and committing treason punishable by death. See:
  - 3.1.1. Social Security Act of 1935, Section 1101(a)(2).
  - 3.1.2. Current Social Security Act, Section 1101(a)(2).
  - 3.1.3. 42 U.S.C. §1301(a)(2).
- 3.2. **"State"**: Means a federal territory or possession and no part of any state mentioned in the United States Constitution. See:
  - 3.2.1. Social Security Act of 1935, Section 1101(a)(1).
  - 3.2.2. Current Social Security Act, Section 1101(a)(1).

3.2.3. 42 U.S.C. §1301(a)(1).

4. Any use of the words “frivolous” in your response shall mean “correct, truthful”. I have a protected [First Amendment](#) right to communicate with our government as we see fit. This means you must communicate with me in a language I understand and define. If people who speak Spanish are entitled to interpreters in court, I am entitled to a similar “interpreter”. My “language” does not include the word “frivolous” or any variation thereof as commonly used by the legal profession. Those who want to identify anything that I say as incorrect must specify exactly what is incorrect and do so under the rules of evidence established above using only legally admissible evidence consistent with that identified in the list above.
5. If you provide a general answer rather than specifically address the issues raised herein about your coercive and illegal conduct, then this shall constitute fraud, based on the following maxims of law:

*“Fraus latet in generalibus. Fraud lies hid in general expressions.”*

*“Fraus est celare fraudem. It is a fraud to conceal a fraud. 1 Vern. 270.”*

*“Lata culpa dolo aequiparatur. Gross negligence is equal to fraud.”*

[Bouvier’s Maxims of Law, 1856; SOURCE:

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

6. The expression of a personal or agency opinion rather than providing legally admissible evidence under penalty of perjury supporting your position shall constitute an admission of the truthfulness of everything not rebutted with such legally admissible evidence. I am not interested in self-serving “opinions”, agency “propaganda”, or agency “policy”, but *only facts and law that are relevant and admissible in a legal proceeding involving the issues raised herein*. All such self-serving agency “rhetoric” only proves to me that you are administering the “public trust” as a “sham trust” for your own personal benefit as “trustee” and not for the benefit of the public who the trust was created to serve. The U.S. Supreme Court has declared that we are a “society of law and not men”.

***“The government of the United States has been emphatically termed a government of laws, and not of men.***

*It will certainly cease to deserve that high appellation, if the laws furnish no remedy [against a public official such as yourself] for the violation of a vested legal right.”*

[*Marbury v. Madison*, [5 U.S. 137](#); 1 Cranch 137, 2 L.Ed. 60 (1803)]

This means that we are NOT a “society of policy”, because “policy” is NOT law, except possibly in a monarchical or dictatorial form of government that is anathema to our system of republican government. Therefore, I am not interested in what “men” such as you have to say, but what the law, the courts, and the legally admissible evidence signed under penalty of perjury by someone with demonstrated lawfully delegated authority with personal knowledge and who agrees to take legal responsibility in court for their statements says in your favor. An opinion that is not legally “actionable” from a person who is not responsible for what they say is meaningless and makes a very poor basis for belief. Whenever I communicate with you on a government form, it usually must be under penalty of perjury. See [26 U.S.C. §6065](#), for instance, and the perjury statement on just about every government form available. That is exactly what I expect from you, because the Fourteenth Amendment section 1 and [42 U.S.C. §1981](#) both say that I am legally entitled to the same “equal protection”. Any expression of “policy” rather than legally admissible, specific evidence of authority shall constitute an admission that we are NOT a society of law but of men and that YOU are a COMMUNIST. Welcome to AMERIKA. Comrade! The U.S. Congress says the main characteristics of all communists is a failure or refusal to recognize the limits placed upon their authority by the Constitution and all laws passed in furtherance of it.

[TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)

[Sec. 841. - Findings and declarations of fact](#)

*The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [dejure] Government of the United States [and replace it with a defacto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and privileges [including immunity from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of the tax laws] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding recently by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for*

*indoctrination [in the public schools by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. **Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members.** The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. **The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States.** It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.*

If you as a public servant will not acknowledge the limitations and duties imposed by law upon your conduct in helping the “public”, of which I am a member, by complying with this lawful request, then you are risking a criminal complaint for conspiracy to violate rights, constructive fraud, and civil damages for breach of fiduciary duty as a public officer. Of this sort of willful communist rebellion against enacted law by public servants, the U.S. Supreme Court has said:

*"No man in this country is so high that he is above the law. No officer of the law [such as YOU, a "public officer"] may set that law at defiance with impunity [by ignoring or evading his duties under it]. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives." 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property [or his earnings from labor, which are also property] by force [and CONSTRUCTIVE FRAUD through OMISSION], his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights," 106 U.S., at 220, 221.*

*[United States vs. Lee, 106 U.S. 196, 1 S. Ct. 240 (1882)]*

## **5 CONCLUSION**

I remind you the U.S. Supreme Court has declared that we are a society of law and not men or the policies of men. You have a constitutional requirement to give me “reasonable notice” in writing (law) of the precise conduct expected of me before I engage in it. You do not publish on your website or make available any standards to the public that you serve describing precisely what constitutes sufficient documentary evidence for the status that I claim. Neither is such information available through the courts. It is unconscionable that you should maliciously use this vacuum of information about compliance that you willfully created as an excuse to terrorize people such as me in the constitutionally protected exercise of their rights:

1. To NOT contract with the government. All franchises are contracts and I have a right NOT to contract and therefore NOT participate in Social Security, Medicare, or income taxes.
2. To NOT legally associate with any group of people, including a “state”. My application specified that I am not domiciled in the “United States” and therefore a “nonresident” and a “transient foreigner” who is not subject to ANY of the civil laws you cite as authority. The First Amendment attaches to the land I stand on, not my civil status, as ruled by the U.S. Supreme Court, and it protects my right of freedom from compelled association.

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

*"Similarly, when a person is prevented from leaving his domicile by circumstances not of his doing and beyond his control, he may be relieved of the consequences attendant on domicile at that place." In Roboz (USDC D.C. 1963) [Roboz v. Kennedy, 219 F.Supp. 892 (D.D.C. 1963), p. 24], a federal statute was involved which precluded the return of an alien's property if he was found to be domiciled in Hungary prior to a certain date. It was found that Hungary was Nazi-controlled at the time in question and that the persons involved would have left Hungary (and lost domicile there) had they been able to. Since they had been precluded from leaving because of the political privations imposed by the very government they wanted to escape (the father*

*was in prison there), the court would not hold them to have lost their property based on a domicile that circumstances beyond their control forced them to retain."*

*[Conflicts in a Nutshell, David D. Siegel and Patrick J. Borchers, West Publishing, p. 24]*

I remind you that the only difference between a "citizen" and a "national" under federal statutory law is one's choice of legal domicile. Those who do not have a domicile within the "United States", which is statutorily defined to include ONLY federal territory for the purposes of Title 8 of the U.S. Code, are "nationals" but not "citizens" under federal law. No one but me can choose or determine my domicile and that choice must be voluntary and a product of BOTH my consent and my physical presence in a place.

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

I delegate to NO ONE, least of all a malicious public servant, the right to make that choice of political association called domicile for me or on my behalf. That choice is the only basis for imposing federal civil law upon me and is the origin of ALL the civil authority you have over me as a human being. How I describe my status is a product of that choice. If you are at all uncertain about this, I encourage you to not only read, but rebut the following within 30 days or be estopped in future litigation for violation of rights directed at you personally and individually. These documents are included as Enclosure (3):

1. [Why You are a "national", "state national", and Constitutional but not Statutory Citizen](http://sedm.org/Forms/FormIndex.htm), Form #05.006
2. [Why Domicile and Becoming a "Taxpayer" Require Your Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.002

Your employer has already repeatedly been offered an opportunity to rebut the above documents, both administratively and in court, and by its silence has agreed that they are truthful and been found in default. Your former coworker, Sharon Palmer Royston of the Dept. Of State is among them. Consequently, you already agree that I am right on this subject and yet self-servingly keep ignoring this fact because it is economically expedient, but the result is that you are engaged in a criminal conspiracy against my rights.

Our system of government was never intended by the founding fathers to leave unlimited discretion in the hands of anyone, and certainly not on important subjects such as the right to travel of Americans born in this country and protected by the Constitution.

*"For the very idea that one man may be compelled to hold his life, or the means of living, or any material right [INCLUDING the right to travel] essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."*  
*[Yick Wo v. Hopkins, 118 US 356 (1885)]*

## **6 AFFIRMATION**

I certify under penalty of perjury from without the "United States" and from within the "United States of America", a foreign state and a foreign estate pursuant to 26 U.S.C. §7701(a)(31) and 28 U.S.C. §1746(1) that this correspondence and all enclosures are true, correct, and complete to the best of my ability.

Very Respectfully,

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**ENCLOSURE (1): USA PASSPORT APPLICATION ATTACHMENT**

**ENCLOSURE (2): WHY IT IS ILLEGAL FOR ME TO REQUEST OR USE A TAXPAYER IDENTIFICATION NUMBER**

**ENCLOSURE (3): EXHIBIT CD**

This CD contains the following exhibits:

1. *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006
2. *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002
3. *Government Instituted Slavery Using Franchises*, Form #05.030

The latest version of all of the above exhibits are also available at:

[SEDM Forms/Publications](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>