

# Regulate Who?

by Michael H. Keehn

If you have read *Sui Juris... pardon me but #5 or Perceptions*, located on the web at “<http://mhkeehn.tripod.com/>”, it is likely that there are many points and assertions that are difficult to grasp or understand. Perhaps it is not even believable, given your understanding of government and law. It is the purpose of this document to help bridge the gap of understanding.

I begin with an assertion: The people of these united States have never given the government the authority to regulate them, only residents and commercial activity.

As we have seen, government has reached further and further in its attempt to regulate the people of these united States. Allow me to set forth some laws of our government that will help me to explain the assertion I made above. I begin with an extract from the Code of Federal Regulations (CFR). This particular one comes from title 26, the IRS codes.

In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to the income taxes imposed by the Code whether the income is received from sources within or without the United States. ... As to tax on nonresident alien individuals, see sections 871 and 877.

[26 CFR 1.1-1(b)]

The term “alien” comes into play here, alongside the term “resident”. We will learn a little more about the term ‘alien’ as we progress, but first, another quote from the *Internal Revenue Code* (IRC).

- (1) In General. For purposes of this title (other than subtitle B)
  - (A) Resident Alien. An alien individual shall be treated as a resident of the United States with respect to any calendar year if (and only if) such individual meets the requirements of clause (i), (ii), or (iii):
    - (i) Lawfully Admitted for Permanent Residence. Such individual is a lawful permanent resident of the United States at any time during such calendar year.
    - (ii) Substantial Presence Test. Such individual makes the election provided in paragraph (3).
    - (iii) First Year Election. Such individual makes the election provided in paragraph (4).

(B) Nonresident Alien. An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of the United States (within the meaning of subparagraph (A)).

[IRC 7701(b), emphasis added]

Of particular interest here is the term “nonresident alien”. Before we explain this phrase, let’s attack the meaning of what it means to ‘reside’. “Reside” is what you do when you live in an area that is not the home of your citizenship. If a Frenchman comes to California to live, he ‘resides’ in California. He ‘resides’ because the home of his citizenship is France and he is now living in an area that is not the home of his citizenship.

To explain our ‘resident’ status we need to understand a couple of matters that are not taught in public schools. They are not taught for good reason, but they are none the less, very valid. The first topic is original citizenship. By this I mean the original citizen of the Republic of the United States of America. From the time of the declaration of independence the states had all functioned as “*independent nations*”. No state had any more authority than any other and each was an independent nation. This independent nation status was an obstacle and topic of discussion at the constitutional convention. How to ‘unite’ the independent states. Each state was very jealous of its independent nation status and very quickly it became clear that the states were not going to give up their independent nation status and sign anything that took it from them. Even to unite. Consequently the constitution did not create a country, it formed a “*UNION*”. A union of several independent nation states. Thus, at the birth of the Republic, the original citizen was the State Citizen since the state was the independent nation.

The constitution gives congress “exclusive legislative authority” over an area, not to exceed ten miles square, that the constitution refers to as *the District*. This area was designated as the seat of the federal government. I have bolded and italicized the term because it is a jurisdiction onto itself and it needs to be recognized as such. The jurisdiction of *the District* of Columbia is not inclusive (inside the Republic of these United States), it is exclusive (outside the Republic). That is why congress is able to make any law it wishes for this jurisdiction. If it were within the confines of the Republic of these United States, the making of laws would be constrained by constitutional restrictions and limitations.

It is this jurisdiction that is the home of “United States citizenship”. There are only two jurisdictions from which citizenship may emanate here... one jurisdiction is one of the several States and the other jurisdiction is *the District* of Columbia. Remember that *the District* of Columbia is outside the Republic. That means it is a ‘foreign’ jurisdiction. Or, from the point of view of *the District*, the Republic is a foreign jurisdiction. It is very important to understand this perspective to make sense of their laws.

Congress created a government for *the District* in 1871. It is a corporation, municipal in nature, but still a corporation. Remembering what we said earlier, that the constitution gave congress exclusive legislative authority over *the District*, it is then easy to see that this gives congress a dual character. Congress may make law for the Republic in one character, and in another character, this legislative body may make law for the corporate structure. But this law would be corporate (commercial), not law of the Republic. And further, the authority of Congress to make

corporate laws, would extend to anything owned by *the District* or under the jurisdiction of *the District*. Guam, Wake, Virgin Islands, Puerto Rico, military bases come to mind.

Don't give up, we're now getting close to understanding how we became residents. In the 1930's, social security came into existence. By this time the government had taken over our educational system and by their gradual take over of the control of our public school curriculum, we were sufficiently mis-educated, or un-educated, so as to not understand their actions. Additionally, we trusted the leadership of our country. Thus, we really became an easy target. The depression was engineered, and social security was put in place to help 'save us'. However, to get social security, we had to declare our status on the application. And never being truly taught our citizenship status, we checked the box titled "UNITED STATES CITIZEN", not fully understanding what that meant. In effect, we had declared ourselves to be citizens of *the District* of Columbia, a jurisdiction foreign to the Republic. With that, we were now residents regardless of which state in which we lived. The home of our citizenship was now lawfully declared to be elsewhere by our own signature... under penalty of perjury mind you.

By virtue of joining social security you have given the federal government jurisdiction over you in which case they have the authority to apply their corporate law. Laws which do not meet any constitutional requirements. In effect, you have contracted to be abused, and they are more than willing to abuse you. But, their traps don't end there. By virtue of my assertion at the beginning, you can quickly conclude that they must either make you a resident, or a commercial activity. We have now covered your conversion to a resident. Let's see if you might also be a commercial activity.

Assertion: All United States Citizens are enfranchised. If you do your homework, you will find this to be true. I'm not going to do it all for you, you have to do something. Yes, United States citizens are a enfranchised by the corporation of 1871, the municipal corporate government of *the District* of Columbia. What you know as *the UNITED STATES*. I bolded and italicized the term "THE" for a reason. It seems that when the law makers are referring to the corporate United States in their laws, they use the singular reference, "the United States." But when they are referring to the Republic of the united States of America, they use a plural reference, "these United States." Or so it seems. But since we were all educated in public schools, we probably all knew this already (that's supposed to be humorous). Does that sound a little sarcastic? If so, perhaps educators should begin doing their job. I can tell you I'm a little angry about the education I didn't receive. It's taken me about ten years of study and research to reach a point where I can write this paper. Yet, if properly explained, its' pretty easy stuff to understand. Especially if we were exposed to this knowledge from the beginning.

Let's take a look at the legal definition of "enfranchise".

Enfranchisement. The act of making free (as from slavery); giving a franchise or freedom to; investiture with privileges or capacities of freedom, or municipal or political liberty. Conferring the privilege of voting upon classes of persons who have not previously possessed such. See also Franchise. [Blacks Law Dictionary, Sixth Edition]

Ok, we'll take their recommendation and also look at "franchise".

Franchise. A special privilege to do certain things conferred by government on individual or corporation, and which does not belong to citizens generally of common right; [Blacks Law Dictionary, Sixth Edition]

“Citizens of common right”? Those are *nonresident aliens*. We still have to explain that one. In a bit, but first we need to see that by virtue of our United States citizenship, we have become a corporate franchise. As a corporate franchise we are a commercial activity since a corporate franchise is a commercial activity. Thus, we have once again given the federal government authority to regulate us.

Now, let’s talk about the nonresident alien. If you were an individual who did not have a government issued birth certification (government issued birth certificate) or a social security number, yet you were born in the Republic of the United States of America, you are a nonresident alien. Let’s see if I can explain this so it makes sense.

First you are living in the home of your citizenship, the Republic. So, you’re not residing. Thus, you are nonresident. There, that was easy was it not? Now we need to remember or understand that an alien is a person from a foreign jurisdiction. We often hear about the “*illegal aliens*” crossing the border from Mexico. They are alien, because they come from a foreign jurisdiction. Let us now recall that *the District* is a jurisdiction outside the Republic. It’s an alien jurisdiction. Or, looking from the point of view of *the District*, the Republic is alien. And the law that defines a ‘nonresident alien’ is in the jurisdiction of *the District*. Thus, a Citizen of the Republic is an alien to them. But if he was born in the Republic he is nonresident, thus a nonresident alien. If you spend the time to connect the dots on this one, you will quickly conclude that the government has went a long way to trick and trap you.

One more topic and we’re there. The ‘BUCK ACT’. The ‘BUCK ACT’ paved the way for the several states to become corporations, municipal in nature, but still a corporation. But in the case of the several states, they were incorporated under the laws of *the District*. The ‘BUCK ACT’ is *District* law. This makes the corporate states subject to the jurisdiction of *the District*. This means that the State legislatures make corporate law. Once again, that is commercial law.

Now we get down to what this short paper is all about. How you are regulated, sometimes to death as in the case of WACO, Texas and Ruby Ridge, Idaho. It is by virtue of commercial law. Building permits are commercial law. The draft is commercial law. School systems, all their rules, regulations and requirements are commercial law. Driving laws are commercial, unless you use your car as a weapon to murder someone, then the charge may be a combination of commercial law and murder, which is a law of the Republic. The whole idea of commercial law is to regulate you for the purpose of taking your money and ringing the government cash register. As I said earlier... government will be glad to abuse you.

Remembering that *the District* and its laws are foreign to the Republic, the same mirror image is true looking from *their side*. If *the District* is foreign to the Republic and citizens of the Republic, then the citizen of the Republic is *foreign* to them. With the knowledge that the *several states* have opted to become municipal corporations of the laws of *the District*, and that the counties and cities have also become municipal corporations under the laws of the corporate

state, under the laws of *the District*, then it is easy to conclude that any business that is licensed, and that is almost all business, has a license traceable to *the District* and its jurisdiction. Therefore, if a citizen of the Republic is to work for a licensed business, this business will need documentation that will satisfy the IRS as to why there are no taxes being withheld on this individual. In other words the business will need a document that indicates the citizen of the Republic to be an individual outside of their jurisdiction. That document is a properly filled out and signed W8, a *Certificate of Foreign Status* and is available from the IRS web site. I have posted this form on my web site at:

<http://mhkeehn.tripod.com/w8.pdf>

Remember, to them you are a foreigner (an alien). That because they are a jurisdiction outside the republic and you, a purely a State Citizen are inside the Republic. Also take into consideration that they may replace this form with another. Whenever the American people begin to figure things out, it is a tactic of government to make it more complex and difficult. Again, it is a *Certificate of Foreign Status*, and so using that as a search criteria at the IRS web site, you should find what you need regardless of any changes.

In the Clearfield decision the supreme court ruled that when government engages in commerce, it waives its sovereign immunity and descends to the level of a private corporation and takes on the character of a mere private person. Thus, for government to enforce some specific performance they might be demanding, they have acquired the burdens of a private individual. For example, can I as a private person compel you to dig a fence post hole? Only if I'm the holder in 'due course' of a contract or other commercial agreement which requires this specific performance, signed by yourself. If you can get a grip on this you will have a tremendously powerful tool in dealing with corporate government, even if you are a United States citizen.

Let's talk just a little detail and perhaps answer a question or two that a reader might have. One of the first might be related to the social security number. No - it is not necessary to hold a social security number to work for virtually any privately owned business or corporation. But, the business owner most likely does not know this, due to the lack of proper public education. This is explained in greater detail in the book *PERCEPTIONS*, which may be downloaded for free at <http://mhkeehn.tripod.com/>. And so I'm not going into any more detail about that issue here.

If you were to open and run a restaurant, is this a '*commercial activity*'? It depends. It depends on your status. Are you purely and only a State Citizen (a citizen of the Republic), or do you hold United States citizenship? And did you foolishly license the business? In deciding the "*slaughterhouse cases*", the supreme court went some distance in delineating out the differences between State Citizenship and United States citizenship. In the quotes from the Slaughterhouse Cases below, I have used the cite "[Slaughterhouse Cases, 16 Wall 36]" as an indicator to the reader that the text is not continuous in its flow. That at each point where the cite is inserted, there are other paragraphs in between which are not shown. Those sections which have more than one paragraph without a cite separating them are contiguous in the text of the decision.

“We do not conceal from ourselves the great responsibility which this duty devolves upon us. No questions so far-reaching and pervading in their consequences, so profoundly interesting to the people of this country, and so important in their bearing upon the relations of the United States, of the several States to each other, and to the *citizens of the States* and *of the United States*, have been before this court during the official life of any of its present members.”

[Slaughterhouse Cases, 16 Wall 36]

And further

... “The first clause of the fourteenth article was primarily intended to confer citizenship on the Negro race, and secondly to give definitions of citizenship of the United States and citizenship of the States, and it recognizes the distinction between citizenship of a State and citizenship of the United States by those definitions.

The second clause protects from the hostile legislation of the States the privileges and immunities of citizens of the United States, as distinguished from the privileges and immunities of citizens of the States.”

[Slaughterhouse Cases, 16 Wall 36]

And even further

“The first section of the fourteenth article to which our attention is more specially invited opens with a definition of citizenship -- not only citizenship of the United States, but citizenship of the States. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments, and in the public journals. It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether [83 U.S. 73] this proposition was sound or not had never been judicially decided. But it had been held by this court, in the celebrated Dred Scott case, only a few years before the outbreak of the civil war, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled, and if it was to be accepted as a constitutional limitation of the right of citizenship, then all the Negro race who had recently been made freemen were still not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution.”

[Slaughterhouse Cases, 16 Wall 36]

... more...

“The next observation is more important in view of the arguments of counsel in the present case. It is that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. [83 U.S. 74] Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must *reside* within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.”

[Slaughterhouse Cases, 16 Wall 36]

There's that term “reside” again.

“It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the word citizen of the State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and, with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment. [83 U.S. 75]

**If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such and those belonging to the citizen of the State as such, the latter must rest for their security and protection**

**where they have heretofore rested, for they are not embraced by this paragraph of the amendment.**

The first occurrence of the words "privileges and immunities" in our constitutional history is to be found in the fourth of the articles of the old Confederation.

It declares...

that the better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively."

[Slaughterhouse Cases, 16 Wall 36]

As in all things, the slaughterhouse cases are open to a number of interpretations. But the decision of the supreme court has clearly indicated that there is a difference in the burdens and permissions between the State Citizen and the United States citizen. So now, can we answer the question, "if you are a State Citizen who opens a restaurant, is this a commercial activity?" Absolutely not. Why? Because, as a State Citizen, you are not a commercial activity and you have not applied for any government license (a form of contract) to operate your restaurant, nor have you made it into a corporation (another form of contract). A restaurant is a common law occupation existing before "**the United States**" or even "**the States**" and does not depend upon the character of the national or State government for its existence. By not having any contracts or licenses with government, you have not acquired a disability or burden to your person. Therefore, government does not have jurisdiction. But don't expect local county or city officials to know that they don't have jurisdiction. They went through the same public schools as you and have been operating unchallenged so long, that they don't have a clue. Therefore, be prepared to challenge them. Study the Clearfield doctrine (318 U. S. 363).

Cooking and preparing food is an occupation of *common right*, under the *common law*, the law of the Republic of the united States of America.

With the understandings contained in this writing you can now read Sui Juris #5 and Perceptions, and come away with a much clearer understanding of what is being said. With a little thought and study you can become a very dangerous individual. Perhaps at least as important as acting on this information is to simply understand it. If we understand what has taken place then when we sit on a jury we can understand the argument of a State Citizen, or even some United States citizens. Remember, a State Citizen does not have a drivers license to travel in his car. The drivers license is commercial law, and he is not subject to commercial law. The problem is that there are those among us who feel that since we have obligated ourselves to commercial law and the abuse it brings into our lives, then everyone should be subject to it, even though they are not



within the jurisdiction of commercial law. Those of us who feel that way should remember that the only reason the constitution still exists is because of the State Citizen. When there are no more citizens of the Republic (State Citizens) who have no other citizenship attached, then the constitution dies for lack of representation. The organic constitution does not apply to United States citizens (corporate franchises). We need to do everything we can to help the State Citizen assert his freedom. Only by doing this, can the United States citizen retain what little freedom he has. It is only the threat that the United States citizens will return their status to that of State Citizen or secure that status for their children that will keep the government from total invasion, takeover and regulation of our lives.