

Understanding US Tax laws - Jurisdiction, Property, Domicile - Part 1

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Multitudes of articles are written each week discussing the recent events with International Banking difficulties for Americans who live outside the Constitutional Republic, the 50 states of the Union. Swiss banks are finding it difficult to establish an effective solution against US government intrusion into their private banking system. Americans are being incorrectly labeled by the IRS as '*U.S. persons*'. The Swiss banks and well meaning writers appear not to understand the semantics and are still being pressured to identify Americans who bank with them in what is proclaimed to be '*tax havens*' for tax cheats.

The Paris-based Organization for Economic Cooperation and Development [OECD] is the spearhead group advocating '*transparency*' in banking. Their goal is to eliminate any aspect of privacy for Americans and Europeans. The OECD statement is based on nothing but propaganda creating the illusion of stopping money laundering by nefarious groups such as drug lords or that all Americans banking privately in 'tax havens' are tax cheats.

So Americans who live internationally are *purposely* characterised as '*U.S. citizens*' or '*U.S. persons*' by the U.S. Government. That fits with their definitions in that all '*U.S. persons are taxpayers*'. The conclusion is that tax evaders must be brought under control. Uninformed writers publish articles warning Americans that '*as they are U.S. citizens*' they must report all their foreign-earned income to the IRS each year or face stiff penalties. The definition of the term '*U.S. citizen*' is conveniently omitted by the writers. By doing so they are in effect working against Americans rather than helping them as they pretend.

All of this inappropriate pressure is either created out of a lack of awareness or is a strategic effort by those with an agenda to gain control over the lives and property of Americans. Could this be a conspiracy or are all researchers of the tax code finding it so obtuse that they simply go with the opinions of the day instead of doing quality research? That statement should cause some critical thinkers to stop and consider the ramifications. For those who do think about these things, it is indeed better not just to be '*sincere*' but above all to be '*sincerely correct*'. After all, Europeans once declared that *the earth was flat!*

Recently, **Time** published an article on its internet website reported a statement by Phil Hodgen, a California-based international tax attorney who helps Americans in the expatriation process. Mr. Hodgen statement in the article showed his lack of awareness in a question about U.S. citizens being liable when they were *domiciled outside the United States* when he said "*Their income [meaning U.S. citizens] and wealth are generated largely outside the United States, so why does the United States get a slice of that?*"

The answer is found in fully understanding federal laws related to jurisdiction, property, and the domicile of those upon whom the National Government is addressing so deceptively. The answer could really help the Swiss bankers to maintain their privacy!

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It is this author's personal opinion, based on significant study of the tax laws, that the national government is getting away with vast obfuscation of the facts and perpetuating costly presumptions against Americans with their propagandist 'U.S. citizen' semantics.

When complex laws are broken down for ease of understanding, the magnitude and century long activity of propaganda and presumptions clearly illustrate that Americans have been scammed. If you are a skeptic, I should have your attention by now.

During World War I, journalist Walter Lippman and American advertising pioneer Edward Bernays were hired by President Woodrow Wilson to participate in the Creel Commission which had its goal to sway popular opinion in favor of entering the war on the side of Great Britain. The war propaganda campaign of these two men produced an intense anti-German hysteria in a short period of time while catching the attention of American business (as well as Adolph Hitler) with its potential *to control public opinion*.

Propaganda is basically the communication efforts of a government [corporation] created to influence the attitudes of the targeted audience to accept a predetermined outcome. Facts, or the purposeful omission of the truth, are selectively presented to achieve a desired emotion in order to further a political agenda rather than to promote a rational response. Tireless repetition of the message eventually takes root as the truth just by the sheer frequency of the repetition.

A favorite form of government propaganda is to use intentional vagueness to create as much confusion in their language in order to *avoid explaining the meanings of the terms* they use in order to successfully achieve their agenda. The intent is to cause Americans to substitute their own interpretations rather than simply presenting the correct facts in a rational manner. When words are used as weapons by the government in promoting their agenda, the truth is routinely the first casualty.

The use of the term '*U.S. citizen*' is illustrative of how the national government has been so successful in getting '*a slice of every American's earnings*' especially those who have moved internationally. Think about this statement when you read a summary of **Cook v. Tait** Supreme Court decision and you will find out why the national government is getting away with presumption and fraud.

Statutory words from attorneys and those in the national government are routinely used by them to entrap the unaware. Being so poorly informed as to meaning of statutory terms that are used permits politicians to walk all over the vast majority of Americans without their awareness of what is really happening to them. The propaganda is repeated so frequently that most Americans think of the Constitutional Republic in terms of '*Democracy*' due to daily television propaganda. There is very little reference any longer to the '*Constitutional Republic*' that Americans pledge allegiance to with their hand over their heart. Bernays and his propaganda efforts have become the standard in government.

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The Republic is disappearing right before our eyes and most who are aware feel somewhat helpless. If most Americans proclaim their status to be a *“U.S. citizen”* then there are very few left in the Republic for the constitution to protect. Upon completion of reading this article most readers will remain fully gripped with the fear of government in spite of being presented with incontrovertible facts. The demise of the *‘Republic’* continues.

Everyday erosion of liberty is found by the use of forms the national government created which are routinely plied in corporate America. Americans are forced to fill them out and in some cases against their will in order to secure employment in the private sector working in non-public capacity. This coercion allows the national government to actively pursue Americans for taxes they never made liable for except via their semantic propaganda.

The idea behind this article is to make you aware and to hopefully stimulate you to start thinking critically about what is perhaps a new paradigm in your education. So we begin discussion on the jurisdiction of the National Government and it being confined to a limited geographical jurisdiction to which the legislation created by the Congress mainly limited toward. The large majority of federal legislation [more than 95%] is created only for the District of Columbia and not the states of the Union. The U.S. government does not want you to know this as you can then see how well their propaganda has worked.

Black’s Law Dictionary, Sixth Edition, shows there are 3 definitions for the term *“United States”*. The two that are most common are: (1) the current 50 states of the Union known as the Constitutional Republic, and (2) the District of Columbia and its territories with related insular possessions. The third definition is unrelated to this discussion.

While it is common practice by the average American to consider Washington, DC to be the nation’s capital, that is very misleading. Presumptions lead to misunderstanding about the authority and nature of government regarding the subjects of jurisdiction, property, and domicile. Perhaps a brief overview will create a more informed understanding.

The states of the Union are *‘foreign’* jurisdictions to that of the National Government’s jurisdiction in the District of Columbia and its territories. The mixing of the two separate and distinct jurisdictions as if it were a single jurisdiction builds confusion. This propaganda process has been repeated over the last century that most Americans only see a single jurisdiction and definition of the term *‘United States’*. Those states making up the Constitutional Republic are not and cannot be misidentified to be ‘territories’ of the District of Columbia. The states of the Union are sovereign and not subject to the jurisdiction of the national government.

The states of the Union are indeed *‘foreign’* states, in the eyes of the National Government, because its jurisdiction comprises only the District of Columbia and its territories.

Therefore, these states of the Constitutional Republic are *‘foreign’* and, except in rare circumstances, are *outside the legislative jurisdiction of the Congress* which makes all needful

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rules and regulations for its limited jurisdiction, the District of Columbia. The national government calls the District of Columbia the ‘*United States*’. This has permitted the confusion to grow and for the national government to get away with false presumptions they establish to gain power and control over Americans.

Evidence 1: 86 C. J. S. (Corpus Juris Secundum), legal encyclopedia, Territories, Section 1 states in part that “...*the term ‘territories’ generally refers to the political subdivisions created by Congress and not within the boundaries of any of the several states of the Union.*”

Evidence 2: “*It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction of the United States unless a contrary intent appears.*” [Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

Evidence 3: The United States Supreme Court also stipulated in *Caha v. U.S.*, 152 U.S. 211 (1894) that “*The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states [of the Union], but have force only in the District of Columbia and other places that are within the exclusive jurisdiction of the national government.*”

Evidence 4: “*There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears legislation is meant to apply only within the territorial jurisdiction of the United States [the District of Columbia].” [U.S. v. Spelar, 338 U.S. 217 at 222]*

The National Government is a legal fiction created by the terms and expression in the structure of the Constitution of the United States. That contractual document created by ‘We The People’ illustrates we are sovereign over the national government and are *the source of all law* [confirmed by the United States Supreme Court in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886)]. Our founding fathers brought to life a new government with limited or restricted powers as enumerated in the Constitution.

Since the election of the Second President of the United States, those working within the National Government have sought to extend the power and jurisdiction of the National Government beyond the terms of the contract. The Alien and Sedition Act was the first attempt to gain control of us. In recent history, the deceptive attempts by politicians have grown broader and more aggressive and the American People are not as proactive as in the past in stopping the politicians. The recent Health Care Legislation is a good example!

Thus, the mass confusion about jurisdiction, property, and domicile is so rampant today hides the fact that ‘*what has been created can never become superior to its creator.*’