

- 1) make 2 copies of both documents, have all 3 notarized (keep original for records)
- 2) Send 1 set of copies to Laurence Thompson, S.S. Commis., - & 1 set to Donald Gonya, (addresses are on front of S.S. surrender doc.)
- 3) Include your SS card in one package & a copy of same in the other
- 4) Mail by registered mail (no return receipt neces.) & insure each for \$500.⁰⁰
↳ put reg. mail # on documents
- 5) If they don't respond w/in 30 days your SS # & account are closed forever... never to be used again. If they respond, we have a final response for them that never fails to shut them up.

- I provide this service for \$150.⁰⁰/person.

Please DO NOT reproduce these doc's (except for yourself) as they were not created by me & DO NOT post them as files on the BBS.

- I have indepth taxation info that will blow you AWAY!

6-23-94

(Z)

Dear Bill,

If there is one constant in the universe then it has to be Bill Cooper's dogged determination to see this fight thru to the end.

The Missouri Western Rangers militia unit is formed & growing.

With a little grace from God I'll see you in August.

Yours in Christ,

Spencer,

CCR, Citizens Corps
for the Republic
(my paralegal business)

P.S. - Enclosed is my new newsletter
& Social Security Surrender documents
(instructions on back →)

Citizen

County,
Non-Resident/Non-Domestic Delivery
c/o

Surrender by Registered Mail

United American Republic

Postal Zone

Department of Health & Human Services
Social Security Administration
Commissioner(Acting) Lawrence Thompson
6401 Security Blvd.
Baltimore, MD 21235

To: Associate General Counsel, Social Security Division
Donald A. Gonya
6401 Security Blvd.
Baltimore, MD 21235

PUBLIC NOTICE DIRECTIVE TO: U.S. DEPT. OF HEALTH & HUMAN SERVICES
SECRETARY DONNA SHALALA
AND
SOCIAL SECURITY ADMINISTRATION COMMISSIONER (ACTING)
LAWRENCE THOMPSON

SURRENDER OF SOCIAL SECURITY CARD AND USE OF REGISTRATION NUMBER
PUBLIC NOTICE OF SURRENDER BY AFFIDAVIT
"De plactio transgressionis"

State of)
County of) Subscribed Sworn Sealed

PREAMBLE

Now comes, Private Citizen the undersigned
affiant and judicial Power jus sanguinis Citizen of one of the
American Republics, being an native natural born white
adult male, living on the Land within the boundaries of
County, as a judicial Power Citizen of and as such has
been for years, hereby make this Limited Appearance, by
Affidavit, in Propria Persona, proceeding juris et de jure, in Law,
at Common Law, conferring nor consenting to any foreign
jurisdiction, except to the de jure judicial Power of or
the several united States (Republics) of America, and as such
willfully enforces all Constitutional Limitations and Prohibitions
respectively on all state, federal and international government
agencies or subdivisions, quasi or not, when interacting or dealing
with them. Therefore, let it be known that the undersigned, is not
a United States Government (Federal), or State Employer or Employee
nor an Officer or employee of a corporation of the "United States"

or a "State", nor a resident(alien) of , nor a "citizen or (and) resident of the United States", nor have I ever been, and therefore proceeds with reservation and without prejudice.

Wherefore, the undersigned affiant named herein being duly sworn and upon oath under the penalty of perjury declares, evidences and deposes as such for the following course of action;

AFFIDAVIT AMENDMENT PROTECTION CLAUSE

I, the undersigned sovereign State Citizen, (in summo jure) in order to protect my unalienable rights to life, liberty and (juris privati) property, inclusive of my right to the proper in rem and in personam jurisdictional status, state that I have been forced to amend certain documents, instruments and affidavits due to the continued revelation and increased discovery of the undersigned's mistakes of Law in part due to continuous acts, past and present, of misrepresentation, a withholding of material facts and undue influence upon the undersigned by the de facto governments and ultra vires agencies, both state and federal, and therefore I declare that I am free to amend, as a matter of (jus regium) right, for I cannot be held liable for acts, errors or omissions by governments which are out of my control, and which would constitute fraud, de facto or ultra vires operation, in one form or another, against this Private Citizen by such said governmental agencies/bodies. Therefore, I proceed at all times "with reservation and without prejudice" to any of my unalienable rights, inclusive of my absolute right to a "due process proceeding" under the respective judicial Power, either from the State of or of the Union of the 50 American Republics, united by the Constitution for the united States of America; and further:

I, the undersigned, a Human male, Private Citizen of and thereby in one of the several American Republics, being first duly sworn, deposes, and says:

1. That I am competent to testify and have standing capacity to act as to the lawful matters herein; and further,
2. That I have personal, executive, recorded and documented knowledge of my status/state and the facts and evidence stated herein for justification of my course of action; and further,
3. That under the rules of evidence, all tangible evidence, facts, presumptions, or law stated herein or attached records, are not hearsay, but true and correct and as such are admissible as real evidence of actions in fraud, concealment, withholding of material facts, undue influence, threat, coercion, sedition or treason, breach of public trust, and breach of Oath of Office, and as such if not rebutted accordingly to the maxim of law, "he who remains silent consents" remain "res judicata" by default and failure to answer. This subject matter of fraud in factum or otherwise is

being evidenced throughout the pages of this confirmatory document and instrument per cause and material issue as hereinafter more fully appears, and if not rebutted in complete entirety with contrary tangible evidence of fact and law, will by the rules of evidence then stand as real evidence against the identified perpetrators as herein proof of fraud or moreover materializes; and further,

4. That currently I am not a member or participant in either the Armed Forces of the United States or military service, or that of any other nation, country or republic. That I am not nor have I ever been a state or federal employer and/or employee; and further,

5. That I, Private Citizen am of lawful age and competent; and as such a native, natural born Free judicial Power Citizen of and thereby in one of the 50 united States. I am a judicial Private Citizen, and by birth protected by the original Constitution of (1821), the Articles of Confederation of 1777, the Constitution for the united States of America (1789), including its Preamble and the Bill of Rights (1791); and therefore retains the unalienable rights granted by God, as found in the positive law embodied in the Declaration of Independence of 1776, binding rights upon myself and my posterity, this day and for all time; and further,

Wherefore and exclusively I shall not waive my right to Private Property, for as such rights are found as secured rights within Article 1, Sec. 2. "life, liberty and property" in the Constitution for the State of (1821) and also secured under the protection of Article 4, Sec. 2, Cl. 1. "Citizens of the several States", and the 4th, 5th and 6th Article of Amendment to the original Constitution for the united States of America; and further,

I have read the following Hearings Revenue Rulings, Federal Court Cases and Federal IRC Regulations:

"Analysis of the Social Security System, Hearings before a Subcommittee of the Committee on Ways and Means, House of Representatives, Eighty-Third Congress, First Session on The Legal Status of OASI Benefits, November 27, 1963." 250 pages of fraud and concealment by Social Security Board now named SSA.

Title 26, Section 3121(e) Definitions and the Federal Regulations;

State, United States, and citizen.

For purposes of this chapter--

(1) State. The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

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

26 CFR 36.3121(L)(1)-1,

REV. RUL. 87-876

Agreements entered into by domestic corporations with respect to foreign subsidiaries.

Social security coverage extended to individuals employed by a foreign subsidiary of a domestic corporation pursuant to an agreement under section 3121 (l) of the Federal Insurance Contributions Act is limited to United States citizens. Accordingly, such coverage ceases on the date that such an employee becomes a citizen of another country. Amounts paid under the agreement with respect to coverage of such individual prior to the date on which he became a citizen of another country are not refundable.

Brookens v. United States, 627 F 2d 494 at 497 note 2; Executive Order 9397 of November 22, 1943 provided:

NUMBERING SYSTEM FOR FEDERAL ACCOUNTS RELATING TO INDIVIDUAL PERSONS

"Whereas certain Federal agencies from time to time require in the administration of their activities a system of numerical identification of accounts of individual persons; and

Whereas some seventy million persons have heretofore been assigned account numbers pursuant to the Social Security Act; and

Whereas a large percentage of Federal employees have already been assigned account numbers pursuant to the Social Security Act, et seq."

"Congress included in the original Act (Social Security) and has since retained, a clause reserving to it the right to alter, amend or repeal any provision of the act" 1104, 49 Stat. 648 42 USC 1304. Fleming v. Nestor 363 US 603.

"Social Security is not an accrued property right." Stewart Machine Company v. Davis 301 US 548.

IRC 26 CFR sec. 301.6109-1(g) Identifying numbers.

"Nonresident alien exclusion. This section shall not apply to nonresident aliens, foreign corporations, foreign partnerships, or foreign private foundations that do not have income effectively connected with the conduct of a trade or business within the United States and do not have an office or place of business in the United States."

See "Trade or Business" 26 USC, sec. 864(b)(1)(A).

COMPLAINT AND DECLARATION OF FRAUD
"INCULPATORY EVIDENCE OF DOLUS OR INTENT TO DEFRAUD"

"Qui vi raput, fur improbius esse videtur"

Evidence of Fraud, Withholding of Material Facts, Deception
and Misinformation

6. That the Social Security Administration personally attaches this non-state or federal employee, Private State Citizen to a regional jurisdiction by sub rosa agreement and subjects me to your foreign collection agent, the Internal Revenue Service, and a United States court of regional jurisdiction, under strict liability statutory power. Also Social Security is administered by an unauthorized contract without my consent within a regional venue with districts, not sovereign de jure States, therefore, there has been a false government-created transition of my personam, from State sovereignty to a regional foreign territorialism under the unauthorized federal regional jurisdiction of the "United States"/District of Columbia; and further,

7. They, the Social Security Administration, did not inform this Private State Citizen, that I would be defined as an artificial "person" by agreement and statute (Title XI Sec. 1101(a)(3) SS Act, 1935.); and thus I would become a "person" who only had privileges and immunities and no organic Constitutionally secured rights to my life, liberty and property, also see Section 1101(a). When used in this Act--(3) The term "person" means an individual, a trust or estate, a Partnership, or a corporation. Social Security Act, 49 Stat 620 at 647 (1935); and further,

8. They, the Social Security Administration, did not inform this Affiant that Social Security registration was not mandatory for a Private Citizen of and would reform the geographical area of the United States into Regions, and Districts within regions, not States, repealing all State boundaries and creating a fourth branch of government, not authorized, pursuant to the Supremacy

Clause (Title XI Sec. 1101 (a)(2) S.S. Act 1935; also pursuant to your Title 42, Sec. 405 and 410 "State Agreement: the term State is not defined and the State of you have no jurisdiction to involve my State of in this fraud; and further,

9. They, the Social Security Administration, did not inform this Affiant that I would become a subject of the District of Columbia (Title XI Sec. 1101(a)(1) S.S. Act 1935) nor did they instruct me that as an infant I could not enter into such agreement nor did they inform me that the Social Security Application was limited to United States citizens, which I was not. Further, the application had a perjury clause for those who are within the United States which I was not, pursuant to 28 USC, Sec. 1746(2), yet outside, as a Private Citizen of and further,

10. They, the Social Security Administration, did not inform this Affiant of the Communist-like Socialist Doctrine of the scheme of social insurance and how this form of insurance is totally opposite of other schemes of private insurance; and further,

11. They, the Social Security Administration, did not inform this Affiant that I would not be able to personally enforce the Bill of Rights against the legislation of the United States Congress; and further,

12. They, the Social Security Administration, did not inform this Affiant that they were scheming to abolish the Statute of 1776 (Declaration of Independence) and reduce the people to slavery, via of monetary socialism by dictatorship in the United States; and further,

13. They, the Social Security Administration, did not inform this Affiant that the definitions in the Social Security Act did not conform to definitions in standard dictionaries; and, they used a public office and place of trust and a superiority of knowledge to deceive this Affiant into joining. After careful examination of the Social Security Act, 74th Congress, Session I, Ch. 531, August 14, 1935, page 636, Section 702, Duties of Social Security Board, the term "Social Insurance" is used. "Social Insurance is defined in Black's Law Dictionary as a "comprehensive welfare plan established by law, generally compulsive in nature, and based on a program which spreads the cost of benefits among the entire population rather than on individual recipients. The federal government began to use depreciating insurance programs to raise revenue for international operations in 1935, with the passage of the Social Security Act. The basic federal and state approaches to social insurance presently in use are: Old Age, Survivors, and Disability Insurance (i.e.; Social Security); Medicare and Medicaid; unemployment insurance; and worker's compensation." Black's Law Dictionary, 6th Ed. p. 806; and further,

In 1938, in *Ashwander v. T.V.A.*, 297 US 288, 346, according to the Ashwander Court, "anyone who partakes of the benefits or privileges of a given statute, or anyone who even places himself into a position where he may avail himself of those benefits at will, cannot reach constitutional grounds to redress grievances in the courts against the given statute."

14. They, the Social Security Administration, did not inform this Affiant when white people, as State Citizens, accepted Social Security, they also accepted its definition of "person", and they too, then, are taxed like the privileged Federal Employees with state residence(Federal) through the personal income tax, state and federal. The white people of the States were deceived by this act because the government violated the Preamble and the law of God. The government allowed the Constitution to be altered outside the bounds of the Preamble (Amendments 13-26) and thus the State Citizens fell victim to government over man instead of man over government; and further,

15. Social Security(FICA) is a voluntary and mandatory social insurance policy which, by submission, suborns this Affiant, an otherwise Free, White, Natural, Private Citizen of into the Federal corporate membership and jurisdiction same said as a Federal Employee or Officer, that has been created within regional concepts, and not under the authority of the United States Constitution, to divest the posterity of their birthright in the Statute of 1776 (The Declaration of Independence) and to reduce the posterity to mere subjects of the United States Government, in order to raise revenue for the cause of the National Bankruptcy and New World Order, and thereby, reduce the sovereignty of the several 50 States to no effect, as districts, in a scheme of centralized/international government through the national socialist scheme of the Social Security Act; and further,

16. The Social Security scheme (FICA) is a stealthy encroachment on, and an easy way, vie of government controlled media blitz propaganda, to circumvent, the limitations and guarantees provided by "We The People," against singular centralized, international government, specifically, but not limited to, the limitations and guarantees against abridgment and subornation of my Inalienable and Unalienable Rights granted by God, as expressed and asserted in the original Constitution for the Declaration of Independence (1776), as set out in the original Constitution for the United States of America (1787) and its Bill of Rights (1791), and as earlier expressed and asserted in the Declaration and Resolves of The First Continental Congress (1774); and further,

17. Participation in Social Security, a social insurance policy and the agency (power of attorney) scheme thereunder, is an attempt by

creatures of the government, or coparties, to compel me into a joint venture, with regional (interstate and international) statutory implications, of an intragovernmental nature, in the unauthorized jurisdictions that now exist by the United States Government, codified pursuant to declaratory Amendments not authorized for Private Citizens of the States, in the Constitution for the United States of America; and further,

18. Only as an adult and not an infant, and by my informed consent, with full disclosure, can the government exercise an unauthorized intragovernmental authority over me, in the jurisdictions of the "United States Government", outside the limitations of the original Constitution (1787) and the Bill of Rights (1791); and further,

19. All power (right) belongs within me, to accept or deny control, in areas of law which are not within the jurisdiction of the organic Constitution for the united States of America (1787) and the Constitutions for the several States of the Union, that could pertain, or attempt to pertain, to me, as one of the "We The People" of the several States, found in the Preamble to the Constitution for the united States of America (1787), which power (right) is protected by the limitations and prohibitions set out in the 9th and 10th Articles in Amendment to the Organic Constitution (Bill of Rights, 1791); and further,

20. I was deceived, as an infant vie of media-generated undue influence and governmental nondisclosure, due to a withholding of material fact, therefore believing I was required, or could be required, to obtain a Social Security account and number in order to exercise my basic rights of Life, Liberty, Property and the Pursuit of Happiness; and further,

21. I, the Affiant found that the application for Social Security Account (SS-5) contains no warning of its servitude implications or conditions, nor does it set forth that it is for **Federal Employees**, meaning that the "SS-5 Application" does not define the term "United States citizen" as that of the "Federal Employee or Officer" working for the United States Government, or those who live in federal areas under the control of Congress nor where its servitude implications or conditions might be discovered; and further,

**SURRENDER OF SOCIAL SECURITY CARD AND NUMBER
FOR JUST AND GOOD CAUSE**

WHEREFORE, formal and actual notice by Affidavit is also given, that I, Private Citizen hereby SURRENDERS as always, any use of the assigned Social Security Card and Number - - , and thereby withdraw and waive all statutory or regulatory benefits and obligations of the aforesaid social insurance scheme; that I absolutely will not use your (Social Security Administration) account established thereunder, identifying numbers or other identifiers, which represent said account, except to repudiate; and, that I will not apply for, receive, collect, or attempt to apply for, receive or collect, any privilege or benefits established under said social insurance scheme, whatsoever; and, that your said numbered account will be treated as though it never had been established as fully and completely as if same had never been applied for or assigned; and further,

**"ACQUITTANCE AND WITHDRAWAL:
SURRENDER OF SOCIAL SECURITY NUMBER AND CARD FOR GOOD CAUSE
CAVEAT AND GRAVAMEN
CONSTRUCTIVE PUBLIC NOTICE AND TRESPASS WARNING
"Pro defectu jurisdictionis"**

22. That I now, as before, will in all ways, by right, make a special appearance when confronted by your agency or coparties, and therefore challenge, by right, any asserted, in rem, in personam, or subject matter jurisdiction, as to your authority to move an administrative or judicial proceeding against my proper person, as that of a private Citizen of or of the American Republics. My further notice to you, and your agency or coparties, is that I will at all times, by right, assert the maxim of law, "No sanction can be imposed absent proof of jurisdiction," anything less or to the contrary is trespass and sedition to the Constitution and against this private Citizen of which will be dealt with as such with full force and effect.

23. That I now, with self reliance, as before, will in all ways, by right, control the conduct and affairs of my life, liberty, property and pursuit of happiness (potentiality), outside and not within the scope and purview of the statutes or regulations which control your functions or grant your agency or coparties authority over "persons", for a Private State Citizen is not a "person", equity jurisdiction includes "persons." Therefore, your agency, or its coparties are hereby placed on notice, that if any attempt is made upon this Affiant, by your authority or your agency or its

coparties, that would draw my proper person into an administrative and/or judicial proceeding, you will, prior to any proceeding, evidence any and all documents which you deem to grant you jurisdiction over my proper person. Therefore I am commanding you to make full disclosure of your proof of jurisdiction, proof by real evidence and not prima facia, as such that my proper person is "within the state of the forum" and as such you will evidence a bona fide contract and/or agreement, signed by me without fraud or undue influence involved, which purports to grant you, that jurisdiction which you are seeking to establish.

24. That I now, as before, will in all ways, by right, waive no rights, limitations or prohibitions that would grant access to your agency or coparties to therefore take control of my life, liberty, property and pursuit of happiness (potentiality), nor do I, or will I allow my proper person to be extradited to a foreign jurisdiction by a deceptive, sub rosa, fraudulent or forcible means thereby conducted by or under the purported authority of your agency or coparties. Further, any proceeding, less than a full judicial Power proceeding, will be deemed as a willful act of trespass by your agency or coparties upon this Affiant. I at all times past, present or future retain my right to Assistance of Counsel in any or all administrative or judicial proceedings, when confronted by this above named agency or any coparty agencies. I reserve the right to amend, rewrite, or alter if further discovery of fraud surfaces, as rights reserved without prejudice this Affidavit.

25. That I now, as before, will in all ways, by right, object and take exception to your agency or coparties' continued acts of fraud, undue influence, misrepresentation, withholding of material facts, threat, coercion, and denial of proper answers to my questions such as: "Who is the 'person' in the regulations under and for the authority which your agency relies on, in order to enforce its demands, either administratively or judicial?" Your denial, along with your misinformation, is deemed, by this Affiant, as acts of sedition and therefore, treason, this Affiant has his two witnesses who are also State Citizens, who will testify against you and your agency or coparties. Please see 50 USC, Sec. 751, 752, 753, and 842 for your remedy.

26. Every Act perpetrated by any constitutionally created branch of government, or of the police power while absent jurisdiction; every such act being required to be made unlawfully under forces of arms; and every such act having been made without probable cause; then, every such act is required to have been made as a trespass, and/or other tort upon the Affiant, and shall constitute a case to be pursued against the perpetrator in an Action At Law for the recovery of his damages.

Cohen v. Virginia, 6 Wheat 264, 5 L. Ed 257 (1821):

"We (Courts) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. THE ONE OR THE OTHER WOULD BE TREASON TO THE CONSTITUTION." Also see US v. Will, 449 US 200 at p. 406.

THIS IS SUMMONS AND NOTICE UPON YOU that the "Extents" of the United States, and the state of that is, its Statutes, Codes, and Regulations dealing with residents or citizens of the United States, as contemplated by the 13th, 14th, 15th and 16th Amendments, do not apply to me, as I am a Nonresident Alien to that citizenship and residency, being a Private Citizen-Principal of and thereby in one of the several States of the Union, as contemplated by Article IV, Section 2, Clause 1 of the Constitution for the United States of America.

THIS IS NOTICE UPON YOU that I am not now nor have I ever been a merchant, or participated as a merchant in any transaction with the "United States" or any other party as a merchant involving the purchase by my gift or any other voluntary means of me or an interest in me as goods within the meaning of the Uniform Commercial Code or the 13th and 14th Amendments.

THIS IS A GOOD FAITH EFFORT to correct any government, quasi or otherwise, created administrative or public record (5 USC section 552a) which, in any degree, may appear to evidence the contrary; and, to duly notice any party who believes the contrary or wishes to make any claim against me based upon a contrary belief, that you assert that claim by a complaint in the nature of a writ nativo habendo, or declaratory judgment as the law prescribes, and not by distress (i.e.; seizure or distraint of my body, labor, liberty or property in things) ; since, with me, being of the status of liberty, you have not the immunity you are accustomed to enjoying when dealing with those of the status of villeinage or resident.

THIS IS DEMAND UPON the United States, or the state of and any party in any capacity acting for them, in concert with them, or for which they are acting on behalf of; and, also upon the aforesaid State of which I am a Private Citizen/Principal/Sovereign, and any party in any capacity acting for it, in concert with it, or for which it is acting on behalf of, that you forthwith cease and desist in any and all attempts to enforce your administrative (feudal) commercial equity law jurisdiction against me.

THIS IS A CAVEAT to the United States and the state of in any and all of their capacities, and all parties in any way in concert with the United States, state of and their

agents or assigns, that any attempt to seize or distrain by body, liberty, or property as goods or property belonging to them or to which they purport to have a proprietary interest, will be considered a knowing and wanton trespass for which you have no legal or lawful warrant and have no immunity.

If I do not hear from you within (5 USC, Section 552a) Thirty (30) days, or if you fail to address by request, the presumption will be established that you are without authority to issue non judicial Power statutory Summons, Levies, Seizures or charges/fees/taxes or paperwork on myself.

My authority of principle, for making this request is clearly stated in Supreme Court Decisions--upon which I rely. Among them are the following:

"Whatever the form in which the Government functions, anyone entering into an arrangement with the Government takes the risk of having ascertained that he who purports to act for the Government stays within the bounds of his authority...and this is so even though as here, the agent himself may have been unaware of the limitations upon his authority." Federal Crop Ins. Corp. v. Merrill, 332 US 380 at 384. (1947)

DONE WITH EXPRESS RESERVATION OF ALL OF MY RIGHTS IN COMMON LAW, EQUITY, AND ALL OTHER JURISDICTIONS OF LAW AND WITHOUT PREJUDICE to any of my rights--including, but not limited to, extortion, false arrest, false imprisonment, menacing, duress, fraud in the inducement, fraud in factum, the full capacity to contract, and the full protection of the statute of frauds, in this year of the LORD JESUS CHRIST, THE GOD OF NATURE AND OUR CREATION.

27. That I swear under penalty of perjury, under the Laws of the united States of America, pursuant to 28 USC, sec. 1746(1), that the Preamble and Sections 1 through 27 of this Affidavit, are true and correct and so done in good faith as to comply with the Law to the very best of my knowledge; and further,

FURTHER AFFIANT SAITH NOT.

Subscribed and sworn, "nunc pro tunc" to the date of my majority,
the 1st day of September, 19 .

Subscribed, sworn and sealed on this _____ day of _____,
199 .

Citizen/sovereign, by
special limited appearance, in Propria Persona,
proceeding Juris et de jure, with "without
Prejudice" to any of my God-given secured
rights.

Jurat/Acknowledgment

State of
County of

Subscribed, Sworn and Sealed

On this _____ day of _____, 199 , Citizen,
being duly sworn, as such deposes, and did personally
appear before me, and is known to be the Private Citizen described
in, and who executed, the foregoing instrument/affidavit, and
acknowledged that he executed the same under oath as his free act
and deed as a Citizen/sovereign in the above said State and County.
Subscribed and sworn to before me the undersigned Notary Public in
the above said County, State and Country.

Notary Public in and for said County and State

My commission expires _____.

PUBLIC NOTICE OF OBJECTION
"Pro defectu jurisdictionis"
Hosea 4:6 "My People perish for lack of knowledge"

MEMORANDUM OF LAW UPON VOLUNTARY NATURE OF SOCIAL SECURITY

The first inquiry regarding the legal duty to apply for and obtain a SSN must involve an examination of the U.S. Constitution and the powers granted therein to Congress. Congress can only possess powers which are contained, expressly or by necessary implication, within the text of the Constitution, particularly Art. 1, section 8. Being straightforward and to the point, the problem here for Social Security is that no particular clause in this or any other article of the Constitution is sufficient to sustain such power to compel a domestic, bona fide, Private State Citizen to participate in a compulsory retirement or benefits scheme. The power to thus mandate participation in Social Security must therefore be one which is based upon an implied power.

To determine if this power is one arising by implication, a study of various Supreme Court cases regarding the limits of Congressional power is essential. The States are arguably the governmental entities which might possess the inherent, municipal power to compel participation in a retirement scheme; but, if the states might have this power, an issue which appears to not have as yet been decided, does Congress have a corresponding power? Can Congress assume this inherent power of the State and claim it as its own?

Pub. Agencies Opp. to Soc. Sec. Entrapment v. Heckler, 613 F. Supp. 558 (D.C. Cal. 1985), Chief Judge Karlton, *ibid.* at p. 562. Opinion of the Court:

"Lest this Opinion be read too broadly, I briefly pause to clarify what this case is not about. This case does not involve mandatory participation in the Social Security system by the State of California or its public agencies. It may be assumed without deciding, that Congress could force the State and public agencies to provide Title II benefits to their employees, since the welfare of all United States citizens is of concern to the entire nation." See *Garcia v. San Antonio Metropolitan Transit Authority*, US 105 S. Ct. 1005 (1988). "It may be assumed (without deciding) that such an imposition might pass constitutional muster even though the Agreement permits the State to withdraw from the contract. In such a case, the State's contractual right to withdraw would appear to be unaffected (thus a Just Compensation claim might be avoided), but the termination right would do the State no good since it would then be under a statutory obligation to participate in the Program. This is not, however, the situation presented here. In the case before this court, the Congress has specifically divested the State and its public

agencies of their contractual right to terminate their participation in the Program; it has further instructed the Secretary to effectuate that divestment by directing her to refuse to accept any otherwise properly tendered notifications of withdrawal. It is to this statutory scheme that the lawsuits are tendered and it is only this question which is addressed."

"Here, the will of Congress can not be given expression since to do so violates the just compensation provision of the Constitution. I must conclude that the Congress acted without Constitutional authority when it took the Plaintiff's contractual property right to withdraw from the agreement without just compensation and that no rational measure of damages may be awarded consistent with Congress' purpose in passing the statute. Congressional action taken without constitutional authority being void." supra at p. 575.

"IT IS HEREBY DECLARED that the challenged Act of Congress, P.L. 98-21, Section 103(a) and (b) is void and of no effect as it purports to effect these Plaintiffs; and the State of California and its political subdivisions have the lawful right to withdraw from Title II so long as they have met the requirements of the agreement and the law." supra at p. 575.

"The Secretary of Health and Human Service is hereby ORDERED to accept the notifications of withdrawal properly tendered to her." supra at p. 575.

The historical record documents undeniable proof that the confusion, ambiguity and jurisdictional deceptions now built into Title 42 USC were deliberate. The first Internal Revenue Code was Title 35 of the Revised Statutes of June 22, 1874. On December 5, 1898, Mr. Justice Cox of the Supreme Court of the District of Columbia delivered an address before the Columbia Historical Society. In this address, he discussed the history of the District of Columbia as follows:

In June, 1866, an act was passed authorizing the President to appoint three commissioners to revise and bring together all the statutes...The act does not seem, in terms, to allude to the District of Columbia, or even to embrace it...Without having any express authority to do so, they made a separate revision and collection of the act of Congress relating to the District, besides the collection of general statutes relating to the whole United States. Each collection was reported to Congress, to be approved and enacted into law...The whole is enacted into law as the body of the statute law of the United States, under the title of Revised Statutes as of June 22, 1874.

The general collection might perhaps be considered, in a limited sense as a code for the United States, as it embraced all the laws affecting the whole United States within the constitutional legislative jurisdiction of Congress, but there could be no complete code for the entire United States, because the subjects which would be proper to be regulated by a code in the States are entirely outside the legislative authority of Congress. (District of Columbia Code, Historical Section)

Examples of Supreme Court cases which place some real limits upon the powers of Congress are manifold. In the *License Tax Cases*, 72 US 462 (1866), the Supreme Court held that Congress could not authorize the conduct of business within the States in order to tax that business. In *United States v. DeWitt*, 76 US 41 (1870), the Court held that a penal regulation in a tax act could not be enforced in a state. In *United States v. Fox*, 94 US 315 (1877), the Court held that the United States could not receive property via a testamentary devise contrary to state law. In *United States v. Fox*, 95 US 670 (1878), a penal statute remotely related to bankruptcy laws was held inapplicable in the States. In *Patterson v. Kentucky*, 97 US 501 (1879), the Court held that U.S. patent laws conferred no superior rights within the States. In *United States v. Steffens*, 100 US 82 (1879), federal trademark legislation unconnected with "interstate commerce" was held inapplicable inside the States. In *Baldwin v. Franks*, 120 US 678 (1887), certain penal, federal civil rights legislation was held unenforceable "within a state." In *Ex parte Burrus*, 136 US 586 (1890), and *De La Rama v. De La Rama*, 201 US 303 (1906), the Court held that domestic relations were solely state concerns. In *Reagan v. Mercantile Trust Co.*, 154 US 413, (1894), it was held that federally created corporations engaged in business in the States were subject to state laws. In *Keller v. United States*, 213 US 138 (1909), it was held that Congress could not exercise police powers within the States. In *Coyle v. Smith*, 221 US 559 (1911), it was held that Congress could not dictate to a state, Missouri, where to locate its state capitol. In *Hammer v. Dagenhart*, 247 US 251 (1918), and *Bailey v. Drexel Furniture Co.*, 259 US 20 (1922), the Court that Congressional attempts to regulate and control manufacturing activities in the States were unconstitutional; see also *Hill v. Wallace*, 259 US 44 (1922). In *United Mine Workers of America v. Coronado Coal Co.*, 259 US 344 (1922), the Court held that Congress could not regulate coal mining in the States. In *Linder v. United States*, 268 US 5 (1925), it was held that Congress could not regulate the practice of medicine in the States. In *Industrial Ass'n of San Francisco v. United States*, 268 US 64 (1925), the construction industry was deemed to be inherently of local concern and beyond Congressional powers. In *Indian Motorcycle Co. v. United States*, 283 US 570 (1931), the Court held that Congress could not impose a sales tax on items sold to state and

local governments. Before the advent of Social Security, a statutorily mandated retirement system applicable to interstate carriers was held unconstitutional in *Railroad Retirement Board v. Alton R. Co.* 295 US 330 (1935). The case of *Hopkins Fed. S. & L. Ass'n v. Cleary*, 296 US 315 (1935), stands for the proposition that Congress cannot "federalize" state financial institutions over objection from the State. The cases of *A.L.A. Schecter Poultry Corp. v. United States*, 295 US 495 (1935), *Panama Refining Co. v. Ryan*, 293 US 388 (1935), and *Carter v. Carter Coal Co.* 298 US 238 (1936), emasculated most of the National Industrial Recovery Acts in part on the grounds of invasion of reserved powers of the States. In *United States v. Butler*, 297 US 1 (1936), the Court held that Congress had no direct power to regulate agricultural production within the States. Finally, in *Oregon v. Mitchell*, 400 US 112 (1970), it was held that Congress could not dictate voter qualifications to the States. The above decisions, as well as others, do place severe restraints and prohibitions upon the powers of Congress, and the United States government or coparties.

The genesis of Social Security is that the government allowed and sanctioned international banks' interference which therefore caused and forced the United States and then the state governments into bankruptcy which then caused the events of the Great Depression. While that era saw extraordinary unemployment and a tremendous decline in national production, still it was not as cataclysmic as other events in our nation's history, such as the War Between The States. Further, no constitutional amendment was adopted during this era which can offer any basis for an expansion of Congressional powers, and executive emergency orders are prohibited by the supremacy clause against Private State Citizens. The legislation which started Social Security in 1935 must be viewed in light of the various Supreme Court cases decided within a few decades of that legislation and prior thereto. When Congress adopted the Social Security Act in 1935, the Supreme Court had already held in *Railroad Retirement Board*, *supra*, that Congress had no authority to establish a retirement scheme through its most tremendous power, its control over interstate commerce. Additionally, the revolutionary acts of Congress adopted in the two preceding decades had been emasculated in a series of Supreme Court decisions. Are we to suppose that, against this legal background, Congress decided to enact legislation of the caliber which had been struck down as unconstitutional in the same year?

In the Social Security Act, Congress imposed excise taxes upon employers and those tax receipts were to be deposited with the Treasury. The act further provided schemes whereby participants could enjoy unemployment and retirement benefits, if they would call themselves United States citizens/subjects. When the act was adopted, parties opposed thereto made challenges to the act,

relying upon some, if not all, of the various cases cited above. The major arguments mounted against the act were premised upon invasion of state rights. In **Steward Machine Co. v. Davis**, 301 US 548 (1937), an employer challenged the unemployment tax imposed upon it and the Court held that such tax was an excise which Congress could impose on Private State Citizens. In reference to the contention that the subject matter of the act was properly within the historical field reserved to the states, the Court held that Congress could enact legislation to aid the states in an area of great concern. The Court placed considerable emphasis upon the fact that the states are reluctant to adopt unemployment acts because such taxes created differentials between states which had such legislation and those which did not. By creating a national unemployment act for United States citizens, this difference was eliminated and a great purported benefit to the alleged American people resulted. The Court, therefore, found nothing constitutionally objectionable to the act. In **Helvering v. Davis**, 301 US 619 (1937), the same rationale was used to uphold the retirement features of the act. The importance of these two cases upholding the Social Security Act concerns the issues which these cases raised: neither of them addressed the issue of whether there was a requirement for a Private State Citizen to join Social Security. The reason that this issue was not raised is because there is no such requirement, unless of course, one works for a state government which has contracted into Social Security; see **Public Agencies Opposed to Social Security Entrapment (POSSE) v. Heckler**, 613 F Supp. 558 (E.D. Cal., 1985), rev. 477 US 41, (1986).

The above review should readily demonstrate that there is indeed a real question concerning the point of whether one must submit an application to join Social Security. The cases which challenged the constitutionality of Social Security simply did not raise this issue, and it appears that no cases have as yet dealt with it. The reason for this absence of a challenge to such alleged requirement can only be explained by analyzing the act itself to determine if there is such a requirement. Because Congress lacks the constitutional authority to compel membership in Social Security, the Act simply imposes no such requirement.

The modern day act is codified at 42 USC, sections 301-433. If there were a requirement that every Private State Citizen join the Social Security scheme, one would expect to find language in the act similar to the following:

"Every Private Judicial Power State Citizen of the age of 18 years or older shall submit an application with the Social Security Administration and shall provide thereon the information required by regulations prescribed by the Secretary. Every member of Social Security shall pay the taxes imposed herein and records of such payments shall be kept by

the Secretary for determining the amount of benefits to which such member is entitled hereunder."

Amazingly, no such or similar language appears within the act, and particularly there is no section thereof which could remotely be considered as a mandate that anyone join Social Security. The closest section of the act which might relate to this point is the requirement that one seeking benefits under the act must apply for the same. But this relates to an entirely different point than a requirement that one join.

Since the statutory scheme fails to impose such requirement on a Private Citizen of the next question to be asked is whether perhaps the Social Security regulations themselves might impose such duty, but here, the regulations are no broader than the act itself, and the duty to apply for and obtain a Social Security card or number boils down to the following found at 20 CFR, section 422.103:

"(b) Applying for a number.(1) form SS-5. An individual needing a social security number may apply for one by filing a signed Form SS-5, 'Application for a Social Security Card,' at any social security office and submitting the required evidence...

"(2) Birth registration Document. The Social Security Administration (SSA) may enter into an agreement with officials of a State...to establish, as part of the official birth registration process, a procedure to assist SSA in assigning social security numbers to newborn children. Where an agreement is in effect, a parent, as part of the official birth registration process, need not complete a Form SS-5 and may request that SSA assign a social security number to the newborn child.

(c) How numbers are assigned. (1) Request on Form SS-5. If the applicant has completed a Form SS-5, the social security office...that receives the completed form SS-5 will require the applicant to furnish documentary evidence...After review of the documentary evidence, the completed form SS-5 is forwarded...to SSA's central office...If the electronic screening or other investigation does not disclose a previously assigned number, SSA's central office assigns a number and issues a social security number card...

"(2) Request on birth registration document. Where a parent has requested a social security number for a newborn child as part of an official birth registration process described in paragraph (b)(2) of this section, the State vital statistics office will electronically transmit the request to SSA's

central office...Using this information, SSA will assign a number to the child and send the social security number card to the child at the mother's address."

The purported/alleged duty to apply for and obtain a Social Security number therefore boils down to this: you get it if you need it or request it. There is no legal compulsion to do so, for a bona fide Private Citizen of the

With the act of applying for and obtaining a SSN being entirely voluntary for Private State Citizens, the next question to be asked is whether any State can force you to use this number which is voluntary in the first place. This appears to have been addressed by Section 7 of the Privacy Act of 1974, 88 Stat. 1896, which reads as follows:

"Sec. 7. (a) (1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

"(2) the provisions of paragraph (1) of this subsection shall not apply with respect to--

(A) any disclosure which is required by Federal statute, or
(B) the disclosure of a social security number to any Federal, State or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."

See *United States v. Two Hundred Thousand Dollars in U.S. Currency*, 890 F. Supp. 866 (S.D. Fla., 1984).

In conclusion, it seems perfectly logical, if having a Social Security number is not mandatory but purely voluntary, no state can use the lack of a number in any adverse way against anyone. The state cannot make that which is voluntary under federal law something which is mandatory under state law, anything to the contrary notwithstanding.

AFFIDAVIT OF SERVICE BY REGISTERED POSTAL SERVICE

Re: _____
Name of Case/File#

State of _____
County of _____ ss.

I, _____ being first duly sworn, deposes and says that at the city of _____, County of _____ and the State of _____ on the _____ day of _____, 199____ the undersigned served on behalf of _____ the following listed documents: 1) Social Security Surrender; 2) Memorandum of Law in Support of Social Security Surrender. by depositing in the United States Postal Office, by Registered First Class matter, numbered _____, at said City and State ONE copy as described in the above thereof, properly enveloped, and addressed to: 1) Lawrence Thompson, Act. Commissioner, Social Security Admin., 6401 Security Blvd., Baltimore, MD 21235; 2) Donald A. Gonya, Asst. Gen. Counsel, Social Security Admin., 6401 Security Blvd., Baltimore, MD 21235

Signature _____

JURAT/ACKNOWLEDGMENT

State of _____
County of _____ SUBSCRIBED, SWORN AND SEALED

On this _____ day of _____, 199____, Citizen _____, being duly sworn, as such deposes, and did personally appear before me, and is known to be the Citizen described in, and who executed, the foregoing instrument/affidavit of service of process, and acknowledged that he/she executed the same under oath as his/her free act and deed as a Citizen/sovereign in the above State and County.

Notary Public in and for Said County and State

My commission expires _____