

Jurisdiction by Oath

JURISDICTION BY OATH

Nothing Succeeds but Success

By Ralph (6/15/99)

In all of history there has been but one successful protest against an income tax. It is little understood in that light, primarily because the remnants of protest group still exist, but no longer wish to appear to be “anti-government.” They don’t talk much about these roots. Few even know them. We need to go back in time about 400 years to find this success. It succeeded only because the term “jurisdiction” was still well understood at that time as meaning “oath spoken.” “Juris,” in the original Latin meaning, is “oath.” “Diction” as everyone knows, means “spoken.” The protest obviously didn’t happen here. It occurred in England. Given that the origins of our law are traced there, most of the relevant facts in this matter are still applicable in this nation. Here’s what happened.

The Bible had just recently been put into print. To that time, only the churches and nobility owned copies, due to the extremely high cost of paper. Contrary to what you’ve been taught, it was not the invention of movable type that led to printing this and other books. That concept had been around for a very long time. It just had no application. Printing wastes some paper. Until paper prices fell, it was cheaper to write books by hand than to print them with movable type. The handwritten versions were outrageously costly, procurable only by those with extreme wealth: churches, crowns and the nobility. The wealth of the nobility was attributable to feudalism. “Feud” is Old English for “oath.”

The nobility held the land under the crown. But unimproved land, itself, save to hunter/gatherers, is rather useless. Land is useful to farming. So that’s how the nobility made their wealth. No, they didn’t push a plow. They had servants to do it.

The nobility wouldn’t sell their land, nor would they lease it. They rented it. Ever paid rent without a lease? Then you know that if the landlord raised the rent, you had no legal recourse. You could move out or pay. But what if you couldn’t have moved out? Then you’d have a feel for what feudalism was all about.

A tenant wasn’t a freeman. He was a servant to the (land)lord, the noble. In order to have access to the land to farm it, the noble required that the tenant kneel before him, hat in hand, swear an oath of fealty and allegiance and kiss his ring (extending that oath in that last act to the heirs of his estate). That oath established a servitude. The tenant then put his plow to the fields. The rent was a variable. In good growing years it was very high, in bad years it fell. The tenant was a subsistence farmer, keeping only enough of the produce of his labors to just sustain him and his family. Rent was actually an “income tax.” The nobleman could have demanded 100% of the productivity of his servant except . . . under the common law, a servant was akin to livestock. He had to be fed. Not well fed, just fed, same as a horse or cow. And, like a horse or cow, one usually finds it to his benefit to keep it fed, that so that the critter is productive. Thus, the tenant was allowed to keep some of his own productivity. Liken it to a “personal and dependent deductions.”

The freemen of the realm, primarily the tradesmen, were unsworn and unallied. They knew it. They taught their sons the trade, so they'd also be free when grown. Occasionally they took on an apprentice under a sworn contract of indenture from his father. His parents made a few coins. But the kid was the biggest beneficiary. He'd learn a trade. He'd never need to become a tenant farmer. He'd keep what he earned. He was only apprenticed for a term of years, most typically about seven. The tradesmen didn't need adolescents; they needed someone strong enough to pull his own weight. They'd not take on anyone under 13. By age 21 he'd have learned enough to practice the craft. That's when the contract expired. He was then called a "journeyman." Had he made a journey? No. But, if you pronounce that word, it's "Jur-nee-man." He was a "man," formerly ("nee"), bound by oath ("jur)."

He'd then go to work for a "master" (craftsman). The pay was established, but he could ask for more if he felt was worth more. And he was free to quit. Pretty normal, eh? Yes, in this society that's quite the norm. But 400 some years ago these men were the exceptions, not the rule. At some point, if the journeyman was good at the trade, he'd be recognized by the market as a "master" (craftsman) and people would be begging him to take their children as apprentices, so they might learn from him, become journeymen, and keep what they earned when manumitted at age 21!

The oath of the tenant ran for life. The oath of the apprentice's father ran only for a term of years. Still, oaths were important on both sides. In fact, the tradesmen at one point established guilds (means "gold") as a protection against the potential of the government attempting to bind them into servitude by compelled oaths.

When an apprentice became a journeyman, he was allowed a membership in the guild only by swearing a secret oath to the guild. He literally swore to "serve gold." Only gold. He swore he'd only work for pay! Once so sworn, any other oath of servitude would be a perjury of that oath. He bound himself for life to never be a servant, save to the very benevolent master: gold!

(Incidentally, the Order of Free and Accepted Masons is a remnant of one of these guilds. Their oath is a secret. They'd love to have you think that the "G" in the middle of their logo stands for "God." The obvious truth is that it stands for "GOLD.")

Then the Bible came to print. The market for this tome wasn't the wealthy. They already had a handwritten copy. Nor was it the tenants. They were far too poor to make this purchase. The market was the tradesmen - and the book was still so costly that it took the combined life savings of siblings to buy a family Bible. The other reason that the tradesmen were the market was that they'd also been taught how to read as part of their apprenticeship. As contractors they had to know how to do that! Other than the families of the super-rich (and the priests) nobody else knew how to read.

These men were blown away when they read Jesus' command against swearing oaths (Matt 5: 33-37). This was news to them. For well over a millennia they'd been trusting that the church - originally just the Church of Rome, but now also the Church of England - had been telling them everything they needed to know in that book. Then they found out that Jesus said, "Swear no oaths." Talk about an eye-opener.

Imagine seeing a conspiracy revealed that went back over 1000 years. Without oaths there'd have been no tenants, laboring for the nobility, and receiving mere subsistence in return. The whole society was premised on oaths; the whole society CLAIMED it was Christian; yet, it violated a very simple command of Christ! And the tradesmen had done it, too, by demanding

sworn contracts of indenture for apprentices and giving their own oaths to the guilds. They had no way of knowing that was prohibited by Jesus! They were angry. "Livid" might be a better term. The governments had seen this coming. What could they do? Ban the book? The printing would have simply moved underground and the millennia long conspiracy would be further evidenced in that banning. They came up with a better scheme. You call it the "Reformation." In an unprecedented display of unanimity, the governments of Europe adopted a treaty. This treaty would allow anyone the State-right of founding a church. It was considered a State- right, there and then. The church would be granted a charter. It only had to do one very simple thing to obtain that charter.

It had to assent to the terms of the treaty.

Buried in those provisions, most of which were totally innocuous, was a statement that the church would never oppose the swearing of lawful oaths. Our Lord Jesus said, "None." The churches all said (and still say), "None, except . . ." Who do you think was (is) right?

The tradesmen got even angrier! They had already left the Church of England. But with every new "reformed" church still opposing the clear words of Christ, there was no church for them to join - or found. They exercised the right of assembly to discuss the Bible. Some of them preached it on the street corners, using their right of freedom of speech. But they couldn't establish a church, which followed Jesus' words, for that would have required assent to that treaty which opposed what Jesus had commanded.

To show their absolute displeasure with those who'd kept this secret for so long, they refused to give anyone in church or state any respect. It was the custom to doff one's hat when he encountered a priest or official. They started wearing big, ugly black hats, just so that the most myopic of these claimed "superiors" wouldn't miss the fact that the hat stayed atop their head. Back then the term "you" was formal English, reserved for use when speaking to a superior. "Thee" was the familiar pronoun, used among family and friends. So they called these officials only by the familiar pronoun "thee" or by their Christian names, "George, Peter, Robert, etc." We call these folk "Quakers." That was a nickname given to them by a judge. One of them had told the judge that he'd better "Quake before the Lord, God almighty." The judge, in a display of irreverent disrespect replied, "Thee are the quaker here." They found that pretty funny, it being such a total misnomer (as you shall soon see), and the nickname stuck. With the huge membership losses from the Anglican Church - especially from men who'd been the more charitable to it in the past - the church was technically bankrupt. It wasn't just the losses from the Quakers. Other people were leaving to join the new "Reformed Churches." Elsewhere in Europe, the Roman Church had amassed sufficient assets to weather this storm. The far newer Anglican Church had not.

But the Anglican Church, as an agency of the State, can't go bankrupt. It becomes the duty of the State to support it in hard times. Parliament did so. It enacted a tax to that end. A nice religious tax, and by current standards a very low tax, a tithe (10%). But it made a deadly mistake in that. The Quakers, primarily as tradesmen, recognized this income tax as a tax "without jurisdiction," at least so far as they went. As men unsworn and unallied, they pointed out that they didn't have to pay it, nor provide a return. Absent their oaths establishing this servitude, there was "no jurisdiction." And they were right. Despite laws making it a crime to willfully refuse to make a return and pay this tax, NONE were charged or arrested.

That caused the rest of the society to take notice. Other folk who'd thought the Quakers were "extremists" suddenly began to listen to them. As always, money talks. These guys were keeping all they earned, while the rest of the un-sworn society, thinking this tax applied to them, well; they were out 10%. The Quaker movement expanded significantly, that proof once made in the marketplace. Membership in the Anglican Church fell even further, as did charity to it. The taxes weren't enough to offset these further losses. The tithe (income) tax was actually counterproductive to the goal of supporting the church. The members of the government and the churchmen were scared silly. If this movement continued to expand at the current rate, no one in the next generation would swear an oath. Who'd then farm the lands of the nobility? Oh, surely someone would, but not as a servant working for subsistence.

The land would need to be leased under a contract, with the payment for that use established in the market, not on the unilateral whim of the nobleman. The wealth of the nobility, their incomes, was about to be greatly diminished. And the Church of England, what assets it possessed, would need to be sold-off, with what remained of that church greatly reduced in power and wealth. But far worse was the diminishment of the respect demanded by the priests and officials. They'd always held a position of superiority in the society. What would they do when all of society treated them only as equals?

They began to use the term "anarchy." But England was a monarchy, not an anarchy. And that was the ultimate solution to the problem, or so those in government thought. There's an aspect of a monarchy that Americans find somewhat incomprehensible, or at least we did two centuries ago. A crown has divine right, or at least it so claims. An expression of the divine right of a crown is the power to rule by demand. A crown can issue commands. The king says, "jump." Everyone jumps.

Why do they jump? Simple. It's a crime to NOT jump. To "willfully fail (hey, there's a couple of familiar terms) to obey a crown command" is considered to be a treason, high treason. The British crown issued a Crown Command to end the tax objection movement.

Did the crown order that everyone shall pay the income tax? No, that wasn't possible. There really was "no jurisdiction." And that would have done nothing to cure the lack of respect. The crown went one better. It ordered that every man shall swear an oath of allegiance to the crown! Damned Christian thing to do, eh? Literally!

A small handful of the tax objectors obeyed. Most refused. It was a simple matter of black and white. Jesus said "swear not at all." They opted to obey Him over the crown. That quickly brought them into court, facing the charge of high treason. An official would take the witness stand, swearing that he had no record of the defendant's oath of allegiance. Then the defendant was called to testify, there being no right to refuse to witness against one's self. He refused to accept the administered oath. That refusal on the record, the court instantly judged him guilty. Took all of 10 minutes. That expedience was essential, for there were another couple hundred defendants waiting to be tried that day for their own treason against the crown.

In short order the jails reached their capacity, plus. But they weren't filled as you'd envision them. The men who'd refused the oaths weren't there. Their children were. There was a "Stand-in" law allowing for that.

There was no social welfare system. The wife and children of a married man in prison existed on the charity of church and neighbors, or they ceased to exist, starving to death. It was typical for a man convicted of a petty crime to have one of his children stand in for him for 30 or 90

days. That way he could continue to earn a living, keeping bread on the table, without the family having to rely on charity. However, a man convicted of more heinous crimes would usually find it impossible to convince his wife to allow his children to serve his time. The family would prefer to exist on charity rather than see him back in society. But in this case the family had no option. The family was church-less. The neighbors were all in the same situation. Charity was non-existent for them. The family was destined to quick starvation unless one of the children stood-in for the breadwinner. Unfortunately, the rational choice of which child should serve the time was predicated on which child was the least productive to the family earnings. That meant nearly the youngest, usually a daughter.

Thus, the prisons of England filled with adolescent females, serving the life sentences for their dads. Those lives would be short. There was no heat in the jails. They were rife with tuberculosis and other deadly diseases. A strong man might last several years. A small girl measured her remaining time on earth in months. It was Christian holocaust, a true sacrifice of the unblemished lambs. (And, we must note, completely ignored in virtually every history text covering this era, lest the crown, government and church be duly embarrassed.) Despite the high mortality rate the jails still overflowed. There was little fear that the daughters would be raped or die at the brutality of other prisoners. The other prisoners, the real felons, had all been released to make room. Early release was premised on the severity of the crime. High treason was the highest crime. The murderers, thieves, arsonists, rapists, etc., had all been set free. That had a very profound effect on commerce. It stopped. There were highwaymen afoot on every road. Thugs and muggers ruled the city streets. The sworn subjects of the crown sat behind bolted doors, in cold, dark homes, wondering how they'd exist when the food and water ran out.

They finally dared to venture out to attend meetings to address the situation. At those meeting they discussed methods to overthrow the crown to which they were sworn! Call that perjury. Call that sedition. Call it by any name, they were going to put their words into actions, and soon, or die from starvation or the blade of a thug. Here we should note that chaos (and nearly anarchy: "no crown") came to be, not as the result of the refusal to swear oaths, but as the direct result of the governmental demand that people swear them! The followers of Jesus' words didn't bring that chaos, those who ignored that command of Christ brought it.

The crown soon saw the revolutionary handwriting on the wall and ordered the release of the children and the recapture of the real felons, before the government was removed from office under force of arms. The courts came up with the odd concept of an "affirmation in lieu of oath." The Quakers accepted that as a victory. Given what they'd been through, that was understandable. However, Jesus also prohibited affirmations, calling the practice an oath "by thy head." Funny that He could foresee the legal concept of an affirmation 1600 years before it came to be. Quite a prophecy! When the colonies opened to migration, the Quakers fled Europe in droves, trying to put as much distance as they could between themselves and crowns. They had a very rational fear of a repeat of the situation.

That put a lot of them here, enough that they had a very strong influence on politics. They could have blocked the ratification of the Constitution had they opposed it. Some of their demands were incorporated into it, as were some of their concessions, in balance to those demands. Their most obvious influence found in the Constitution is the definition of treason, the only crime defined in that document. Treason here is half of what can be committed under a crown. In the

United States, treason may only arise out of an (overt) ACTION. A refusal to perform an action at the command of the government is not a treason, hence, NOT A CRIME. You can find that restated in the Bill of Rights, where the territorial jurisdiction of the courts to try a criminal act is limited to the place wherein the crime shall have been COMMITTED. A refusal or failure is not an act "committed" - it's the opposite, an act "omitted." In this nation "doing nothing" can't be criminal, even when someone claims the power to command you do something. That concept in place, the new government would have lasted about three years. You see, if it was not a crime to fail to do something, then the officers of that government would have done NOTHING - save to draw their pay. That truth forced the Quakers to a concession.

Anyone holding a government job would need be sworn (or affirmed) to support the Constitution. That Constitution enabled the Congress to enact laws necessary and proper to control the powers vested in these people. Those laws would establish their duties. Should such an official "fail" to perform his lawful duties, he'd evidence in that omission that his oath was false. To swear a false oath is an ACTION. Thus, the punishments for failures would exist under the concept of perjury, not treason. But that was only regarding persons under oath of office, who were in office only by their oaths.

And that's still the situation. It's just that the government has very cleverly obscured that fact so that the average man will pay it a rent, a tax on income. As you probably know, the first use of income tax here came well in advance of the 16th amendment. That tax was NEARLY abolished by a late 19th century Supreme Court decision. The problem was that the tax wasn't apportioned, and couldn't be apportioned, that because of the fact that it rested on the income of each person earning it, rather than an up-front total, divided and meted out to the several States according to the census. But the income tax wasn't absolutely abolished. The court listed a solitary exception. The incomes of federal officers, derived as a benefit of office, could be so taxed. You could call that a "kick back" or even a "return." Essentially, the court said that what Congress gives, it can demand back. As that wouldn't be income derived within a State, the rule of apportionment didn't apply. Make sense? Now, no court can just make up rulings. The function of a court is to answer the questions posed to it. And in order to pose a question, a person needs "standing." The petitioner has to show that an action has occurred which affects him, hence, giving him that standing. For the Supreme Court to address the question of the income of officers demonstrates that the petitioner was such. Otherwise, the question couldn't have come up.

Congress was taxing his benefits of office. But Congress was ALSO taxing his outside income, that from sources with a State. Could have been interest, dividends, rent, royalties, and even alimony. If he had a side job, it might have even been commissions or salary. Those forms of income could not be taxed. However, Congress could tax his income from the benefits he derived by being an officer.

That Court decision was the end of all income taxation. The reason is pretty obvious. Rather than tax the benefits derived out of office, it's far easier to just reduce the benefits up-front! Saves time. Saves paper. The money stays in Treasury rather than going out, then coming back as much as 15 or 16 months later. So, even though the benefits of office could have been taxed, under that Court ruling, that tax was dropped by Congress.

There are two ways to overcome a Supreme Court ruling. The first is to have the court reverse itself. That's a very strange concept at law. Actually, it's impossibility at law. The only way a court

can change a prior ruling is if the statutes or the Constitution change, that changing the premises on which its prior conclusion at law was derived. Because it was a Supreme Court ruling nearly abolishing the income tax, the second method, an Amendment to the Constitution, was used to overcome the prior decision. That was the 16th Amendment.

The 16th allows for Congress to tax incomes from whatever source derived, without regard to apportionment. Whose incomes? Hey, it doesn't say (nor do the statutes enacted under it). The Supreme Court has stated that this Amendment granted Congress "no new powers." That's absolutely true. Congress always had the power to tax incomes, but only the incomes of officers and only their incomes derived out of a benefit of office. All the 16th did was extend that EXISTING POWER to tax officers' incomes (as benefits of office) to their incomes from other sources (from whatever source derived). The 16th Amendment and the statutes enacted thereunder don't have to say whose incomes are subject to this tax. The Supreme Court had already said that: officers. That's logical. If it could be a crime for a freeman to "willfully fail" to file or pay this tax, that crime could only exist as a treason by monarchical definition. In this nation a crime of failure may only exist under the broad category of a perjury. Period, no exception.

Thus, the trick employed by the government is to get you to claim that you are an officer of that government. Yeah, you're saying, "Man, I'd never be so fool as to claim that." I'll betcha \$100 I can prove that you did it and that you'll be forced to agree. Did you ever sign a tax form, a W-4, a 1040? Then you did it.

Look at the fine print at the bottom of the tax forms you once signed. You declared that it was "true" that you were "under penalties of perjury." Are you? Were you? Perjury is a felony. To commit a perjury you have to FIRST be under oath (or affirmation). You know that. It's common knowledge. So, to be punished for a perjury you'd need to be under oath, right? Right. There's no other way, unless you pretend to be under oath. To pretend to be under oath is a perjury automatically. There would be no oath. Hence it's a FALSE oath. Perjury rests on making a false oath. So, to claim to be "under penalties of perjury" is to claim that you're under oath. That claim could be true, could be false. But if false, and you knowingly and willingly made that false claim, then you committed a perjury just by making that claim.

You've read the Constitution. How many times can you be tried and penalized for a single criminal act? Once? Did I hear you right? Did you say once; only once? Good for you. You know that you can't even be placed in jeopardy of penalty (trial) a second time.

The term "penalties" is plural. More than one. Oops. Didn't you just state that you could only be tried once, penalized once, for a single criminal action? Sure you did. And that would almost always be true. There's a solitary exception. A federal official or employee may be twice tried, twice penalized. The second penalty, resulting out of a conviction of impeachment, is the loss of the benefits of office, for life. Federal officials are under oath, an oath of office. That's why you call them civil servants. That oath establishes jurisdiction (oath spoken), allowing them to be penalized, twice, for a perjury (especially for a perjury of official oath). You have been tricked into signing tax forms under the perjury clause. You are not under oath enabling the commission of perjury. You can't be twice penalized for a single criminal act, even for a perjury. Still, because you trusted that the government wouldn't try to deceive you, you signed an income tax form, pretending that there was jurisdiction (oath spoken) where there was none.

Once you sign the first form, the government will forever believe that you are a civil servant. Stop signing those forms while you continue to have income and you'll be charged with "willful failure to file," a crime of doing nothing when commanded to do something! Initially, the income tax forms were required to be SWORN (or affirmed) before a notary. A criminal by the name of Sullivan brought that matter all the way to the Supreme Court. He argued that if he listed his income from criminal activities, that information would later be used against him on a criminal charge. If he didn't list it, then swore that the form was "true, correct and complete," he could be charged and convicted of a perjury. He was damned if he did, damned if he didn't. The Supreme Court could only agree. It ruled that a person could refuse to provide any information on that form, taking individual exception to each line, and stating in that space that he refused to provide testimony against himself. That should have been the end of the income tax. In a few years everyone would have been refusing to provide answers on the "gross" and "net income" lines, forcing NO answer on the "tax due" line, as well. Of course, that decision was premised on the use of the notarized oath, causing the answers to have the quality of "testimony."

Congress then INSTANTLY ordered the forms be changed. In place of the notarized oath, the forms would contain a statement that they were made and signed "Under penalties of perjury." The prior ruling of the Supreme Court was made obsolete. Congress had changed the premise on which it had reached its conclusion. The verity of the information on the form no longer rested on a notarized oath. It rested on the taxpayer's oath of office. And, as many a tax protestor in the 1970s and early 1980s quickly discovered, the Supreme Court ruling for Sullivan had no current relevance.

There has never been a criminal trial in any matter under federal income taxation without a SIGNED tax form in evidence before the court. The court takes notice of the signature below the perjury clause and assumes the standing of the defendant is that of a federal official, a person under oath of office who may be twice penalized for a single criminal act of perjury (to his official oath). The court has jurisdiction to try such a person for a "failure." That jurisdiction arises under the concept of perjury, not treason.

However, the court is in an odd position here. If the defendant should take the witness stand, under oath or affirmation to tell the truth, and then truthfully state that he is not under oath of office and is not a federal officer or employee, that statement would contradict the signed statement on the tax form, already in evidence and made under claim of oath. That contradiction would give rise to a technical perjury. Under federal statutes, courtroom perjury is committed when a person willfully makes two statements, both under oath, which contradict one another. The perjury clause claims the witness to be a federal person. If he truthfully says the contrary from the witness stand, the judge is then duty bound to charge him with the commission of a perjury! At his ensuing perjury trial, the two contradictory statements "(I'm) under penalties of perjury" and "I'm not a federal official or employee" would be the sole evidence of the commission of the perjury. As federal employment is a matter of public record, the truth of the last statement would be evidenced. That would prove that the perjury clause was a FALSE statement. Can't have that proof on the record, can we? About now you are thinking of some tax protestor trials for "willful failure" where the defendant took the witness stand and testified, in full truth, that he was not a federal person. This writer has studied a few such cases. Those of Irwin

Schiff and F. Tupper Saussy come to mind. And you are right; they told the court that they weren't federal persons. Unfortunately, they didn't tell the court that while under oath.

A most curious phenomenon occurs at "willful failure" trials where the defendant has published the fact, in books or newsletters, that he isn't a federal person. The judge becomes very absent-minded - at least that's surely what he'd try to claim if the issue were ever raised. He forgets to swear-in the defendant before he takes the witness stand. The defendant tells the truth from the witness stand, but does so without an oath. As he's not under oath, nothing he says can constitute a technical perjury as a contradiction to the "perjury clause" on the tax forms already in evidence. The court will almost always judge him guilty for his failure to file. Clever system.

And it all begins when a person who is NOT a federal officer or employee signs his first income tax form, FALSELY claiming that he's under an oath which if perjured may bring him a duality of penalties. It's still a matter of jurisdiction (oath spoken). That hasn't changed in over 400 years. The only difference is that in this nation, we have no monarch able to command us to action. In the United States of America, you have to VOLUNTEER to establish jurisdiction. Once you do, then you are subject to commands regarding the duties of your office. Hence the income tax is "voluntary," in the beginning, but "compulsory" once you volunteer. You volunteer when you sign your very first income tax form, probably a Form W-4 and probably at about age 15. You voluntarily sign a false statement, a false statement that claims that you are subject to jurisdiction. Gotcha! Oh, and when the prosecutor enters your prior signed income tax forms into evidence at a willful failure to file trial, he will always tell the court that those forms evidence that you knew it was your DUTY to make and file proper returns. DUTY! A free man owes no DUTY. A free man owes nothing to the federal government, as he receives nothing from it. But a federal official owes a duty. He receives something from that government - the benefits of office. In addition to a return of some of those benefits, Congress can also demand that he pay a tax on his other forms of income, now under the 16th Amendment, from whatever source they may be derived. If that were ever to be understood, the ranks of real, sworn federal officers would diminish greatly. And the ranks of the pretended federal officers (including you) would vanish to zero. It's still the same system as it was 400 years ago, with appropriate modifications, so you don't immediately realize it. Yes, it's a jurisdictional matter. An Oath-spoken matter. Quite likely you, as a student of the Constitution, have puzzled over the 14th Amendment. You've wondered who are persons "subject to the jurisdiction" of the United States and in the alternative, who are not. This is easily explained, again in the proper historical perspective.

The claimed purpose of the 14th was to vest civil rights to the former slaves. A method was needed to convert them from chattel to full civil beings. The Supreme Court had issued rulings that precluded that from occurring. Hence, an Amendment was necessary. But it took a little more than the amendment. The former slaves would need to perform an act, subjecting themselves to the "jurisdiction" of the United States. You should now realize that an oath is the way that was/is accomplished.

After the battles of the rebellion had ceased, the manumitted slaves were free, but without rights. They held no electoral franchise - they couldn't vote. The governments of the Southern States were pretty peeved over what had occurred in the prior several years, and they weren't about to extend electoral franchises to the former slaves. The Federal government found a way to force that.

It ordered that voters had to be “registered.” And it ordered that to become a registered voter, one had to SWEAR an oath of allegiance to the Constitution. The white folks, by and large, weren’t about to do that. They were also peeved that the excuse for all the battles was an unwritten, alleged, Constitutional premise, that a “State had no right to secede.” The former slaves had no problem swearing allegiance to the Constitution. The vast majority of them didn’t have the slightest idea of what an oath was, nor did they even know what the Constitution was! Great voter registration drives took place. In an odd historical twist, these were largely sponsored by the Quakers who volunteered their assistance. Thus, most of the oaths administered were administered by Quakers! Every former slave was sworn-in, taking what actually was an OATH OF OFFICE. The electoral franchise then existed almost exclusively among the former slaves, with the white folks in the South unanimously refusing that oath and denied their right to vote. For a while many of the Southern State governments were comprised of no one other than the former slaves.

The former slaves became de jure (by oath) federal officials, “subject to the jurisdiction of the United States” by that oath. They were non-compensated officials, receiving no benefits of their office, save what was then extended under the 14th Amendment. There was some brief talk of providing compensation in the form of 40 acres and a mule, but that quickly faded.

Jurisdiction over a Person exists only by oath. Always has, always will. For a court to have jurisdiction, some one has to bring a charge or petition under an oath. In a criminal matter, the charge is forwarded under the oaths of the grand jurors (indictment) or under the oath of office of a federal officer (information). Even before a warrant may be issued, someone has to swear there is probable cause. Should it later be discovered that there was NOT probable cause, that person should be charged with a perjury. It’s all about oaths. And the one crime for which immunity, even “sovereign immunity,” cannot be extended is ... perjury. You must understand “jurisdiction.” That term is only understandable when one understands the history behind it. Know what “jurisdiction” means.

You didn’t WILLFULLY claim that you were “Under penalties of perjury” on those tax forms you signed. You may have done it voluntarily, but you surely did it ignorantly! You didn’t realize the import and implications of that clause. It was, quite frankly, a MISTAKE. A big one. A dumb one. Still it was only a mistake. Willfulness rests on intent. You had no intent to claim that you were under an oath of office, a perjury of which could bring you dual penalties. You just didn’t give those words any thought.

What do you do when you discover you’ve made a mistake? As an honest man, you tell those who may have been effected by your error, apologize to them, and usually you promise to be more careful in the future, that as a demonstration that you, like all of us, learn by your mistakes.

You really ought to drop the Secretary of the Treasury of the United States a short letter, cc it to the Commissioner of Internal Revenue. Explain that you never realized that the fine print on the bottom of all income tax forms meant that you were claiming to be “under oath” a perjury of which might be “twice” penalized. Explain that you’ve never sworn such an oath and that for reasons of conscience, you never will. You made this mistake on every tax form you’d ever signed. But now that you understand the words, you’ll most certainly not make that mistake again! That’ll be the end of any possibility that you’ll ever be charged with “willful failure to file.” Too simple? No, it’s only as simple as it’s supposed to be. Jurisdiction (oath spoken) is a pretty

simple matter. Either you are subject to jurisdiction, by having really sworn an oath, or you are not. If you aren't under oath, and abolish all the pretenses, false pretenses you provided, on which the government assumed that you were under oath, then the jurisdiction fails and you become a freeman. A freeman can't be compelled to perform any act and threatened with a penalty, certainly not two penalties, should he fail to do so. That would constitute a treason charge by the part of the definition abolished here.

It's a matter of history. European history, American history, and finally, the history of your Life. The first two may be hidden from you, making parts of them difficult to discover. But the last history you know. If you know that you've never sworn an oath of office, and now understand how that truth fits the other histories, then you are free. Truth does that. Funny how that works. Jesus was that Truth. His command that His followers "Swear not at all." That was the method by which He set men free. Israel was a feudal society. It had a crown; it had landlords; they had tenant farmers bound by oath to them. Jesus scared them silly. Who'd farm those lands in the next generation, when all of the people refused to swear oaths? Ring a bell? And what did the government do to Jesus? It tried to obtain jurisdiction on the false oath of a witness, charging Him with "sedition" for the out-of-context, allegorical statement that He'd "tear down the temple" (a government building). At that trial, Jesus stood mute, refusing the administered oath. That was unheard of!

The judge became so frustrated that he posed a trick question attempting to obtain jurisdiction from Jesus. He said, "I adjure you in the name of the Living God, are you the man (accused of sedition)." An adjuration is a "compelled oath." Jesus then broke his silence, responding: "You have so said."

He didn't "take" the adjured oath. He left it with its speaker, the judge! That bound the judge to truth. Had the judge also falsely said that Jesus was the man (guilty of sedition)? No, not out loud, not yet. But in his heart he'd said so. That's what this trial was all about. Jesus tossed that falsehood back where it belonged as well as the oath. In those few words, "You have so said," Jesus put the oath, and the PERJURY of it, back on the judge, where it belonged. The court couldn't get jurisdiction.

Israel was occupied by Rome at that time. The court then shipped Jesus off to the martial governor, Pontius Pilate, hoping that martial power might compel him to submit to jurisdiction. But Pilate had no quarrel with Jesus. He correctly saw the charge as a political matter, devoid of any real criminal act. Likely, Pilate offered Jesus the "protection of Rome." Roman law extended only to sworn subjects. All Jesus would need do is swear an oath to Caesar, then Pilate could protect him. Otherwise, Jesus was probably going to turn up dead at the hands of "person or persons unknown" which would really be at the hands of the civil government, under the false charge of sedition. Pilate administered that oath to Caesar. Jesus stood mute, again refusing jurisdiction. Pilate "marveled at that." He'd never before met a man who preferred to live free or die. Under Roman law the unsworn were considered to be unclean - the "great unwashed masses." The elite were sworn to Caesar. When an official errantly extended the law to an unsworn person that "failure of jurisdiction" required that the official perform a symbolic act. To cleanse himself and the law, he would "wash his hands." Pilate did so. Under Roman law, the law to which he was sworn, he had to do so.

The law, neither Roman law nor the law of Israel, could obtain jurisdiction over Jesus. The law couldn't kill Him, nor could it prevent that murder. Jesus was turned over to a mob, demanding

His death. How's that for chaos? Jesus was put to death because He refused to be sworn. But the law couldn't do that. Only a mob could do so, setting free a true felon in the process. Thus, Jesus proved the one failing of the law - at least the law then and there - the law has no ability to touch a truly freeman. A mob can, but the result of that is chaos, not order.

In every situation where a government attempts to compel an oath, or fails to protect a man of conscience who refuses it, the result is chaos. That government proves itself incapable of any claimed powers as the result, for the only purpose of any government should be to defend the people establishing it - all of those people - and not because they owe that government any duty or allegiance, but for the opposite reason, because the government owes the people its duty and allegiance under the law. This nation came close to that concept for quite a few decades. Then those in federal office realized that they could fool all of the people, some of the time. That "some of the time" regarded oaths and jurisdiction. We were (and still are) a Christian nation, at least the vast majority of us claim ourselves to be Christian. But we are led by churchmen who still uphold the terms of that European treaty. They still profess that it is Christian to swear an oath, so long as it's a "lawful oath." We are deceived. As deceived as the tenant in 1300, but more so, for we now have the Words of Jesus to read for ourselves.

Jesus said, "Swear no oaths," extending that even to oaths which don't name God. If His followers obeyed that command, the unscrupulous members of the society in that day would have quickly realized that they could file false lawsuits against Jesus' followers, suits that they couldn't answer (under oath). Thus, Jesus issued a secondary command, ordering His followers to sell all they had, making themselves what today we call "judgement proof." They owned only their shirt and a coat. If they were sued for their shirt, they were to offer to settle out-of-court (without oath) by giving the plaintiff their coat. That wasn't a metaphor. Jesus meant those words in the literal sense!

It's rather interesting that most income tax protestors are Christian and have already made themselves virtually judgement proof, perhaps inadvertently obeying one of Jesus' commands out of a self-preservation instinct. Do we sense something here? You need to take the final step. You must swear no oaths. That is the penultimate step in self-preservation, and in obedience to the commands of Jesus. It's all a matter of "jurisdiction" (oath spoken), which a Christian can't abide. Christians must be freemen. Their faith, duty and allegiance can go to no one on earth. We can't serve two masters. No one can. As Christians our faith and allegiance rests not on an oath. Our faith and allegiance arise naturally. These are duties owed by a child to his father. As Children of God, we must be faithful to Him, our Father, and to our eldest Brother, the Inheritor of the estate. That's certain.

As to what sort of a society Jesus intended without oaths or even affirmations, this writer honestly can't envision. Certainly it would have been anarchy (no crown). Would it have also been chaos? My initial instinct is to find that it would lead to chaos. Like the Quakers in 1786, I can't envision a functional government without the use of oaths. Yet, every time a government attempts to use oaths as a device to compel servitude, the result is CHAOS. History proves that. The Dark Ages were dark, only because the society was feudal, failing to advance to enlightenment because they were sworn into servitude, unwittingly violating Jesus' command. When the British crown attempted to compel oaths of allegiance, chaos certainly resulted. And Jesus' own death occurred only out of the chaos derived by His refusal to swear a compelled oath and an offered oath.

The current Internal Revenue Code is about as close to legislated chaos as could ever be envisioned. No two people beginning with identical premises will reach the same conclusion under the IRC. Is not that chaos? Thus, in every instance where the government attempts to use oaths to bind the People, the result has been chaos.

Hence, this writer is forced to the conclusion that Jesus was right. We ought to avoid oaths at all costs, save our own souls, and for precisely that reason. Yet, what system of societal interaction Jesus envisioned, without oaths, escapes me. How would we deal with murderers, thieves, rapists, etc. present in the society without someone to bring a complaint, sworn complaint, before a Jury (a panel of sworn men), to punish them for these criminal actions against the civil members of that society? Perhaps you, the reader, can envision what Jesus had in mind. Even if you can't, you still have to obey His command. That will set you free. As to where we go from there, well, given that there has never been a society, neither civil nor martial, which functioned without oaths, I guess we won't see how it will function until it arrives.

Meanwhile, the first step in the process is abolishing your prior FALSE claims of being under oath (of office) on those income tax forms. You claimed "jurisdiction." Only you can reverse that by stating the Truth. It worked 400 years ago. It'll still work. It's the only thing that'll work. History can repeat, but this time without the penalty of treason extended to you (or your daughters). You can cause it. Know and tell this Truth and it'll set you free. HONESTLY. Tell the government, then explain it to every Christian you know. Most of them will hate you for that bit of honesty. Be kind to them anyhow. Once they see that you are keeping what you earn, the market will force them to realize that you aren't the extremist they originally thought! If only 2% of the American people understand what is written here, income taxation will be abolished - that out of a fear that the knowledge will expand. The government will be scared silly. What if no one in the next generation would swear an oath? Then there'd be no servants! No, the income tax will be abolished long before that could ever happen. That's only money. Power comes by having an ignorant people to rule. A government will always opt for power. That way, in two or three generations, the knowledge lost to the obscure "between the lines" of history, they can run the same money game.

Pass this essay on to your Christian friends. But save a copy. Will it to your grandchildren. Someday, they too will probably need this knowledge. Teach your children well. Be honest; tell the truth. That will set you free - and it'll scare the government silly.

END.