117892

BOOK 139 PAGE 388

Citizen Walter D. Saunders
Skamania County, Washington
non-resident/Domestic Delivery
c/o M.P.S.R. 14
Stevenson, Washington
United American Republic
Postal Zone 98648

Surrender by Registered Mail #____

DATE - 11/9/93

Department of Health & Human Services
Social Security Administration
Commissioner, Acting: Louis D Enoff
6401 Security Boulevard
Baltimore, MD 21235

Associate General Counsel,
Social Security Division
Donald Gonya
6401 Secruity Boulevard
Baltimore, MD 21235

FILED FOR RECORD
SKAMANIA CO. WASH
BY Walter Saunders
Nov 9 3 01 PM '93
P. Lowry
AUDITOR
GARY M. OLSON

PUBLIC NOTICE DIRECTIVE TO:
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
SECRETARY LOUIS W. SULLIVAN, M.D.
AND SOCIAL SECRUITY ADMINISTRATION
COMMISSIONER, ACTING: LOUIS D. ENOFF

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

State of Washington)
) Subscribed, Sworn and Sealed
County of Skamania)

PREAMBLE

I, Citizen Walter D. Saunders the undersigned affiant and judicial Power jus sanguinis Citizen of one of the American Republics, being a Washington native natural born adult male, living on the Land within the boundaries of Skamania County, as a judicial Power Citizen of Washington, as such has been for fifty-two years hereby make this Limited appearance, by Affidavit, in Porpria Persona, proceeding juris et de jure, in Law, at Common Law, conferring nor consenting to any foreign jurisdiction, except to the the de jure judicial power of Washington or the 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 employee nor an Officer or employee of a corporation of the "United States" or a "State", nor a resident of Washington, nor a "citizen or (and) resident of the "United States", nor has he ever been, and therefore proceeds without reservation and without prejudice. Wherefore the undersigned affiant named herein being duly sworn and upon oath under the penalty of perjury delcares or evidences and deposes as such for the following course of action:

AFFIDAVIT AMENDMENT PROTECTION CLAUSE

I, **the undersigned sovereign State Citizen**, in order to protect my unalienable rights to life, liberty, and 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 substantive right, for I cannot be held liable for acts, errors or ommissions by goverrnments which are out of my control, and which would/may constitute fraud, de facto or ultra vires operation, in one form or another, 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 personal right to a "due process proceeding" under the respective judicial power, either within the State of Washington or of the Union of the several united States, united for and by the Constitution for the united States of America; and further,

I, Walter D. Saunders, the undersigned, a human male, Citizen of the State of Washington, and thereby 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 according 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 through-out the pages of the 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, Walter D. Saunders, am of lawful age and competent; and as such a native, natural born Free judicial Power Citizen of Washington, and thereby in one of the 50 united States of America, therefore by right of heritage, jus sanguinis descending from my Family who has been here in Washington since the 1800's, I'm a judicial Washington Citizen, by birth protected by the original Constitution of Washington, 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 PROPERTY, for as secured rights within Article 1. Sec. 7. "life, liberty, and property" in the Constitution for the State of Washington (1889) and also secured under the protection of Article IV, Sec. 2. Cl. 1. "Citizens of the several States", and the Fourth and Fifth 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 IRC Regulations:

"Analysis of the Social Security System Hearings before a subcommittee of the Ways and Means, House of Representative, Eighty-Third Congress, First Session on The Legal Status of OASI Benefits, November 27, 1953." 250 pages of fraud and concealment by Social Security Board now named SSA.

Title 26, Code section 3121(e) Definitions:

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.

26 CFR 36.3121 (L)(1)-1, REV. RUL. 57-576

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;

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

--- 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 nay 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 IRC sec. 864 (b),(1) & (A) for proof!

COMPLAINT AND DECLARATION OF FRAUD
"INCULPATORY EVIDENCE OF DOLUS OR INTENT TO DEFRAUD"
Qui vi raput, fur improbior esse videtur

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

6. That the Social Security Administration personally attaches this non-state or federal employee, State Citizen to a regional jurisdiction by agreement and subjects me to your foreign collection agent the Internal Revenue Service and a United States court or regional strict liability statutory power. Also, Social Security is administered by an unauthorized regional venue with districts, not 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 State Citizen, Walter D. Saunders, that I would be defined as an artificial person by agreement and statute (Title XI Sec. 1101 [1] [3] S.S. Act 1935); and thus I would become a "person" who only had privileges and immunities and no organic Constitutional 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 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 State Agreement; the term State is defined as the District of Columbia and the term Governor is defined as the Mayor of the District of Columbia, you had no jurisdiction to involve my State of Washington 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 an 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 Title 28, Sec. 1746 (2) which as an infant of a Citizen of the State of Washington; 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 monetary socialism by dicatorship 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 1, 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 "a comprehensive welfare plan established by law, generally compulsory 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 Dict. 5ED. 2 724; and further,

Further, in 1938 in Ashwander v. T.V.A., 297 W.S. 288, 346, 56 S. Ct. 466, 482, 80 L. Ed. 688, 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 statue."

14. They, the Social Security Administration, did not inform this Affiant when people, as State Citizens, accepted Social Security they also accepted its definition of "person," and they too, then, are taxed for the prvilege of Federal Employment and citizenship and state residence (Federal) through the personal income tax, state and federal. The people of the States were deceived by this act because 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 social insurance policy which, by submission, suborns this affiant, an otherwise Free, Natural Citizen of the State of Washington, into the Federal, corporate, jurisdiction same said as a Federal Employee or Employer, that has been created within regional concepts, under the authority of the United States Constitution, 14th Amendment, 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, in order to raise revenue for the cause of the 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 (FICA) social insurance scheme is deployed to limit, by supersedeas quasi contract, my personam of de jure sanguinis "State Citizen," with intent, through misrepresentation, to impair, exort and divest me of my God-given Unalienable Rights (viz, natural unalienable rights), otherwise protected by the limitations and prohibitions set out in the Organic Law for the united States of America by requiring me through uninformed, implied and direct consent (submission) to surrender or limit the affect of my peraonam of State Citizen, to accomplish ends wholly beyond the sphere marked out by the Declaration of Independence (1776), the original Constitution for the United States of America (1787), the Bill of Rights (1791) and the original Constitution for the State of Washington, an American Republic; and further,

17. The social security scheme (FICA) is a stealthy encroachment on, and an easy way, via government controlled media blitz propaganda, to circumvent the limitations and guarantees provided by "We the People," against 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 State of Washington, 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,

18. 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 adventure, with regional (interstate and international) statutory implications, of an intragovernmental nature, in the unauthorized jurisdiction(s) that now exist by the United States, codified pursuant to declaratory Amendments not authorized for Citizens of the States, in the Constitution for the United States of America; and further,

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

20. 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 "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,

21. I was deceived, as an infant via media generated, undue influence and government 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,

22. 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 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 , Citizen Walter D. Saunders, hereby SURRENDERS the use of the assigned Security Card and Number 537-38-6787, (I have no card to surrender because it was lost in 1993) and therby waive all statutory or regulatory benefits and obligations of the aforesaid social insurance scheme; that I absolutely will not use your (Social Security Admoinistration) 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"
SURRENDER OF SOCIAL SECURITY NUMBER AND CARD
FOR GOOD CAUSE
CAVEAT AND GRAVAMEN
CONSTRUCTIVE PUBLIC NOTICE AND TRESPASS WARNING
"Pro Defectu jurisdictionis"

23. 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 JUDICIAL POWER of the State of Washington or of the Union. My further notice to you, and your agency or coparties, is that I will at all times, be 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 Citizen of the State of Washington, which will be dealt with as such with full force and effect.

24. That I now, with self reliance, as before, will in all ways, by right, conrol 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 of regulations which control your functions or grant your agency or coparties authority over "persons", for a 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 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 as bona fide contract signed by me without fraud or undue influence involved, which purports to grant you, that jurisdiction which you are seeking to establish.

25. That I now, as before, will in all ways, by right, waive no Constitutional secured rights, limitations or prohibitions that would grant access to your agency or coparites 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 coparites upon this Affiant. I at all times past, present or future retain my right to Assistance of Counsel in any or all administration 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 held under the preamble and amendment Section of this Affidavit.

26. 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 answer to my questions such as, who is the "person" in the Statutes and regulations under and forth 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 actions 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.

27. Every Act perpetrated by any constitutionally created branch of government 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 stitute 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: U.S. v. Will, 449 US 200, 66 L.ED.2d 392, at pg. 406)

THIS IS SUMMONS AND NOTICE UPON YOU that the "Extents" of the United States, and the State of Washington, that is, its Statues, 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 and alien to that citizenship and residency, being a Citizen-Principal of the State of Washington and thereby in one of the several American Republics, as contemplated by Article IV, Section 2, 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 otherparty 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 meaningof the Uniform Commercial Code or the 13th and 14th Amendments.

THIS IS A GOOD FAITH EFFORT to correct any government created administrative or public record 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 on a contrary belief, that you assert that claim by a complaint in the nature of a JUDICIAL POWER SUMMONS, 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 resident.

YOU HAVE 20 DAYS TO ANSWER IN WRITING, THIS CONFIRMATORY RESPONSE WITH CONCLUSIONS OF LAW AND FINDINGS OF FACT OR BE FOUND IN DEFAULT WITH PREJUDICE.

If I do not hear from you within twenty (20) 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 my proper person.

28. That I swear under penalty of perjury, under the Laws of the united States of America, pursuant to Title 28, 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 9th day of November in the year 1993
Subscribed, sworn and sealed on this 9th day of November, 1993.

Walter D. Saunders seal
Walter D. Saunders, 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 Washington)
) Subscribed, Sworn and Sealed
County of Skamania

On this 9th day of November 1993, Citizen Walter D. Saunders, 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, 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 ans sworn to before me the undersigned Notary Public in the above said County, State and Country.

Commission expires 2/23/95 Peggy B. Lowry Notary Public

PEGGY B. LOWRY
STATE OF WASHINGTON
NOTARY --•-- PUBLIC
My Commission Expires 2-23-95

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PUBLIC NOTICE OF OBJECTION
"Pro defectu jurisdictionis"
Hosea: "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, 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 Page 562.

"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, U.S., 105 S.Ct. 1005, 83 L.Ed.2d 1016 (1985). "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 Plaintiffs 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." ibid, at page 575

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"IT IS HEREBY DECLARED that the challenged act of Congress, P.L. 98-21, Section 103(1) 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." **Ibid, at page 575**

"The Secretary of Health and Human Services is hereby **ORDERED** to accept the notifications of withdrawal properly tendered to her." **Ibid, at page 575**

The historical record documents undeniable proof that the confusion, ambiguity and jurisdictional deceptions now built into Title 42 United States Code were deliberate. The first **Internal Revenue Code was Title 35 of the Revised Statutes of June, 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 make 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 22 June 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 power of Congress are manifold. In the License Tax Cases, 72 U.S. 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 U.S. 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 U.S. 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 U.S. 670 (1878), a penal statute remotely related to bankruptcy laws was held inapplicable in the States. In Patterson v. Kentucky, 97 U.S. 501 (1879), the Court held that U.S. patent laws conferred no superior rights within the States. In United States v. Steffens, 100 U.S. 82 (1879), federal trademark legislation unconnected with "interstate commerce" was held inapplicable inside the States. In Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 656 (1887), certain penal, federal civil rights legislation was held unenforceable "within a state". In Ex parte Burrus, 136 U.S. 586, 10 S.Ct.850 (1890), and De La Rama v. De La Rama, 201 U.S. 303, 26 S.Ct.485 (1906), the Court held that domestic relations matters were solely state concerns. In Reagan v. Mercantile Trust Co., 154 U.S. 413, 14 S.Ct.1060 (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 U.S. 138, 29 S.Ct.470 (1909), it was held that Congress could not exercise police powers within the States. In Coyle v. Smith, 221 U.S. 559, 21 S.Ct.688 (1911), it was held that Congress could not dictate to a state, Oklahoma, where to locate its state capitol. In Hammer v. Dagenhart, 247 U.S. 251, 38 S.Ct.529 (1918) and Bailey v. Drexel Furniture Co., 259 U.S. 20, 24 S.Ct.449 (1922), the Court held that Congressional attempts to regulate and control manufacturing activities in the States were unconstitutional; see also Hill v. Wallace, 259 U.S. 44, 42 S.Ct.453 (1922).

In United Mine Workers of America v. Coronado Coal Co., 259 U.S. 344, 42 S.Ct. 570 (1922), the Court held that Congress could not regulate coal mining in the United sates. In Linder v. United States, 268 U.S. 5, 45 S.Ct. 446 (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 U.S. 64, 45 S.Ct. 403 (1925) the construction industry was deemed to be inherently of local concern and beyond Congressional powers. In Indian Motorcycle Co. v. United States, 283 U.S. 570, 51 S.Ct.601 (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 U.S. 330 55 S.Ct.758 (1935). The case of Hopkins Fed S. & L. Ass'n v. Cleary, 296 U.S. 315, 56 S.Ct.235 (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, 296 U.S. 495, 55 S.Ct.837 (1935), Panama Refining Co. v. Ryan, 293 U.S. 388, 55 S.Ct.241 (1935) and Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct.855 (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 U.S. 1, 56 S.Ct.312 (1936), the Court held that Congress had no direct power to regulate agricultural production within the States. Finally, in Oregon v. Mitchell, 400 U.S. 112, 91 S.Ct.260 (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 the government allowed and sanctioned international banks' interference which therefore caused and forced the united States and then the state governments to bankruptcy which then caused 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 in there against 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 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 U.S. 548, 57 S.Ct.883 (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 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 U.S. 619; 57 S.Ct.904 (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 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 U.S. 41, 106 S.Ct.2390 (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 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 U.S.C., sections 301-433. If there were a requirement that every State Citizen join the Social Security scheme, one would expect to find language in the act similar to the following:

"Every 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 requirements on a bona fide Citizen of Minnesota 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 duty to apply for and obtain a Social Security card or number boils down to the following found at **20 C.F.R., 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...

"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.

"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....

"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 Citizen of the Washington Republic.

With the act of applying for and obtaining a SSN being entirely voluntary for 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 record 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, 590 F.Supp.866 (S.D. Fla., 1984).

Thus, 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.