



CITIZEN AS A LEGAL FICTION © Authored by LB Bork lb@pacinlaw.org

INTRODUCTION

Herein is material that may be hard for many to comprehend and accept. With that stated, after studying law for ten plus years this author notes that people believe what they want to believe,¹ even if it is to their detriment.² This is most unfortunate...

"Billions of people just living out their lives... oblivious." –Agent Smith, the Matrix

SYLLABUS

Herein a brief explanation is laid on how the 14th Amendment operates in reference to a citizen in regard to legal fictions (or presumptions).³ While studying this information, keep in mind a master can give all the rights to his slaves that he deems appropriate.

FORWARD

Recently, a Florida national who is a student of PAC sent the below information to us. It is a definition from the U.S. Immigration & Naturalization Service (INS) website:

- **Citizenship.** *Overview*

A citizen of the United States is a native-born, foreign-born, or naturalized person who owes allegiance to the United States and who is entitled to its protection. In addition to the naturalization process, the United States recognizes the U.S. citizenship of individuals according to two fundamental principles: *jus soli*, or right of birthplace, and *jus sanguinis*, or right of blood.

Note what the above sets forth in its short, simple statement: 1) A citizen of the United States owes allegiance to the United States and is entitled to *ITS* protection; 2) The United States recognizes the citizenship rule of birthplace, *i.e.*, *jus soli*.⁴ Moreover, it

1 BRAINWASHING, n. The application of a concentrated means of persuasion, such as an advertising campaign or repeated suggestion, in order to develop a specific belief or motivation. *American Heritage Dictionary, 1998*

2 In addition: Most people are comfortable being Socialists; generally people that protest taxes want the *socialism* but just do not want to pay for it through excessive taxation.

3 NOTE: A "Legal Fiction" is also referred to as a "presumption". See this authority: "A presumption is a deduction which the law expressly directs to be made from particular facts." (Code Civ. Proc., sec. 1959 [Note: now Evidence Code, § 600.]) And "a presumption (unless declared by law to be conclusive) may be controverted by other evidence, direct or indirect: but unless controverted, the jury is bound to find according to the presumption." (Code Civ. Proc., sec. 1961 [Note: now Evid. Cd, § 602 et seq.]) (bracketed information added.) In re Bauer (1889), 79 Cal. 304, 307.

4 *JUS SOLI.* *Black's Law Dictionary, Sixth Edition (Deluxe)*

should be noted that the INS does not list the nationalities of the several states of the American union on the website; although they may be found enumerated in the United States Style Manual (1984), chapter 5.23. In the ORIGINAL form of the constitutional system, a man owes his fidelity to his state government; the United States is deemed a FOREIGN STATE and had (has) no direct dealings with the common American.

Note that “nationality” is relative to nation. Each state in the American union is a nation. There is absolutely NOTHING in the “Federal Constitution” that negates that fact. The 14th Amendment is the only “device” that negates that fact, under the color of law, *i.e.*, fraud, if you will. As a further reference, if you look at all statehood acts which “admit new states to the Union”, you will find that all such states are on *equal ground* with the original 13 states at the signing of the Declaration of Independence. In essence, this is setting forth that the several states are independent nations and maintain all rights under international law. The United States Constitution is where PART of their sovereignty is contracted away to the United States government. Although the several states are national governments, and the United States is a federal government, the several states operate as national governments which maintain a *clipped sovereignty*, but are still NATIONAL governments; and depending on what issue of international law that is in question—as specified in the United States Constitution—will determine if the United States is to act as a *national* government. In example of the United States acting as such a government is the right of treaty; it has been contracted away by the several States to the United States. In this sense, the United States is a [quasi]national government in regard to treaties.

By and large, you will not find any case law on nationality that is internal to the Union, as there is none. Why you ask? It is ventured that everyone has been flimflammed by the political propaganda of the Elite and the Black Robes the past 200 plus years. Actually, the first time the state nationalities of the Union were statutorily recognized by the United States is by the “rump congress” in the Nationality Act of 1940; however, by this time in the game there were enough other facts to deem all Americans “citizens and nationals of the United States”,⁵ *i.e.*, all “Americans” are deemed U.S. citizens.

Now this author injects this plain and simple fact that is easy to understand: Rights are from God; Privileges are from government. When so-called “rights” are “enumerated” by the government, one should understand that his God-given rights are in the balance. In other words—as a fundamental rule—if I were you I would not go around claiming that you have so-called “constitutional rights” to the governments; this creates the legal fiction that *IT* is your god (or ruler), and not your Creator.

With those matters set forth, I will go into back into the INS authority:

First, in American law—and international law—there is a legal principle or legal fiction termed a citizen.⁶ The antithesis of a citizen is a *freeman*. Also, note that the term *jus soli* is of feudal origin. In America, the sequence is as follows: man = fidelity to his nation, and: republic = nation, then: citizen = allegiance to his *de jure* government. A man born in a *country*⁷ establishes a legal fiction that he owes allegiance to the *state* as a *citizen*.

5 *e.g.*, Voting, Social Security, are just a few *facts* that make one a United States citizen.

6 The *citizen principal* was setup by Vattel in his Law of Nations (circa 1750). This material is believed to be some of the preemptory measures of the New World Order.

7 COUNTRY. By country is meant the state of which one is a member. *Bouvier's Law, 1856*

To expand, in the American system, the term “citizen” is a reference to political rights. In this sense calling oneself a citizen establishes a *tacit contract* between a man and his government, *i.e.*, he is subject to laws executed by HIS State of which he is a citizen.

The Fourteenth Amendment actually disfranchised all LAWFUL citizens of the states.⁸ This in turn created a “political limbo” situation for such people.⁹ Of course, if one wants to participate in SEDITION¹⁰ against the *rightful political law* (de jure) of his state as a United States citizen (under 14th Amendment), it is noted that should be his prerogative. This author chooses not to do so, as I am not property or under guardianship of Congress. Moreover, you are cautioned that referring to yourself as a citizen or state citizen¹¹ under this de facto legal system creates a legal fiction that you are a U.S. citizen. In other words, technically there are currently no *state citizens* (see previous comments).

To continue, the INS authority sets-up the standard for what the United States believes what you are; that is to say, the legal fiction or fact is that everyone is a U.S. citizen and national.¹² This makes such people “subject to” ITS jurisdiction under private law.¹³

Further, this author has noted that the authority of the United States Style Manual (1984) under chapter 5.23 sets forth that men and women born in one of the several states in the Union are referred to as *natives*. This is the same as being ‘*native*’ of a country. This should tell one that they grant the Declaration of Independence status—so to speak—but they are presuming that you ARE NOT a national of the state, but rather a citizen *de facto*

8 REPUBLIC. It [this] signifies the state independent of its form of government. *Black’s Law Dictionary, Sixth Edition (Deluxe)* [This is stating that state is not the same as republic.]

9 *Dyett v Turner*, 266 Utah 439 PACIFIC REPORTER, 2d SERIES

10 SEDITION, crimes. The raising commotions or disturbances in the state; it is a revolt against legitimate authority. The distinction between sedition and treason consists in this, that though its ultimate object is a violation of the public peace, or at least such a course of measures as evidently engenders it, yet it does not aim at direct and open violence against the laws, or the subversion of the constitution. *Bouvier’s Law Dictionary, 1856* [IMPORTANT NOTE: The legitimate authority are *state nationals*, not U.S. nationals, *e.g.*, see the case *Breedlove v. Suttle*, 302 U.S. 277 (1937). In this case the court stated that the states have supreme authority in who elects its officials, not the United States (see 14th Amendment).

11 CITIZEN OF A STATE. A citizen of United States, residing in any state of the Union; Fourteenth Amendment of the United States Constitution. See citizens resident in the state. *Ballentine’s Law Dictionary, Third Edition*

12 Title 8 USC § 1401. Nationals and citizens of United States at birth. The following shall be nationals and citizens of the United States at birth: (a) A person born in the United States, and subject to the jurisdiction thereof. [note the 14th Amendment language]

13 CONTROL FACTOR: See the language of ITS nationals in the NEUTRALITY ACT OF 1939. PREAMBLE. “Whereas the United States, desiring to preserve its neutrality in wars between foreign states and desiring also to avoid involvement therein, voluntarily imposes upon ITS nationals by domestic legislation the restrictions set out in this joint; and Whereas by so doing the United States waives none of its own rights or privileges, or those of any of ITS nationals, under international law, and expressly reserves all the rights and privileges to which it and ITS nationals are entitled under the law of nations; and Whereas the United States hereby expressly reserves the right to repeal, change or modify this joint resolution or any other domestic legislation in the interests of the peace, security or welfare of the United States and ITS people.” If the language were correct it would read THEIR nationals, see the Thirteenth Amendment for the proper language: *Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to THEIR jurisdiction.*

of both the state and federal government, see dual citizenship.¹⁴ Accordingly, this author has determined that the “United States” is using the rule of *jus soli* for a reason; such reason why this is done is two pronged: 1) The “State” (that is: a 14th Amendment State) in which one is born claims him as a vassal/subject¹⁵ under the Fourteenth Amendment; 2) To hide the fact that each state in the Union has a nationality status.

To further explain, if a person moves to a different state in the Union [*e.g.*, and he votes] will further establish another legal fiction that one is a United States citizen, and not a state national. If the United States were recognizing each man and woman in the states as being state nationals they would have listed them as such in the United States Style Manual (1984) under chapter 5.23 instead of listing them as natives.¹⁶ This author would state that the *national principle* was not as easy to maintain prior to the *implementation* of the Fourteenth Amendment as the governments referred to citizens as *subjects*.¹⁷

One of the factors that are positive about the Fourteenth Amendment system is that *state nationals* of the republics in the Union can claim *Legislation without Representation*.

Maybe you have heard of the aforementioned concept before?

With that stated, there is the afforded remedy to this situation... What is it?

Does anyone venture a guess?¹⁸

THE NOOSE

In regard to Part 1 of the INS dissection above, in the past this author has expressed to readers that using Title 42 Suits is a bad thing. The advent of such law was grounded in providing a thing called “Civil Rights” to the ex-slaves. This author notes that most patriot types think that such ex-slaves are the only U.S. citizens or citizens of the United States; however this is totally wrong: all other Americans are brought down to the same level as the ex-slaves. Using Title 42 remedies is one way to look like a U.S. citizen.¹⁹ Please note that there are many other “legal fictions” which will make Americans look

14 DUAL CITIZENSHIP. Citizenship in two different countries. Status of citizens of United States who reside “within a state”; *i.e.*, persons who are born or naturalized in the United States are citizens of the U.S. and the state wherein they reside. *Black’s Law Dictionary, 6th Ed(Deluxe)*

15 VASSAL, n. 1. A person who held land from a feudal lord and received protection in return for homage and allegiance. 2. A bondman; a slave. 3. A subordinate or dependent. *American Heritage Dictionary, 1998*

16 Note the name of this section is referred to as: Nationalities, etc. More U.S. deceptive practice; however, note this serves as evidence that one has to terminate federal citizenship.

17 In example: See section 39 of the Vermont constitution. Every person, of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate; and after one year’s residence, shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant Governor, Treasurer, Councillor or Representative in Assembly, until after two years residence.

18 See this information at: http://www.pacinlaw.org/pdf/Expatriation_Examined.pdf

19 The Fourteenth Amendment applies to the STATES in regard to due process. Claiming any other general rights under (and not protected by) the Federal Constitution will create the legal fiction that you are a U.S. citizen given rights under the 14th Amendment.

like U.S. citizens. Another example, being a member of a National Organization rather than one that is *state based* can create a presumption that you are a U.S. citizen.

These principles deem the “average” American to be under the dependency²⁰—or being that of a *subject of the United States* (or Congress)—and the “Fourteenth Amendment State” in which he lives; such being in adversity from government intrusion.

Now you are asked: Can decoding your Individual Master File (IMF) from the Internal Revenue Service keep your children from the clutches of Child Protective Services? Can getting such Individual Master File decoded get the land back in your state—which is really your *true* country—that has been pledged to the United Nations by Congress?

The answer: NO!

This is why this author states: people who center on income tax issues are short-sighted.

THE CONCLUSION

Simply put: The United States of America is not internally a nation. Referring to oneself as a *state citizen* or *citizen of the United States of America* is a dangerous thing with the Fourteenth Amendment political system in place. Fundamentally you cannot be a *de jure state citizen* because there is no “state” in existence for you to be a citizen of.²¹

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### END NOTES

See this propaganda on federal citizenship from 1906:

*“ . . .the spirit in the citizen that, originating in love of country, results in obedience to its laws, the support and defense. . . . such a citizen is called a patriot. . . it is the citizen who yields the legitimate share of his property, as well as the proper services of his person, to the lawful demands of his country for support, who is the real patriot.”*<sup>22</sup>

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20 FEUDALISM, 1. A political and economic system of Europe from the 9th to 15th century, based on the holding of all land in fief or fee and the resulting relation of lord to vassal and characterized by homage, legal and military service of tenants, and forfeiture. 2. A political, economic, or social order resembling this medieval system. *American Heritage Dictionary* [Any of these things sound familiar? Where you drafted? Do you really own your land when you have to pay tax on it? Does IT take your land for not paying your taxes? Do you get any benefits from the government? Well, see any similarities to the Feud?

Also see: “*The ultimate ownership of all property is in the State; individual so-called “ownership” is only by virtue of Government; i.e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State.*”

—Senate Resolution No. 62 (April 24, 1933)

21 See this information at: http://www.pacinlaw.org/pdf/Some_Questions.pdf

22 STUDIES IN CONSTITUTIONAL LAW, A Treatise On American Citizenship By John S. Wise, Edward Thompson Company Northport, Long Island, N.Y. (1906)