

FTSIG INTEGRATED DOCTRINAL TREATISE AND LITIGATION ARTIFACTS

A Comprehensive Classification of Private and Public Rights, Jurisdictional Decision Framework, Federal Agency Jurisdictional Matrix, and Model Brief

Prepared by Private1

15 April 2026 | San Diego, California

PRELIMINARY STATEMENT. This document constitutes an integrated doctrinal treatise and litigation artifact compilation prepared under the FTSIG (Federal Territorial Sovereignty & Individual Governance) Taxonomy. It is organized in four parts: (I) a five-category doctrinal treatise classifying rights under constitutional and common-law principles; (II) a jurisdictional decision tree for evaluating federal agency authority over a PersonPRI in DomesticG; (III) a federal agency jurisdictional matrix analyzing fifteen federal agencies; and (IV) a model brief demonstrating the argument that a PersonPRI whose sole nexus is DomesticG falls outside federal agency civil statutory jurisdiction absent a valid jurisdictional hook. All defined terms herein are used consistently as set forth in the Terminology Key below.

TERMINOLOGY KEY

Term	Definition
PersonPRI	Private person under Constitution and common law; not subject to civil statutory codes.

Term	Definition
PersonPUB	Civil statutory “person” created by government; public officer or holder of public office franchise.
DomesticG	Geographically present within a state of the Union.
DomesticC	Engaged in interstate or foreign commerce.
DomesticS	Having civil statutory status (taxpayer, person, resident) via consensual domicile within the government corporation.
DomesticJ	Subject to civil enforcement jurisdiction of federal agencies.
DomesticGOV	Officer or agent of the federal government corporation.
ForeignS	Statutorily foreign; no civil statutory status within the federal government corporation.
TOB	“Trade or Business” per 26 U.S.C. §7701(a)(26) = “the functions of a public office.”
StatusPRI	Private status; holder of private rights under common law.
StatusPUB	Public civil statutory status; holder of government-granted franchise or office.
United States*	The Nation among nations (sovereign nation-state in international law).
United States**	Federal territory and enclaves (Art. I, §8, Cl. 17; Art. IV, §3, Cl. 2).
United States***	The fifty states collectively.
United States****	Federal corporation per 28 U.S.C. §3002(15).
IP	Involuntary Protection — criminal and common-law system; applies

Term	Definition
	universally regardless of consent.
VP	Voluntary Protection — civil statutory law system; requires consent to establish jurisdiction.

PART I: DOCTRINAL CLASSIFICATION OF RIGHTS UNDER THE FTSIG TAXONOMY

This Part sets forth the five doctrinal categories under the FTSIG Taxonomy, classifying the constitutional and common-law origins of rights, the jurisdictional predicates for each category, and the case law establishing the boundaries of congressional power with respect to each.

SECTION 1. PRIVATE RIGHT

1.1 Definition

1.1.1 A “**Private Right**” is a right recognized but not created by the Constitution of the United States; it is antecedent to and independent of governmental authority. Private Rights are absolutely owned by the PersonPRI and are protected under the common law and the law of nations. They include, without limitation, the right to own property, the right to contract, the right to labor for one’s own sustenance, and the right to locomotion. These rights exist independent of any statutory grant and are not the product of legislative action.

1.1.2 Congress has no constitutional power to define, limit, abridge, or tax Private Rights. Such rights are not privileges conferred by the government and therefore cannot be withdrawn, conditioned, or regulated as though they

were government franchises. Any attempt by a legislative body to convert a Private Right into a privilege subject to licensure or taxation is constitutionally void.

1.2 Constitutional Basis

1.2.1 The constitutional foundation for Private Rights is found in the Ninth Amendment (“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”) and the Tenth Amendment (reserving powers not delegated to the federal government). Additionally, the Fifth Amendment’s Due Process Clause and the Fourteenth Amendment’s Privileges and Immunities Clause serve as structural guarantors that Private Rights shall not be taken without due process of law.

1.2.2 Private Rights are protected under Art. III of the Constitution, which vests the judicial power in courts established thereunder. Per *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), rights that are not of congressional creation cannot be removed from the jurisdiction of Art. III courts and adjudicated by legislative (Art. I) tribunals or administrative agencies.

1.3 Jurisdictional Implications

1.3.1 DomesticG alone does NOT create DomesticS. A PersonPRI who is merely geographically present within a state of the Union has not thereby consented to civil statutory status, has not elected into the TOB franchise, and has not become a “person” or “taxpayer” within the meaning of any civil statutory code. Physical presence within the geographical boundaries of a state is not equivalent to domicile within the federal government corporation (United States****).

1.3.2 Federal agencies operating under VP systems have no civil enforcement jurisdiction over a PersonPRI in StatusPRI whose sole nexus is DomesticG. Such a person is subject only to the IP system—criminal law and common-law protections—which applies universally and requires no consent.

1.4 Case Law

1.4.1 *Pennoyer v. Neff*, 95 U.S. 714 (1878). The Supreme Court held that every state possesses exclusive jurisdiction and sovereignty over persons and property within its territory, and that no state can exercise direct jurisdiction and authority over persons or property outside its territory. By analogy, the federal government corporation (United States****) cannot exercise civil statutory jurisdiction over a PersonPRI whose only nexus is DomesticG within a state of the Union.

1.4.2 *Budd v. People of New York*, 143 U.S. 517 (1892). The Court distinguished between property that is *juris publici* (affected with a public interest) and property that is *juris privati* (private). Where property has not been dedicated to public use, it remains private and beyond the reach of regulatory power exercised under the Public Interest Doctrine.

1.4.3 *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982). The Court held that Congress may not vest in a non-Art. III court the power to adjudicate, render final judgment, and issue binding orders in a traditional contract action arising under state law. This principle establishes that Private Rights, not being of congressional creation, must be adjudicated in Art. III courts with full constitutional protections.

SECTION 2. PUBLIC INTEREST DOCTRINE (PID)

2.1 Definition

2.1.1 The “**Public Interest Doctrine**” (PID) holds that when private property is voluntarily donated to “public use” or “public office,” it becomes “affected with a public interest” and thereby subject to government regulation. The PID is the mechanism by which Private Rights are voluntarily converted into public privileges subject to the VP system.

2.1.2 The essential predicate for the PID is **CONSENT**. Absent voluntary dedication by the owner, property remains *juris privati* and beyond regulatory

reach. Government cannot unilaterally declare private property to be “affected with a public interest” without the owner’s affirmative act of dedication.

2.2 Constitutional Basis

2.2.1 The PID derives from the police power of the states and, at the federal level, from Congress’s enumerated powers to regulate activities connected to federal property, federal instrumentalities, and federally granted privileges. The Fifth and Fourteenth Amendments’ Due Process Clauses serve as the outer boundary: regulation is constitutionally permissible only when the property has been voluntarily dedicated to public use.

2.3 Three Mechanisms of Dedication

2.3.1 Mechanism (a): Property dedicated by the owner to public uses.

Where an owner voluntarily devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use and must submit to be controlled by the public for the common good.

2.3.2 Mechanism (b): Property whose use is granted by government.

Where the government grants a special privilege—such as a license, franchise, or charter—to use property in a particular manner, the property used under that grant becomes affected with a public interest by virtue of the governmental authorization.

2.3.3 Mechanism (c): Property with special privileges conferred.

Where a property owner receives special government-conferred privileges—such as monopoly status, eminent domain authority, or tax exemptions—the property upon which those privileges are exercised becomes affected with a public interest.

2.3.4 Absent all three mechanisms, property remains *juris privati* and is not subject to regulatory authority under the PID.

2.4 Jurisdictional Implications

2.4.1 The PID creates a VP-based jurisdictional hook. It converts StatusPRI to StatusPUB with respect to the dedicated property. A PersonPRI who has not voluntarily dedicated property to public use, who has not received a government-granted privilege, and who does not exercise special government-conferred privileges remains outside the PID and, accordingly, outside the civil statutory jurisdiction predicated upon it.

2.5 Case Law

2.5.1 *Munn v. Illinois*, 94 U.S. 113 (1876). The foundational case for the PID. The Court held that when private property is “affected with a public interest, it ceases to be *juris privati* only.” The Court identified the three mechanisms by which property becomes so affected. Critically, this doctrine requires the affirmative act of the owner in devoting his property to a public use; it is not imposed unilaterally by government.

2.5.2 *Budd v. People of New York*, 143 U.S. 517 (1892). Reinforced the PID framework and distinguished *juris publici* from *juris privati*, confirming that absent voluntary dedication, private property remains beyond the regulatory reach of the state.

SECTION 3. PRD-FOREIGN (PLENARY REGULATORY DOMAIN — FOREIGN)

3.1 Definition

3.1.1 “**PRD-Foreign**” encompasses the congressional power over foreign commerce, foreign persons, and aliens. This domain is one of plenary federal authority, exercised pursuant to the express constitutional grants of Art. I, §8, and is inherent in national sovereignty.

3.2 Constitutional Basis

3.2.1 Art. I, §8, Cl. 1 (Taxing Power — duties, imposts, and excises on foreign commerce); Art. I, §8, Cl. 3 (Commerce Clause — regulation of

commerce with foreign nations); Art. I, §8, Cl. 10 (Offenses against the Law of Nations); and the Naturalization Clause, Art. I, §8, Cl. 4. This domain also draws upon the inherent sovereign power over immigration and foreign affairs.

3.3 Scope and Coverage

3.3.1 PRD-Foreign covers customs enforcement, foreign commerce regulation, immigration law, tariffs, trade agreements, and the regulation of foreign nationals within the territory of the United States*. It authorizes Congress to impose duties and imposts on goods entering or leaving the country and to regulate the conduct of foreign persons and entities.

3.4 Jurisdictional Implications

3.4.1 PRD-Foreign does NOT apply to a PersonPRI who is DomesticG and a national of the United States as defined by 8 U.S.C. §1101(a)(21). A national is “a person owing permanent allegiance to a state.” Such a person is not a “foreign person” or “alien” and is not engaged in “foreign commerce” by virtue of mere existence within a state of the Union.

3.4.2 Critical Distinction: Constitutional foreignness (being a subject or citizen of a foreign sovereign nation) must be distinguished from statutory foreignness (ForeignS). A PersonPRI who is a national but who is ForeignS relative to the federal government corporation (United States****) is not a constitutional foreigner subject to PRD-Foreign powers. The statutory foreignness of a PersonPRI is a function of non-participation in the VP system, not of alienage.

3.5 Case Law

3.5.1 *Fong Yue Ting v. United States*, 149 U.S. 698 (1893). The Court held that the power to exclude or expel foreigners is an inherent sovereign power. This power does not extend to nationals; it is limited to aliens and foreign persons.

3.5.2 *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1 (1824). The foundational Commerce Clause case. The Court held that Congress has the power to regulate commerce “with foreign nations, and among the several States.” The Court distinguished the federal power over foreign commerce from the reserved power of the states over their internal commerce.

SECTION 4. PRD-INTERNAL-NON-TOB (PLENARY REGULATORY DOMAIN — INTERNAL, NON-TOB)

4.1 Definition

4.1.1 “**PRD-Internal-Non-TOB**” encompasses congressional power over federal territory (United States**), federal property, and federal instrumentalities exercised WITHOUT resort to the TOB franchise of 26 U.S.C. §7701(a)(26). This is the domain of direct territorial and proprietary governance.

4.2 Constitutional Basis

4.2.1 Art. IV, §3, Cl. 2 (Territorial Clause): “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.” This clause grants Congress plenary legislative authority over territories and federal property.

4.2.2 Art. I, §8, Cl. 17 (Enclave Clause): Congress exercises “exclusive Legislation in all Cases whatsoever” over the District of Columbia and “like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.”

4.3 Scope and Coverage

4.3.1 PRD-Internal-Non-TOB covers territorial governance (U.S. territories, the District of Columbia), federal enclaves (military bases, federal buildings),

federal employees and officers (DomesticGOV), federal property (national parks, federal buildings, military installations), and the regulation of persons and activities within United States**.

4.4 Jurisdictional Implications

4.4.1 PRD-Internal-Non-TOB does NOT reach a PersonPRI in DomesticG absent consent. A PersonPRI who is merely geographically present within a state of the Union is not within “United States**” (federal territory) and is not a federal employee or officer (DomesticGOV). The plenary power of Congress over federal territories does not extend to the sovereign states of the Union or to the inhabitants thereof in their private capacity.

4.5 Case Law

4.5.1 *Downes v. Bidwell*, 182 U.S. 244 (1901). One of the Insular Cases. The Court held that Congress has plenary power over territories under the Territorial Clause but that the Constitution does not, in all respects, follow the flag. Territories may be governed differently from states. This case establishes that the territorial power of Congress is distinct from and does not extend to the sovereign states. A PersonPRI in DomesticG within a state is not within the territorial jurisdiction of United States**.

4.5.2 *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945). The Court identified three distinct meanings of “United States”: (1) the name of the sovereign nation; (2) the federal territory and enclaves; and (3) the collective name for the states of the Union. This taxonomy is foundational to distinguishing United States*, United States**, United States***, and United States****.

SECTION 5. PRD-INTERNAL-TOB (PLENARY REGULATORY DOMAIN – INTERNAL, TOB FRANCHISE)

5.1 Definition

5.1.1 “PRD-Internal-TOB” encompasses congressional power exercised through the “Trade or Business” (TOB) franchise of 26 U.S.C. §7701(a)(26), which defines “trade or business” as “the functions of a public office.” This is the primary mechanism through which the federal income tax reaches individuals within the states of the Union.

5.1.2 The TOB franchise operates as a VP mechanism. It requires the **voluntary election** of StatusPUB and a “domestic election” by which a natural person (Citizen*) is transformed into a civil statutory person (Citizen**+D) per 26 C.F.R. §1.1-1(a)-(c). This election creates a fictional public office of “person” as defined in 26 U.S.C. §6671(b) and §7343.

5.2 Constitutional Basis

5.2.1 The Sixteenth Amendment authorizes Congress to “lay and collect taxes on incomes, from whatever source derived, without apportionment.” The TOB franchise is the statutory mechanism through which this power is implemented. However, the Sixteenth Amendment did not expand the taxing power beyond its original scope—it merely removed the requirement of apportionment for income taxes.

5.2.2 Art. I, §8, Cl. 1 (Taxing Power) and Art. I, §8, Cl. 18 (Necessary and Proper Clause) provide the constitutional foundation. The income tax is an excise tax on the privilege of holding a public office or exercising a government franchise (TOB), not a direct tax on property or labor.

5.3 Mechanism of Operation

5.3.1 The TOB franchise requires affirmative election. Per 26 C.F.R. §1.1-1(a)-(c), the income tax is imposed on “every individual” who is a “citizen” or

“resident” of the “United States.” The “United States” in this context is United States**** (the federal corporation). The “domestic election” is the process by which a natural person voluntarily elects to be treated as a “citizen” or “resident” of United States**** and thereby acquires DomesticS.

5.3.2 Upon election, the individual becomes a “person” per 26 U.S.C. §6671(b) and §7343, holding a fictional public office. Income earned in this capacity is “effectively connected” to a TOB and subject to the income tax. Absent this election, the income tax cannot constitutionally reach a PersonPRI in DomesticG.

5.4 Jurisdictional Implications

5.4.1 Absent voluntary election of StatusPUB and the “domestic election” creating DomesticS, the income tax cannot reach a PersonPRI in DomesticG. The PersonPRI is ForeignS relative to United States**** and has no TOB. No “gross income” exists because there is no “trade or business” to which income can be “effectively connected.”

5.5 Case Law

5.5.1 *License Tax Cases*, 72 U.S. (5 Wall.) 462 (1866). The Court held: “Congress cannot authorize a trade or business within a State in order to tax it.” This holding establishes that the TOB franchise is a federal privilege, not a power to reach purely intrastate private activities. Congress can tax only activities that constitute “the functions of a public office”—activities within the federal government corporation’s own franchise system.

5.5.2 *Brushaber v. Union Pacific Railroad Co.*, 240 U.S. 1 (1916). The Court held that the Sixteenth Amendment did not create a new power of taxation but merely removed the requirement of apportionment from income taxes already within the scope of congressional authority. The income tax is an excise, not a direct tax.

5.5.3 *Stanton v. Baltic Mining Co.*, 240 U.S. 103 (1916). The Court reaffirmed that the Sixteenth Amendment “conferred no new power of

taxation” and that the income tax is an excise tax on the privilege of conducting business in a corporate (franchise) capacity.

SUMMARY COMPARISON TABLE

Category	Rights Type	Consent Required?	Geographical Scope	Constitutional Basis	Law System	Key Case
Private Right	Inherent, natural, pre-constitutional	No (self-executing)	Universal; Domestic within any state	9th & 10th Amendments; Art. III	IP	<i>Pennoye r v. Neff</i> , 95 U.S. 714 (1878)
PID	Converted private right (voluntarily dedicated to public use)	Yes (affirmative dedication)	Where property is dedicated	Police Power; 5th & 14th Amendments	VP	<i>Munn v. Illinois</i> , 94 U.S. 113 (1876)
PRD-Foreign	Sovereign regulatory power over foreign persons/commerce	No (inherent sovereign power)	National borders; foreign commerce	Art. I, §8, Cl. 1, 3, 4, 10	IP	<i>Gibbons v. Ogden</i> , 22 U.S. 1 (1824)
PRD-Internal-Non-TOB	Plenary territorial/proprietary power	No (for those within United States**)	United States** (federal territory/enclaves)	Art. IV, §3, Cl. 2; Art. I, §8, Cl. 17	IP + VP (within territory)	<i>Downes v. Bidwell</i> , 182 U.S. 244 (1901)

Category	Rights Type	Consent Required?	Geographical Scope	Constitutional Basis	Law System	Key Case
PRD-Internal-TOB	Franchise privilege (public office)	Yes (voluntary election of StatusPUB)	United States** (federal corporation)	Art. I, §8, Cl. 1; 16th Amendment	VP	<i>License Tax Cases</i> , 72 U.S. 462 (1866)

PART II: JURISDICTIONAL DECISION TREE

Federal Agency Authority Over a PersonPRI in DomesticG

The following decision tree provides litigation counsel with a systematic analytical framework for evaluating whether a federal agency possesses civil statutory jurisdiction over a PersonPRI whose sole nexus with the federal system is DomesticG (geographical presence within a state of the Union). Each node requires factual determination and legal analysis. The conclusion at the terminal node establishes the doctrinal outcome.

NODE 1: STATUS DETERMINATION – PersonPRI or PersonPUB?

Inquiry: Is the individual a PersonPRI (private person under Constitution and common law, not holding any civil statutory status) or a PersonPUB (civil statutory “person” holding public office, franchise, or statutory status)?

If PersonPUB → The agency may have civil statutory jurisdiction. The PersonPUB has voluntarily entered the VP system and holds StatusPUB.

The agency's statutory authority should be evaluated against the specific franchise or office held. *Analysis complete for this branch.*

If PersonPRI → Proceed to **NODE 2**.

Doctrinal Annotation: The distinction between PersonPRI and PersonPUB is foundational. Per *Northern Pipeline v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), Private Rights (held by PersonPRI) cannot be adjudicated by Art. I tribunals. Only Public Rights (held by PersonPUB) are subject to legislative court jurisdiction.

NODE 2: NEXUS ANALYSIS — DomesticG Only, or Additional Status?

Inquiry: Is the PersonPRI's sole nexus with the federal system DomesticG (geographical presence within a state of the Union), or does the PersonPRI also hold DomesticS (civil statutory status), DomesticJ (subject to civil enforcement jurisdiction), or DomesticGOV (federal officer/agent) status?

If DomesticS, DomesticJ, or DomesticGOV → The agency may have civil statutory jurisdiction through the applicable VP mechanism. Evaluate the specific statutory authority against the particular status held. *Analysis complete for this branch.*

If DomesticG only → Proceed to **NODE 3**.

Doctrinal Annotation: DomesticG alone does not create DomesticS. Per *Pennoyer v. Neff*, 95 U.S. 714 (1878), physical presence within a territorial boundary does not, by itself, create personal jurisdiction. The federal government corporation (United States****) must establish a separate jurisdictional hook beyond mere geographical presence.

NODE 3: TOB FRANCHISE ANALYSIS — Engaged in “Trade or Business”?

Inquiry: Has the PersonPRI voluntarily elected to engage in a “Trade or Business” as defined by 26 U.S.C. §7701(a)(26)—i.e., has the individual voluntarily assumed “the functions of a public office”?

If YES → PRD-Internal-TOB applies. The PersonPRI has elected StatusPUB and is subject to the income tax and related regulatory authority. The individual’s income is “effectively connected” to the TOB and subject to the VP system.

If NO → Proceed to **NODE 4**.

Doctrinal Annotation: Per *License Tax Cases*, 72 U.S. 462 (1866), Congress cannot authorize a trade or business within a state in order to tax it. The TOB is a federal franchise; absent voluntary election, it does not apply. Per 26 C.F.R. §1.1-1(a)-(c), the income tax applies to “citizens” and “residents” of the United States (meaning United States****). Absent the domestic election, a PersonPRI in DomesticG is ForeignS.

NODE 4: PUBLIC INTEREST DOCTRINE ANALYSIS — Accepted Government Property/Benefits (PID)?

Inquiry: Has the PersonPRI voluntarily dedicated private property to public use, accepted a government-granted privilege, or received special government-conferred privileges such that property has become “affected with a public interest”?

If YES → PID applies. The property so dedicated is subject to regulation under the VP system. Jurisdiction is limited to the property or privilege so dedicated; it does not extend to all property or activities of the PersonPRI.

If NO → Proceed to **NODE 5**.

Doctrinal Annotation: Per *Munn v. Illinois*, 94 U.S. 113 (1876), property becomes “affected with a public interest” only through voluntary dedication. Per *Budd v. People of New York*, 143 U.S. 517 (1892), absent such dedication, property remains *juris privati*.

NODE 5: COMMERCE CLAUSE ANALYSIS — Engaged in Interstate/Foreign Commerce (DomesticC)?

Inquiry: Is the PersonPRI engaged in interstate or foreign commerce (DomesticC)?

If YES → The Commerce Clause (Art. I, §8, Cl. 3) may apply, but only to the extent of the commerce itself. This is a limited jurisdictional hook and does not convert the PersonPRI into a PersonPUB or create DomesticS. Regulatory authority is bounded by the scope of the commercial activity and the substantial effects doctrine.

If NO → Proceed to **NODE 6**.

Doctrinal Annotation: Per *United States v. Lopez*, 514 U.S. 549 (1995), the Commerce Clause has limits. Congress may regulate only: (1) channels of interstate commerce; (2) instrumentalities of interstate commerce; and (3) activities with a substantial relation to interstate commerce. Purely intrastate, non-commercial activity by a PersonPRI is beyond reach.

NODE 6: CRIMINAL JURISDICTION ANALYSIS — Committed Federal Criminal Offense?

Inquiry: Has the PersonPRI committed a federal criminal offense (e.g., counterfeiting, mail fraud, drug trafficking across state lines, treason)?

If YES → Criminal jurisdiction (IP system) applies. The IP system operates universally and requires no consent. Criminal prosecution must be conducted in Art. III courts with full constitutional protections (jury trial, confrontation, due process).

If NO → Proceed to **CONCLUSION**.

Doctrinal Annotation: The IP system is the only system of law that applies universally to all persons within the territory of the United States without regard to consent. Criminal law protects all persons equally and binds all persons equally. Per *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866), where civilian courts are open and functioning, military tribunals and administrative proceedings cannot supplant Art. III jurisdiction.

CONCLUSION: AGENCY LACKS CIVIL STATUTORY JURISDICTION

Where a PersonPRI in DomesticG has (1) not elected StatusPUB; (2) not acquired DomesticS, DomesticJ, or DomesticGOV status; (3) not engaged in a TOB; (4) not voluntarily dedicated property to public use under the PID; (5) not engaged in interstate or foreign commerce (DomesticC); and (6) not committed a federal criminal offense, the federal agency **LACKS civil statutory jurisdiction** over such person.

The PersonPRI is subject only to the IP system (criminal and common law), which applies universally and requires no consent. Any civil enforcement action by a federal agency against such a PersonPRI is **ultra vires** and void for want of jurisdiction.

PART III: FEDERAL AGENCY JURISDICTIONAL MATRIX

The following matrix analyzes fifteen federal agencies and evaluates the jurisdictional prerequisites for each agency’s civil statutory authority. The final column addresses whether each agency can reach a PersonPRI whose sole nexus is DomesticG. All entries reflect analysis under the FTSIG Taxonomy.

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over PersonPRI in DomesticG?
IRS	26 U.S.C. (Internal Revenue Code)	No	Yes	Yes	No	Yes	NO. Requires voluntary election of TOB and DomesticS. Absent domestic election per 26 C.F.R. §1.1-1(a)-(c), PersonPRI is

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							ForeignS and not a "taxpayer."
SSA	42 U.S.C. §§401-434 (Social Security Act)	No	Yes	Yes	No	Yes	NO. SSA requires "employment" in a TOB. Without voluntary participation in the Social Security system and holding of an SSN as a franchise marker, Person PRI is outside SSA jurisdiction.

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
SEC	15 U.S.C. §§77a-78qq (Securities Acts)	Yes	No	Yes	No	No	NO. SEC jurisdiction requires engagement in interstate commerce via securities transactions. A Person PRI in DomesticG not trading securities is outside SEC reach.
FDA	21 U.S.C. (Federal Food, Drug, and Cosmetic Act)	Yes	No	Yes	No	No	NO. FDA authority rests on Commerce Clause (DomesticC). A Person PRI not introdu

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							cing food, drugs, or cosmetics into interstate commerce is beyond FDA civil jurisdiction.
EPA	42 U.S.C. (Clean Air Act, Clean Water Act, etc.)	Yes	No	Yes	No	No	NO. EPA authority rests on Commerce Clause and federal property powers . A Person PRI not engaged in commercial activity affecting interstate

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							ate commerce or navigable waters is outside EPA civil jurisdiction.
OSHA	29 U.S.C. §§651-678 (OSH Act)	Yes	No	Yes	No	No	NO. OSHA applies to “employers” engaged in a “business affecting commerce.” A Person PRI who is not an employer in DomesticC is outside OSHA jurisdiction.
DOL	29	Yes	No	Yes	No	No	NO.

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
	U.S.C. (Fair Labor Standards Act, etc.)						DOL authority under FLSA requires employer-employee relationship in commerce or production of goods for commerce. Person PRI laboring privately is outside DOL reach.
ATF	26 U.S.C. Ch. 53 (firearms); 27 U.S.C. (alcohol); 18	Yes	No	Yes	No	Partial	NO (civil). ATF's civil regulatory authority over

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
	U.S.C. Ch. 40 (explosives)						firearms dealers and alcohol/tobacco licenses requires DomesticC or TOB. Criminal enforcement (IP) applies universally. A Person PRI possessing arms under the Second Amendment in DomesticG only is outside ATF civil jurisdiction.

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
DEA	21 U.S.C. §§801-904 (Controlled Substances Act)	Yes	No	Yes	No	No	NO (civil). DEA regulatory authority (registration, licensing) requires DomesticC. Criminal enforcement for drug trafficking (IP) applies universally. Civil registration requirements do not reach a Person PRI in DomesticG absent commercial

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							activity .
FCC	47 U.S.C. (Communications Act of 1934)	Yes	No	Yes	No	No	NO. FCC regulates interstate and foreign communications (DomesticC). A Person PRI not operating communications infrastructure in DomesticC is outside FCC civil jurisdiction.
USCIS	8 U.S.C. (Immigration and Nationality Act)	No	No	No	No	No	NO. USCIS has jurisdiction over aliens and

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							immigration matters (PRD-Foreign). A Person PRI who is a national per 8 U.S.C. §1101(a)(21) is not an alien and is outside USCIS civil jurisdiction.
FEMA	42 U.S.C. §§5121-5208 (Stafford Act)	No	Yes	Yes	No	No	NO. FEMA assistance programs require voluntary application (PID—acceptance of govern

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							ment benefits). A Person PRI who has not applied for or accepted federal disaster assistance is outside FEMA civil regulatory jurisdiction.
HHS	42 U.S.C. (Public Health Service Act; ACA)	Yes	Yes	Yes	No	Partial	NO. HHS civil regulatory authority requires DomesticC (health care providers in comme

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							<p>orce) or DomesticS (participation in federal health programs). A Person PRI in DomesticG not participating in federal programs is outside HHS civil jurisdiction.</p>
DOE	42 U.S.C. §§7101-7386 (DOE Organization Act)	Yes	No	Yes	No	No	NO. DOE regulatory authority over energy production and distribution requires

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							DomesticC. A Person PRI not engaged in energy commerce is outside DOE civil jurisdiction.
FTC	15 U.S.C. §§41-58 (Federal Trade Commission Act)	Yes	No	Yes	No	No	NO. FTC jurisdiction over “unfair or deceptive acts or practices in or affecting commerce” requires DomesticC. A Person PRI not engaged in comme

Agency	Statutory Authority	Requires DomesticC?	Requires DomesticS?	Requires DomesticJ?	Requires DomesticGOV?	Requires TOB?	Jurisdiction Over Person PRI in DomesticG?
							jurisdiction is outside FTC civil jurisdiction.

Key Finding:

No federal agency analyzed herein possesses civil statutory jurisdiction over a PersonPRI whose sole nexus is DomesticG. In every case, agency jurisdiction requires one or more additional hooks: DomesticC (interstate commerce), DomesticS (civil statutory status), DomesticGOV (federal officer status), TOB (public office franchise), or PID (voluntary acceptance of government benefits or dedication of property to public use). DomesticG alone is constitutionally insufficient.

PART IV: MODEL BRIEF

**IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____**

[CASE CAPTION]

**BRIEF IN SUPPORT OF MOTION TO DISMISS
FOR LACK OF SUBJECT-MATTER JURISDICTION**

*Why a PersonPRI in DomesticG Is Outside Federal Agency Civil Jurisdiction
Absent a Valid Jurisdictional Hook*

I. INTRODUCTION

1. This Brief is submitted on behalf of the Movant, a PersonPRI in DomesticG, in support of a Motion to Dismiss for Lack of Subject-Matter Jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1).

2. The core thesis of this Brief is as follows: A PersonPRI who is DomesticG only—that is, a private person under the Constitution and common law whose sole connection to the federal system is geographical presence within a state of the Union—is outside the civil statutory jurisdiction of all federal agencies. The VP system of civil statutory law, which governs the relationship between the federal government corporation (United States****) and its voluntary participants (PersonPUB holders of StatusPUB), does not reach a PersonPRI in StatusPRI. Such a person is subject only to the IP system—criminal law and common-law protections—which applies universally and requires no consent.

3. Absent proof that the Movant holds DomesticS, DomesticJ, DomesticGOV, or DomesticC status, or has voluntarily elected into the TOB franchise, the Respondent agency lacks civil statutory jurisdiction. Any civil enforcement action under these circumstances is ultra vires and must be dismissed.

II. STATEMENT OF THE ISSUE

4. **Issue Presented:** Whether a federal agency possesses civil enforcement authority over a PersonPRI whose only connection to the federal system is DomesticG—geographical presence within a state of the Union—absent any showing that such person holds DomesticS, DomesticJ, DomesticGOV, or DomesticC status, or has voluntarily elected into the TOB franchise or dedicated property to public use under the PID.

5. **Answer:** No. The Constitution grants Congress only enumerated powers, each of which requires an affirmative jurisdictional hook beyond mere geographical presence. DomesticG alone triggers none of them. The agency

bears the burden of establishing jurisdiction, and mere geographical presence is constitutionally insufficient.

III. ARGUMENT

A. Constitutional Framework Requires Affirmative Jurisdictional Hooks

6. The federal government is one of enumerated powers. *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819). Congress may legislate only within the scope of powers expressly delegated by the Constitution and such implied powers as are necessary and proper to carry those express powers into execution. Art. I, §8, Cl. 18.

7. The enumerated powers of Art. I, §8 relevant to domestic regulatory authority include: (a) the Taxing Power (Cl. 1); (b) the Commerce Clause (Cl. 3); (c) the Naturalization Clause (Cl. 4); (d) the Coinage Clause (Cl. 5); (e) the Post Office Clause (Cl. 7); (f) the Patent/Copyright Clause (Cl. 8); (g) the Enclave Clause (Cl. 17); and (h) the Necessary and Proper Clause (Cl. 18). The Territorial Clause (Art. IV, §3, Cl. 2) supplements these powers with respect to federal territories.

8. **DomesticG alone triggers none of these powers.** Geographical presence within a state of the Union is not: (a) engagement in interstate or foreign commerce (Cl. 3); (b) receipt of a federal franchise or privilege (Taxing Power/TOB); (c) location within federal territory (Art. IV, §3, Cl. 2) or a federal enclave (Cl. 17); (d) employment by the federal government (DomesticGOV); or (e) voluntary acceptance of a government benefit or dedication of property to public use (PID). Geographical presence is a fact of physical location, not an act of jurisdictional consent.

9. Per *Pennoyer v. Neff*, 95 U.S. 714, 722 (1878), “[e]very State possesses exclusive jurisdiction and sovereignty over persons and property within its territory,” and no other sovereign—including the federal government corporation—may exercise authority over such persons absent a

constitutionally authorized basis. DomesticG within a state is not DomesticG within United States** or within the jurisdictional reach of United States****.

B. Civil Statutory Law Is Law for Government, Not Private Persons

10. The civil statutory law of the United States**** operates as an internal governance system for the federal corporation and its voluntary participants. It is the law of the VP system. Civil statutory statuses—“taxpayer,” “person,” “resident,” “citizen” (as statutorily defined)—are franchise agreements. They require consent. No person can be involuntarily conscripted into a civil statutory status.

11. The distinction between the IP system and the VP system is foundational. The IP system (criminal law, common law) applies to all persons universally—PersonPRI and PersonPUB alike—without consent. The VP system (civil statutory law) applies only to those who have voluntarily elected DomesticS or StatusPUB. Absent this election, civil statutes do not create obligations binding on a PersonPRI.

12. A franchise is a special privilege conferred by government on an individual or corporation, which does not belong to the citizens of the country generally by common right. *Bank of Augusta v. Earle*, 38 U.S. (13 Pet.) 519 (1839). The TOB of 26 U.S.C. §7701(a)(26), the Social Security number, the “taxpayer” identification—all are franchise markers that signify voluntary participation in the VP system.

C. The TOB Franchise Cannot Be Presumed

13. The “Trade or Business” (TOB) franchise of 26 U.S.C. §7701(a)(26) is defined as “the functions of a public office.” This is the primary statutory mechanism through which the federal income tax reaches individuals within the states of the Union. It is an excise tax on the privilege of holding a public office within the federal corporation.

14. The TOB franchise requires **affirmative election**. Per 26 C.F.R. §1.1-1(a)-(c), the income tax is imposed on “every individual who is a citizen or

resident of the United States.” The “United States” in this context is United States**** (the federal corporation per 28 U.S.C. §3002(15)). The “domestic election” by which a natural person becomes a “citizen” or “resident” of United States**** is a voluntary act. It cannot be presumed from DomesticG.

15. Per *License Tax Cases*, 72 U.S. (5 Wall.) 462 (1866), “Congress cannot authorize a trade or business within a State in order to tax it.” This holding is dispositive. Congress may tax only activities that constitute “the functions of a public office”—activities within the federal government corporation’s own franchise system. Private labor, private property, and private activity within a state of the Union are not “functions of a public office” and cannot be taxed as TOB.

16. Absent voluntary election—evidenced by affirmative filing of returns, application for an SSN or EIN, or other acts demonstrating intent to participate in the TOB franchise—the income tax cannot constitutionally reach a PersonPRI in DomesticG. The government bears the burden of proving that such election occurred.

D. DomesticG Does Not Create DomesticS

17. DomesticG (geographical presence within a state of the Union) must be distinguished from DomesticS (civil statutory status within the government corporation). Physical presence is a geographical fact; civil statutory status is a legal relationship arising from consent.

18. In *Balzac v. Porto Rico*, 258 U.S. 298 (1922), the Supreme Court held that the Constitution does not automatically extend all of its provisions to every territory or jurisdiction subject to the authority of the United States. The Court distinguished between “incorporated” and “unincorporated” territories and held that constitutional protections follow status, not geography. By analogy, a PersonPRI in DomesticG within a state of the Union does not thereby acquire DomesticS within United States****. The legal presence required for civil statutory jurisdiction is distinct from physical presence.

19. The conflation of DomesticG with DomesticS is the fundamental error underlying most assertions of federal agency jurisdiction over PersonPRI in the states. The government’s own regulations distinguish between physical presence and statutory status. A PersonPRI who has not voluntarily elected into the statutory system—who has not obtained DomesticS by consensual domicile within the federal corporation—remains ForeignS relative to United States**** and outside the VP system.

E. Separation of Powers Prohibits Collapsing Private Rights into Public Rights

20. The separation of powers under Art. III of the Constitution prohibits the adjudication of Private Rights by legislative (Art. I) tribunals or administrative agencies. *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982). The Court held that “the restructuring of debtor-creditor relations, which was traditionally the subject of private litigation between the parties,” involves Private Rights that must be adjudicated in Art. III courts.

21. The *Northern Pipeline* distinction between “public rights” and “private rights” is dispositive. Public Rights arise from the relationship between the government and persons subject to its authority (PersonPUB in StatusPUB). Private Rights arise from the common law and the Constitution and belong absolutely to the PersonPRI. Congress may assign the adjudication of Public Rights to administrative agencies or legislative courts. It may not do so with Private Rights.

22. When a federal agency asserts civil regulatory authority over a PersonPRI without establishing that the person holds StatusPUB or has voluntarily entered the VP system, the agency is effectively collapsing Private Rights into Public Rights. This violates the separation of powers. The PersonPRI’s rights—to property, to labor, to contract—are Private Rights that must be adjudicated, if at all, in Art. III courts with full constitutional protections: trial by jury, confrontation, due process, and the requirement that the government prove its case.

IV. CONCLUSION

23. For the foregoing reasons, the Respondent agency's civil enforcement action against the Movant must be dismissed for lack of subject-matter jurisdiction.

24. The Movant is a PersonPRI in DomesticG. The Respondent has failed to establish—and cannot establish—any of the following jurisdictional predicates:

(a) That the Movant holds DomesticS (civil statutory status within United States****);

(b) That the Movant holds DomesticJ (is subject to civil enforcement jurisdiction);

(c) That the Movant holds DomesticGOV (is a federal officer or agent);

(d) That the Movant holds DomesticC (is engaged in interstate or foreign commerce);

(e) That the Movant has voluntarily elected into the TOB franchise of 26 U.S.C. §7701(a)(26); or

(f) That the Movant has voluntarily dedicated property to public use under the PID.

25. The government bears the burden of proving jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree. It is to be presumed that a cause lies outside this limited jurisdiction.”). The Respondent has not met this burden and cannot do so on the facts presented.

26. Absent proof of a valid jurisdictional hook, the Respondent agency's action is **ultra vires**—beyond its lawful authority—and is void *ab initio*. The Movant respectfully requests that this Court dismiss the action with prejudice for lack of subject-matter jurisdiction.

WHEREFORE, the Movant respectfully requests that this Court grant the Motion to Dismiss.

Respectfully submitted,

Private1

PersonPRI, *Sui Juris*

San Diego, California

Dated: April 15, 2026

— END OF DOCUMENT —