

Matthew E. Conroy
C/O 2162 Hope Street
Klamath Falls, Oregon, America

AFFIDAVIT

STATE OF OREGON, ss.)
 :
County of Klamath)

Affirmed.

I, MATTHEW E. CONROY, execute this affidavit as a matter of my own right and in my proper person upon my own will and action, and being of sound mind and spirit, and of full lawful age, do solemnly declare:

1. I was born in Clearwater County, in the State of Idaho, of white parents who were Citizen-Principals and whose parents time out of mind were and always had been white. As a hereditament I acquired directly and immediately the status of Citizen-Principal of the said State, sharing equally in its sovereignty;

2. In the Slaughter-House Cases, the United States Supreme Court stated, in pertinent part:

. . . It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially decided. But it had been held by this Court, in the celebrated Dred Scott Case, only a few years before the outbreak of the Civil War, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled; and, if it was to be accepted as a constitutional limitation of the right of citizenship, then all the Negro race who had recently been made freemen were still, not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution.

To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States and also

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citizenship of a State, the 1st clause of the 1st section [of the Fourteenth Amendment] was framed. . . .

. . . That its main purpose was to establish the citizenship of the Negro can admit of no doubt. . . .

The next observation [respecting the first clause of the Fourteenth Amendment] . . . is that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. . . .

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this [Fourteenth] Amendment of great weight in this argument, because the next paragraph of the same section . . . speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. . . .

The language is: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of the State against the legislative power of his own State, that the words "citizen of the State" should be left out when it is so carefully used, and used in contradistinction to "citizens of the United States" in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizens of the United States, and of the privileges and immunities of the citizen of the State . . . it is only the former which are placed by this [second] clause [of the Fourteenth Amendment] under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the Amendment.

* * * * *

. . . But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the consti-

tutional and legislative power of the States, and without that of the Federal government. Was it the purpose of the 14th Amendment . . . to transfer the security and protection of all the civil rights which we have mentioned, from the States to the Federal government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States? (Emphasis added.)

* * * * *

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States, which ratified them.

Having shown that the privileges and immunities relied on in the argument are those which belong to citizens of the States as such, and that they are left to the State governments for security and protection, and not by this article placed under the special care of the Federal government, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States which no State can abridge, until some case involving those privileges may make it necessary to do so.

Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 72-79, 21 L.Ed. 394, 407-409 (1873);

3. In United States v. Wong Kim Ark, 169 U.S. 649, 42 L.Ed. 890, 18 S.Ct. 456 (1898), the United States Supreme Court cited an earlier ruling of the Court wherein:

. . . Chief Justice Waite said: "Allegiance and protection are, in this connection [that is, in relation to citizenship] reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance. . . . At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children, born in a country, of parents who were its citizens, became themselves, upon their birth, citizens also. . . ." Minor v. Happersett (1874) 88 U.S. (21 Wall.) 162, 166-168. Id. 679-680.

And,

" . . . where there is no protection or allegiance or sovereignty, there can be no claim to obedience." 17 U.S. (4 Wheat.) 254. Id. 683.

And,

. . . the opening sentence of the 14th Amendment is throughout affirmative and declaratory, intended to allay doubts and to settle controversies which had arisen, and not to impose any new restrictions upon citizenship. Id. 687-688. (Emphasis added.)

And Mr. Chief Justice Fuller, in his dissenting opinion, stated:

At that time the theory largely obtained, as stated by Mr. Justice Story, in his Commentaries on the Constitution [section 1693], "that every citizen of a State is ipso facto a citizen of the United States." Id. 715-716;

4. Based upon the above considerations and other personal study and deliberation, and being under no duress, coercion, promise of reward or gain, or undue influence, I have of my own free will and action determined that it is clear from the above opinions of the Supreme Court that prior to the Fourteenth Amendment a white citizen of any of the several States, ipso facto, derivative and mediate of his State citizenship, was a Citizen of the United States, that is, one of the principals of the political association identified as the United States of America;

5. And whereas the Fourteenth Amendment did "not ... impose any new restrictions upon citizenship," all white people born in any of the several States, "of parents who were its citizens, became themselves, upon their birth, citizens also," and "are not intended to have any additional protection by ... the [Fourteenth] Amendment";

6. And whereas such a white person's citizenship was not restricted by the Fourteenth Amendment, and whereas he/she receives no protection from it, he/she has no reciprocal obligation of allegiance or sovereignty to the Fourteenth Amendment and owes no obedience to anyone under the Fourteenth Amendment;

7. And, indeed, it is a manifest fact observed by the Supreme Court that it was not any sovereignty (political free will) within the black man, the States, or the United States that granted the citizenship established by the Fourteenth Amendment; rather, it was the sovereignty "by the voice of the people." Slaughter-House Cases, at 406;

8. And the people did not intend the Fourteenth Amendment "as a protection of the citizen of a State against the legislative power of his own State";

9. And by my birth I am a free Citizen of the State aforesaid, the State of my birth, and derivative and mediate thereof, I am also

a Citizen of the United States of America as contemplated in the Constitution of 1787 and the first Ten Articles in Amendment thereof (Bill of Rights of 1791). I have an unalienable right to my own body (including barter in exchange for my labor) and personal property, and I cannot be compelled into involuntary servitude in violation of the Thirteenth Amendment;

10. And, therefore, I am not a citizen of the United States as contemplated by the Fourteenth Amendment and I do not reside in any State with the intention of receiving from the Federal government or any other party a protection against the legislative power of that State pursuant to the authority of the Fourteenth Amendment;

11. And, therefore, since I am a sovereign State Citizen as contemplated in the Constitution of 1787, I am "nonresident" to the residency and "alien" to the citizenship of the Fourteenth Amendment (i.e., not "subject" thereto), and in terminology of the Internal Revenue Code, I am a "nonresident alien individual" and subject only to taxation imposed under Section 871 of the Code;

12. And as the tax imposed in 26 U.S.C. § 1, pursuant to 26 C.F.R. § 1.1-1, is on citizens and residents as contemplated by the Fourteenth Amendment, it is not an applicable Internal Revenue law to me, as I am neither such a citizen nor resident. Rather, the tax in Section 1 is applicable to me only under the conditions enumerated in 26 U.S.C. § 871(b), or by my election under § 871(d), on a year by year basis;

13. And with respect to an election under 26 U.S.C. § 871(d), I have never knowingly, willingly, nor with my informed consent, voluntarily made such an election. It is my understanding that one's very body is included in the class of "real property" referred to in 26 U.S.C. § 871(d). Notwithstanding the fact that I may have in past years filed IRS Form 1040, "U.S. Individual Income Tax Return," such filings were done under mistake by me not knowing that such filings were and are mandated only upon citizens and residents of the United States as contemplated by the Fourteenth Amendment. Furthermore, such filings were done by me with no knowledge that such filings would or could be construed to constitute an election under 26 U.S.C. § 871(d);

14. And furthermore, I am not a resident of any State under the Fourteenth Amendment and hereby publicly disavow any contract, form, agreement, application, certificate, license, permit or other document which I or any other person may have signed expressly or by acquiescence that would grant me any privileges and thereby ascribe to me rights and duties under a substantive system of law other than that of the Constitution for the United States of America (1787), the first Ten Articles in Amendment thereof (Bill of Rights of 1791), and

the constitutions for the several States of the Union, exclusive of the Fourteenth Amendment;

15. I have arrived at the above determinations after personal study of the I.R. Code, the C.F.R., the Constitution for the United States of America and many court cases on the subject of citizenship;

16. I reiterate that I have made the above determinations and the within declaration of my own free will and action, and under no duress, coercion, promise of reward or gain, or undue influence, and with no mental reservation and with no intent to evade any legal duty under the laws of the United States or any of the several States;

17. I sincerely invite any person who has reason to know or believe that I am in error in my above determinations and conclusions to so inform me and to state in writing the reason(s) why he/she/they believe I am in error and to forward the same to me at the location of my abode shown above at the top of Page One and hereinbelow;

AFFIRMED AND SUBSCRIBED this 8th day of September, A.D. 1992 in the County of Klamath, in the State of Oregon, with express reservation of all of my rights in law and equity and all other natures of law, and without prejudice to any of my rights.

Matthew E. Conroy
 MATTHEW E. CONROY
 C/O 2162 Hope Street
 Klamath Falls, Oregon, America

We, the undersigned, witness this day that the one known to us to be the above signatory did personally appear before us in the County of Klamath, in the State of Oregon, and upon due affirmation did execute and affix his above signature and seal hereto.

First Witness:

Judith Anne McGregor, a Citizen in the State of Oregon.

Print Name: JUDITH ANNE MCGREGOR

Street Address: 2162 HOPE STREET

City and State: KLAMATH FALLS, OREGON

Second Witness:

Ken E. Bailey, a Citizen in the State of Oregon.

Print Name:

Ken E. Bailey

Street Address:

5715 Westhorne Way

City and State:

Klamath Falls Oregon 97601

Third Witness:

DAVID A. HAND, a Citizen in the State of Oregon.

Print Name:

DAVID A. HAND

Street Address:

2450 GARDEN BL.

City and State:

KLAMATH FALLS OR. 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Matthew E. Conroy the 8th day
of Sept. A.D., 19 92 at 1:05 o'clock P. M., and duly recorded in Vol. M92,
of Miscellaneous on Page 20480.

FEE \$35.00
cc 4.00

Evelyn Biehn, County Clerk

By

Caroline M. Mendenhall