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ANALYSIS

IS THE UNITED STATES GOVERNMENT A CORPORATION? IF TRUE, SO WHAT?

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A common assertion made by those who are unhappy with the declining state of freedom in America is that this can be traced to an 1871 act of Congress that established Washington DC and, at the same time, converted the United States from a constitutional republic to a corporation. Secondary claims attached to this hypothesis are that this is the reason the official wording was changed from Constitution *for* The United States of America to Constitution *of* The United States of America and also why all capital letters are used in the name instead of upper and lower case letters. They claim that this Act of 1871 abolished the original constitutional government and created a legal fiction that became financially indebted to and controlled by international bankers. A forceful example of this view can be found on the Internet at www.serendipity.li/jsmill/us_corporation.htm.

A CHARTER FOR CITY GOVERNMENT

My own analysis is different. While it is true that Washington DC was created by the Act of 1871, its territory was limited to the District of Columbia and it was defined as a municipal corporation, which means it was limited to the affairs of city government. Three years later, on June 20, 1874, a new Act was passed by Congress that abolished the original city government and replaced it with a three-man commission, appointed by the President with the consent of the Senate. Its scope as a municipality did not change. A third Act of Congress, dated June 11, 1878, clarified the powers of the Commission but retained all the essential features of the previous Act, especially those that defined the nature of the District of Columbia as a municipal administrative unit. The following overview, taken from a Supreme Court decision (*District of Columbia v. Camden Iron Works*, 181 U.S. 453 (1901) 181 U.S. 453) describes this evolution:

The 1st section of the act 'to provide a government for the District of Columbia,' approved February 21, 1871 (16 Stat. at L. [181 U.S. 453, 458] 419, chap. 62), provided: 'That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the

Constitution and laws of the United States and the provisions of this act.'

A governor and legislature were created; also a board of public works, to which was given the control and repair of the streets, avenues, alleys, and sewers of the city of Washington, and all other works which might be intrusted to their charge by either the legislative assembly or Congress. They were empowered to disburse the moneys received for the improvement of streets, avenues, alleys, sewers, roads, and bridges, and to assess upon adjoining property specially benefited thereby a reasonable proportion of the cost, not exceeding one third.

June 20, 1874, an act was passed entitled 'An Act for the Government of the District of Columbia, and for Other Purposes.' 18 Stat. at L. 116, chap. 337. By this act the government established by the act of 1871 was abolished and the President by and with the advice and consent of the Senate was authorized to appoint a commission, consisting of three persons, to exercise the power and authority vested in the governor and the board of public works, except as afterwards limited by the act.

By a subsequent act approved June 11, 1878 (20 Stat. at L. 102, chap. 180), it was enacted that the District of Columbia should 'remain and continue a municipal corporation,' as provided in 2 of the Revised Statutes relating to said District (brought forward from the act of 1871), and the appointment of commissioners was provided for, to have and to exercise similar powers given to the commissioners appointed under the act of 1874.

Many Internet commentators claim that using all upper-case letters when printing the name United States of America or when printing names of individuals has a profound legal implication. However, I have not been able to confirm this. If anyone can show me a law or court case to the contrary, I will readily acknowledge it; but so far I only have found assertions of this claim with no authoritative documentation. In the meantime, I am satisfied with the conclusion of the Dixieland Law Journal at <http://home.hiwaay.net/~becraft/NamesInCaps.htm> that there is no legal basis for this theory.

Now, to the bigger issue. Even if it were true that Congress in 1871 converted the United States into a corporation (a claim that I do not accept), there would be two questions that must be answered: (1) what would be the practical significance and (2) what can be done about it?

SO

WHAT?

Let's take the first question: what would be the practical significance of a corporate government versus a constitutional government? In one case, the charter is a corporate charter. In the other case it is a constitution. Both are written documents and both outline the purpose, function, and limitations of the entity they create. The primary difference is that a corporation always is the creation of government, which makes government a higher source with powers assumed to be derived from the people themselves. In the case of the United States, however, this distinction is blurred, because the federal constitution was created by representatives of the colonial governments. That means the United States was created by other governments just as it would have been if created as a corporation.

The *structure* of government is important but not as important as the *power* of government. That is also true of corporations. Governments and corporations are neither good nor evil by themselves. They can serve man well or be a huge disservice depending entirely on the terms of their charters and the character of those who direct them. Private entrepreneurs,

partnerships, and associations have exactly the same capacity for good or evil. Corporations become evil when they acquire political favoritism giving them unfair advantages over competitors and legal immunity from crimes – but exactly the same thing happens with politically connected individuals, partnerships, and associations.

A similar contrast between good and evil is found within governments, whether they are corporations or not. There is little difference between corporations and governments except ownership of stock. Too much is made over the *structure* of government and too little over the *principles* of government. Which would we choose: a corporate government with a charter that limits its powers and with functioning mechanisms to choose our leaders – or a constitutional government in which the constitution is subverted and the electoral system is in the hands of a ruling elite?

Guns do not commit crimes but people using guns do. Likewise, organizational structures are not the problem, it's the people who control those structures and the principles they embrace. Evil men can subvert any social structure. There are no set of rules that can prevent it if the public becomes indifferent, which is why Wendell Phillips reminded us that "Eternal vigilance is the price of liberty."

We should be thankful that America started off as a constitutional republic, but that was long ago. Today we live under a democratic oligarchy in which the masses are hypnotized into believing they control their political destiny because they are allowed to elect their own dictators. This conversion did not happen because of how government was chartered but because collectivists took control of political parties, media centers, educational institutions, and all other power centers of society. As long as collectivists remain in control, and as long as most people don't even know what the word collectivism means, it makes no difference if government has a constitutional or a corporate charter. Freedom is lost either way.

WHAT CAN BE DONE?

The important question is what can be done? Even if it were true that the United States was secretly converted to a corporation in 1871, what can be done about it today? If we don't have an answer to that question, we are wasting our time. The enemies of freedom must be happy to see us chasing phantom issues because, as long as we do, we are out of the battle. The solution to the loss of our constitutional republic is, not to endlessly debate the meaning of an obscure event in 1871, but to take action *today* to recapture our government from the collectivists who have subverted it and then set about to restore the republic! That is the mission of Freedom Force.

IS THE GOVERNMENT AN OFFICIALLY BANKRUPT COMMERCIAL CORPORATION UNDER MARITIME LAW?

On December 17, 2007, I received the following admonition from a strong supporter who, nevertheless, felt that I needed more information. He wrote:

The evidence discovered is that an all CAPS account exists under our SSN. We can now fund this account and use it to discharge debt and operate in "commerce" as a creditor rather

than a "debtor". The freedom movement has wrongly assumed that we are under constitutional law, when in fact we were sold out and are under bankruptcy and international maritime commercial law.

Based on the 1933 bankruptcy of the United States. The U.S was dissolved at that time and turned over to the international bankers and converted into a commercial Corporation operating under international maritime commerce law and bankruptcy law. Subsequently, our rights have been turned into civil rights under commerce law. We have not been a "government by the people" since 1933. We are corporate slaves owned and ruled by the international banking cartel. This the federal reserve act of 1913 and President Roosevelt's declaration of bankruptcy did for us. This explains much about why our President and Congress can "do unconstitutional" acts with impunity. They are lawful employees of the international banking cartel operating under commerce.

I think that the freedom community needs to accept the truth and facts and create a plan of action based on reality.

I strongly encourage you to listen to at least the first 10 minutes of Sharon's December 06 conference call recording (<http://www.paralegalresearchadvocates.com/>). I believe that Sharon has discovered something that will benefit us all. Please be open about this and at least investigate for yourself.

Warm
RS

Regards,

This was my reply:

Hello

Richard.

I have listened to the conference call as you suggested and learned nothing new over and above what I have read from many others who follow the Strawman/Bankruptcy/Admiralty Law hypothesis. Everything said about the Federal Reserve is basically true, but it is a giant leap to accept the validity of all the rest. I previously have examined the documents Sharon mentioned and, as I recall, found nothing in any of them that confirmed the hypotheses – except by the most creative interpretation. I am afraid all of this is just a dead end that leads people into an endless loop of fighting a phantom that doesn't exist when we have very real enemies in the form of the Federal Reserve and a corrupted government.

You said: "the freedom community needs to accept the truth and facts and create a plan of action based on reality." I agree totally, but what would that plan be? How would it be any different than abolishing the Federal Reserve and the IRS, returning to a sound money, and replacing corrupted government officials? If that is the solution, then why spend time in a legal wonderland that not one in ten-thousand has any chance of comprehending? Is there any better plan to turn people off of the topic and, thus, turn them away from a solution? It seems to me that crusading under the Strawman banner is well calculated to insure our defeat. Why not just stick with the easily understood and easily proven facts? That's what Ron Paul is trying to do and, judging by the groundswell of support he is getting, it is a very wise strategy.

Thanks again for your support and especially for your concern for the future of our Republic.

Ed Griffin

Later in the day, I happily recieved the following reply.

Mr.

Griffiin:

Thank you very much for your time and consideration and sound response. I am 100% for Ron Paul, the dissolving of the Federal Reserve and the IRS and the replacement of corrupted public officials. I fully support you and all of your efforts and Freedom Force. I am thankful for people like yourself. Please accept my apology for troubling you with an issue that I did not fully understand. Thank you for your clarifications.

Please enjoy the best during this Holiday season. Most respectfully and grateful,

Rich Steward



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