

Keep Personal Info Private -- Don't Answer Questions!

by John Weber and Patricia Renninger

While big government has a natural animosity toward religion and the alternative authority structure it offers, government nevertheless makes some surprising concessions to religion's power.

This article illustrates a subtle insight into the government/religion confrontation: While many "Christians" don't truly believe in their professed religion – government does. The proof is implied in the various laws which allow the truly religious a great deal of legal latitude.

Of course, there's a powerful political reason for government to sidestep confrontations with the allegedly religious: Right or wrong, a man whose faith is challenged can be stubborn and recalcitrant to a degree that's potentially dangerous. (Yes, he may be just another hypocrite, but God help you if he's a true believer – he just won't quit.) Nevertheless, those accommodations suggest that government reluctantly concedes their statutes are inferior to Biblical law.

By providing "extralegal" accommodations for the religious, government not only validates religion but implicitly concedes

religion's legal superiority. You may have to dig for 'em and pay for 'em in ways atheists regard as absurd, but there are practical, pragmatic, legal advantages to being a Christian (or Jew or Muslim, etc.) in the USA. This article illustrates some of those legal advantages.

Citizens routinely waive several Rights when they apply for Driver's Licenses. These include Rights under the Fourth and Fifth Amendments, the Privacy Act, and an exchange of our legendary "Right to Travel unimpeded" for the statutory "privilege" to Drive a Vehicle. However, while some Rights may be waived, others can be preserved.

For example, there's a Miranda Warning hanging in the Pennsylvania Driver's License photo office that we visited. It said: *Your photograph may be used in Criminal Investigations.* That being so, some people argue that the use of photographs on driver's license must be "voluntary" since a "mandatory" requirement for a photo that might later be "used against you" in a

criminal prosecution would implicitly violate the Fifth Amendment's protections against mandatory self-incrimination. If submission of a photograph is "voluntary", some applicants may simply refuse to "volunteer".

However, we did not attempt a Fifth Amendment Waiver-from-photograph. We opted for a *First* Amendment Waiver, especially since provisions already exist in Title #75, Pennsylvania Consolidated Statutes Annotated (Vehicles), for such Religious exemptions. As a result, in Pennsylvania, my wife and I held Driver's Licenses that were exempt-from-photographic "requirement" for religious reasons. See: Holy Bible, KJV, *Exodus* Chapter 20, verses 4, 5, & 6:

"Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth."

That means photographs are forbidden for believers, and the state of Pennsylvania agrees. The State cannot force a Citizen to be photographed if the Citizen states that having his picture taken is against his religion. To

attempt to do so would violate the First Amendment of the Constitution for the United States and the Pennsylvania Constitution's Article One, Section # 3 — the guarantee of Religious Freedom. Although this religious exemption from photographic requirement is not clearly expressed in statute, it is written on Driver's License renewal forms.

There's a similar exemption for Social Security Numbers in Pennsylvania statutes at Title #75 §1510(f). My wife and I revoked and rescinded our Social Security numbers by Affidavit, on file at the Montgomery County Court House, and therefore our Pennsylvania drivers licenses did not reference our SSN.

We moved from Pennsylvania to South Carolina in April of 1995. As in Pennsylvania, the State of South Carolina also cannot force a Driver who takes *Exodus* 20:4 literally to be photographed because it would infringe on the Driver's Rights to Religious Freedom as guaranteed under Article One, Section #2 of the South Carolina State Constitution. The photographic exemption for religious reasons can be found in South Carolina's Title #56 at 1-150.

When we applied to South Carolina's Department of Transportation (DOT) for Driver's Licenses, the DOT began demanding that we provide certain personal information. When we informed her that we were exempt from photographic "requirements", she sent a fax to DOT headquarters in the state capitol at Columbia. It turned out that the bureaucrats *already* had a blank Affidavit on file which was designed to deal with religious objections.¹ Although this affidavit was not advertised, its existence not only indicates religious objections are more common than most people suppose, but also that the state government

has a policy of accommodating those objections. Copies of the affidavit were faxed to the local DOT office, we signed them, and no photographs were taken.

Next, the clerk asked for our Social Security numbers. We explained that according to the Old Testament Book of Second Chronicles (KJV), Chapter 21, verses 1 through 7, God forbids the numbering of the People. The clerk appeared to develop a severe migraine headache and returned to the fax machine to make another contact with the state Capitol in Columbia. Again, the folks at the Capitol *already* had blank Affidavits available which were entitled "*Affidavit For Refusal of Social Security Number*".² Copies were faxed, we signed, and no Social Security Number was attached to our drivers license application.

The clerk returned and asked what our Racial status is. We explained to her that we did not believe that our race was any of the government's business. The Clerk accepted our position on this issue and wrote "Unknown" on her form.

We were handed a form with two questions on it, and "yes/no" boxes next to them. The questions were: 1) "Are you a U.S. citizen?"; and, 2) "Are you a Resident of South Carolina?"

We answered "no" to both questions. We are *State* Citizens, not federal citizens. We answered "no" to the residence question because we intend to make South Carolina our *permanent* home. Therefore, we are *domiciled* in South Carolina, but not residents, since according to *Black's Law Dictionary*, "'resident' and 'residence' sometimes mean something less than domicile." The clerk accepted the form without questioning our answers.

Finally, the Clerk escorted us over to a device that was attached to a computer. She tried

to hand us a small steel rod about the size of a pen. She told us to take this pointed piece of steel and write our signatures on a flat steel pad. We asked her "Why?" The Clerk said this was necessary so that our signatures could be made a part of the computer's memory-bank records. We told her "our signatures are our property and we do not want our property in your computer".

Once again, she returned to her fax machine to request instructions from Columbia. After about 15 minutes, she told us that we could make an "X" instead of writing our cursive signatures if we would let the clerk write "his Mark" and "her Mark" next to our "X's". We replied that we would allow this if we could write "All Rights Reserved, without Prejudice UCC §1-207" next to our "X's". The Clerk refused. So we refused to let her write "his/her Mark". So she "compromised" with us. She did it our way. We wrote our "X's" and were given our South Carolina Driver's Licenses. I believe the Clerks were glad to see us go.

Point: before you answer any questions from a government official, or give any information which you may be uncomfortable in divulging, simply ask the bureaucrat if your answers are "mandatory" or "voluntary". If they say your answers are "mandatory", ask to see the Statute that forces you to comply. If they are "voluntary", then simply refuse to volunteer.

Like most common people, most DOT employees simply don't know or aren't sure of the "Law". More importantly, the people in the various departments of transportation work for *you*. Be polite with the clerks, but remember, *you* are the boss, not them. But you cannot exercise your Rights or authority until you learn them. Don't be a Sheep.

Learn the law.

We suggest that you check your state's Motor Vehicle Code for the availability of Religious Waivers. If these waivers aren't available, consider suing the state to get your Rights recognized.

For example, if there are no such Waiver Statutes in your state, we suggest that you contact your State Human Relations Commission or Civil Rights Commission. The names of the offices vary from state to state but every state has one. When you initiate such an action, you have one arm of the state government arguing your cause with another arm of the same government. Because the Freedom of Religion provisions of most states' Constitutions are so simply but powerfully written, such actions should result in an administrative decision in favor of the Driver. There is usually no charge; bringing suit against our local Department of Transportation was free.

The next time your license

comes up for renewal, or if you move to another state, feel free to use the methods described above to reserve your Rights. Become a Believer.

¹ Text: "AFFIDAVIT FOR ISSUANCE OF DRIVER LICENSE WITHOUT PHOTO Pursuant to South Carolina State Law 56-I-150 1976 Code of Laws as amended.

I do solemnly swear or affirm that the taking of a picture to be placed on a South Carolina drivers license would violate the tenets and beliefs of the religion or sect of which I am a active participating member.

Signature of Licensee / Date
Signature of Depart. Personnel/
Date"

² Text: "Form 5046 AFFIDAVIT OF REFUSAL OF SOCIAL SECURITY NUMBER I, _____ affirm that I am a conscientious objector to the Social Security law. Therefore, I do not have a Social Security number to furnish the Department. Customer's Signature / Specialist's

Signature

Driver License Number / Date"

Religious arguments may be effective on untrained clerks and administrative agencies, but they won't necessarily work that well in court. For example, if you try to use the "graven images" argument on the judge, he may say that's nice and then ask if you're married -- and, oh, incidently, -- do you have any snapshots of your family, kids, folks? If you proudly produce a photo of your baby boy, your religious argument will collapse. And rightfully so; photo's are "graven images", and if you use 'em or keep 'em, so can Big Bro.

Biblical law's not a scam. It's almost certainly harder to obey than man's laws -- which is fair, since Biblical law offers a better reward. Biblical law can provide some protection from government, but only for those willing to walk the walk. ■

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