

## **CORPORATIONS ARE NOT PRIVATE BUSINESS**

**by Francis Steffan**

We hear in the news and from politicians that it isn't right for the government to interfere with private business and that private business can censor and make what ever rules they please even if it violates every precept of their State and US Constitutions and the rights of the People protected by the “law of the land,” because, after all, choosing to do business with someone is voluntary.

I agree.

However, we must come to the realization that there is almost no “private business,” what was known as “free enterprise,” being conducted in America. Walmart is not a private business, Amazon is not a private business, Twitter is not a private business, McDonald's is not a private business, and no business operating under “license” from the government is a private business. They are government franchises.

Man has an inherent right to privacy, a right to keep his business, associations and life private, and that right and others are purportedly protected by the US Constitution and the Constitutions of the several States. Man is born with these rights, coined “unalienable” by the supposed law of the land.

Many of you are aware that the US Supreme Court has deemed corporations “persons” and many of you see this as an expansion of artificial, legally created fictions into the domain of man, a dilution of man's rights, and while this may be the result the US Supreme Court is correct in deeming corporations “person.”

The US Supreme Court understands words and what they mean. The US Supreme Court also uses their knowledge to undermine the people who the Holy Bible declares are destroy for the lack of knowledge and this is but one example.

Be very careful to never mix up “person” with “people,” or “man” with “human.”

**Human:** a culture-bearing primate classified in the genus *Homo*, especially the species *H. sapiens*. Groves, Colin Peter and Napier, J.R.. "primate". *Encyclopedia Britannica*, 17 Nov. 2021.

Relating to or characteristic of people or human beings. *Oxford Dictionary*

Late Middle English *humaine*, from Old French *humain(e)*, from Latin *humanus*, from *homo* 'man, human being'; mid-15c., *humain*, *humaigne*, "human," from Old French *humain*, *umain* (adj.) "of or belonging to man" (12c.), from Latin *humanus* "of man, human," also "humane, philanthropic, kind, gentle, polite; learned, refined, civilized."

**Primate:** any mammal of the group that includes the lemurs, lorises, tarsiers, monkeys, apes, and humans. *Online Ethymology Dictionary*.

**Person:** c. 1200, *persoun*, "an individual, a human being," from Old French *persone* "human being, anyone, person" (12c., Modern French *personne*) and directly from Latin *persona* "human being, person, personage; a part in a drama, assumed character," originally "a mask, a false face," such as those of wood or clay, covering the whole head, worn by the actors in later Roman theater.

If one declares Christianity, Judaism or Islam as their religion, one believes The Holy Bible at Genesis 1:26-27, "And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. So God created man in his *own* image, in the image of God created he him; male and female created he them."

The constitutional restrictions against the government found at the First Amendment to the US Constitution state in part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;..."

This is why the IRS states on its own website that "churches," meaning "religion," is automatically untouched by taxation and a 501(c)(3) "privileged" exemption is not necessary.

1 USC Sec. 8 however states, “the words “person”, “human being”, “child”, and “individual”, shall include every infant member of the species homo sapiens who is born alive at any stage of development.”

1 USC Sec. 8 either unlawfully converts “man” into a “homo sapien” or they are two disparate entities.

Some of you may think, so what's the big deal, homo sapien is a man.

The name *Homo sapiens* was not applied to man until 1758 by the father of modern Taxonomy which is, the methodology and principles of systematic botany and zoology and sets up arrangements of the kinds of plants and animals in hierarchies of superior and subordinate groups.

Wait a minute, “arrangements of the kinds of plants and animals?”

Strong's concordance and many Bible versions transliterate “beast” as “animal.”

“Man” has dominion over the beasts and while God created the beasts, “Man” named them all, God named “man.” This is the Christian and Jewish “religion.”

The Collins dictionary defines homo sapien as, “the species of bipedal primates to which modern humans belong...”

Biology online states that, “Primates belong to class Mammalia of phylum Chordata. They include apes, monkeys, and humans.”

Clearly “human” is not “man” as apes and monkeys are not man as a matter of fact and faith.

As we read, “human” means anything having the characteristics belonging to “man” or relating to “man,” like two arms, two legs and a head, like a monkey, but not, “man” itself. How long will it be before artificial “life forms” are designated “human?”

“Characteristic” is defined as, a feature or quality belonging typically to a person, place, or thing and serving to identify it.

Black's Law Dictionary defines “religion” as, “When religious books or reading are spoken of, those which tend to promote the religion taught by the Christian dispensation

must be considered as referred to, unless the meaning is so limited by associated words or circumstances as to show that the speaker or writer had reference to some other mode of worship. *Simpson v. Welcome*, 72 Me. 500, 39 Am. Rep. 349.

Merriam Webster's Dictionary defines "religion as, "a cause, principle, or system of beliefs held to with ardor and faith." This would be "some other mode of worship" referred to in the prior definition.

The Oxford Dictionary defines "religion" as, "a particular system of faith and worship. A pursuit or interest to which someone ascribes supreme importance."

Evolution "theory" / "religion" is an antithesis to Christianity, Judaism and Islam and it's proponent's are every bit as enthusiastic, passionate and reverent to their cause, principles, and system of beliefs as any other "religion" on earth, so much so, that the "religion" of "evolution" is permitted, in violation of the First Amendment, to proselytize to children within the public school system.

Evolution theory is just that, "theory" and it shares the synonym "doctrine" with religion.

The Encyclopedia Britannica defines "theory" as, "an idea or set of ideas that is intended to explain facts or events. An idea that is suggested or presented as possibly true but that is not known or proven to be true." Does this not also apply to "religion?"

A "theory" is an idea not proven to be true and "religion" is a system of beliefs held to with ardor and faith.

Merriam Webster's Dictionary defines "faith" as, "confidence or trust in a person or thing; belief that is not based on proof: belief in anything, as a code of ethics, standards of merit, etc.:" Belief in anything, like a theory.

The people that believe in the "evolution theory" do so by faith exactly as do the people who believe in Christianity or any other "religion."

The First Amendment states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," yet we have public

schools proselytizing the religion of evolution, and by law, mandating children to attend this State established religious indoctrination.

But, I digress.

Suffice to say, if you call yourself “human” or allow anyone else to characterize you as such you admit, accept and understand yourself to be an “animal” or “beast,” not “man” created in the image of God.

“Person” is a fictional mask, that “assumes” a character to be presented outward masking the true nature of the said entity.

A “man” can be a father, son, husband and policeman. Father, son, husband and policeman are “persons” of that “man.” Each “person” has different characteristics yet are all one “man.”

Corporations have been deemed by US Supreme Court rulings and therefore US and State law to be “persons.” Corporations are legal fictions created by legislative act that only operate under government granted “privileged” / “franchise.” This “privileged” grants fictional entities some assumed characteristics of “man,” the privilege to own property, to sue and be sued, etc.

With “privilege,” granted by government, rightfully come regulation and taxation. Before we move on it is critical that you understand that “rights” cannot lawfully be taxed nor “regulated.” The People, “Man,” have unalienable rights to life, liberty and the pursuit of Happiness and therefore, no “right” related to life, liberty and the pursuit of Happiness may be taxed or regulated, all “rights” are related to life, liberty and the pursuit of Happiness. “Man” is delivered to life with unalienable “rights” granted by The Creator, “privilege”/“franchise” is granted by law or edict, from government.

“The state cannot and does not have the power to license, nor tax, a Right guaranteed to the people,” and “No state shall convert a liberty into a license, and charge a fee therefore.” *Murdock v. Pennsylvania*, 319 U.S. 105.

“If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity.” *Shuttlesworth v. City of Birmingham, Alabama*, 373 U.S. 262

"Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them." *Miranda v. Arizona*, 384 U.S. 426, 491; 86 S. Ct.

“Rights” cannot be taxed nor regulated, this is “settled law.”

“Privilege” is granted and then “leased” through “franchise” by government as an “investment” in creating a situation to encourage and make easier something the government has determined is in the government's interest.

Consider the cost of a government created and leased privilege, either through license alone or creation of a legal fiction and license, is \$100. \$100. is the value the government and purchaser have agreed the franchise privileged is worth.

Business is conducted under privilege that nets the “franchisee” \$1000. above and beyond costs, “profit.” Consider now the government who created and leased the privilege, whose determined value is \$100., now expects a “return” on their “investment,” that netted a “profit,” as most investors expect from a profitable investment.

“Investment” is defined as, to primarily obtain an additional source of income or gain profit from the investment over a specific period of time.

Why do I state that government created “privilege” is leased?” “Privilege” is created by statute then offered to the people for lease, a fee. However, the “lessee” does not own that privilege as it can be revoked for non payment or violation of the terms of the license agreement, regulation, at any time, a lease.

Let us review, the government creates a privilege, the government then offers the privilege to the people for a fee, the people pay the fee and do business under privilege / franchise granted by the State, which creates profit to which the owner/lessor of the privilege is entitled a return on its investment.

In the case of a government leased privilege franchise that “return” is collected in the form of taxes, remember unalienable rights, the ones that relate to life, liberty and the pursuit of Happiness, can not be lawfully taxed.

This is exactly like McDonald's leasing the privilege to use the McDonald's logos, the obligation to follow whatever rules McDonald's corporation has set for franchisees and whatever “cut” of the profits has been agreed to within the franchise agreement.

The Oxford English Dictionary defines “franchise” as, an authorization granted by a government or company to an individual or group enabling them to carry out specified commercial activities”

Black's Law Dictionary defines “franchise” as, “A special privilege conferred by government upon an individual or corporation, and which does not belong to the citizens of the country generally, of common right.

It is essential to the character of a franchise that it should be a grant from the sovereign authority, and in this country no franchise can be held which is not derived from a law of the state.”

Bouvier's Law Dictionary, 1856 Edition defines “franchise” as “a certain privilege, conferred by grant from the government, and Vested in individuals. Corporations, or bodies politic, are the most usual franchises known to our law.”

Invesopedia states that, “A franchise is a business whereby the owner licenses its operations.”

Lawinsider.com defines “Corporate Franchise” as the right or privilege granted by the state or government to the Person forming a corporation, and their successors, to exist and do business as a corporation and to exercise the rights and powers incidental to that form of organization or necessarily implied in the grant.

A business license is a government granted permit that allows a “business” to operate in a state or locality which clearly, by evidenced authoritative definition, falls under government granted “privilege” and therefore government “franchise.”

Some argue that this realization of fact somehow goes against law and common sense because this would make nearly all business an “agency” of government.

“Franchise” and “agency” may have some similarities, however, they are not at all the same and cannot be used interchangeably, they are not synonymous.

McDonald's is again a good example to be used to show the difference between “franchise” and “agency.” The McDonald's corporation owns and runs approximately 5% of “McDonald's” branded stores worldwide with the rest being franchised stores. That 5% owned and operated by McDonald's corporation itself are agencies of the McDonald's corporation while the others are franchises. See the difference, the stores may all look the same, but the nature of what they are is not.

A strict distinction between franchise and agency can be made if and to the extent that one adheres to the definition of the franchise agreement where the franchisee typically runs a business at his own risk and expense. In the case of an agency this is never the case, the agent does not act for his own account and risk.

In fact, the State is a system franchiser that authorizes its franchisees, business license holders, to conduct a business according to a system developed by the franchiser. The State's prescribed business system stipulates how much a franchisee will pay its employees, who the business must serve, how wide the entry must be and even where the license (logo) must be displayed, etc.

For example, State franchisees do NOT have the right to refuse service to anyone, except Caucasian males. This is because a State franchisee agreement, the business license, states that the franchisee will not deny service to anyone based on... however, they then go on to demonstrate through statutes that this only applies to “persons” in a “protected class” to which everyone, except Caucasian heterosexual biological males, is a part, even though as of July 1, 2020, there were 162.26 million males and 167.23 million females living in

the United States, which makes males a minority population, in relation to females, as they have been since the 1950's, yet females are in the “protected class” along with minorities and sexually confused deviants.

When everyone except one group, Caucasian heterosexual biological males, are classified as “protected” is that not discrimination against the excluded group? Does that not in fact, practice and law put heterosexual biological Caucasian males “beyond the protection of the law?” This is also known in law as “civil death,” although, we could just call it “canceled.”

**Outlawry:** “act of putting a person beyond the protection of the law...” *Encyclopedia Britannica*

Historically, the term “outlaw” was used to refer to a person who was outside of the protection of the law. An accused criminal who refused to submit to legal process was declared to be an outlaw through a process called “outlawry.” As a result of being deemed an outlaw, the person was deprived of the benefit of the law or excluded from its protection. Any member of the public could murder an outlaw with complete impunity. Through this process, the government essentially sanctioned acts of violence as a means of punishment.

To associate with whom we choose is an implicit right, our privacy is a fundamental right, the liberty to pursue happiness is an unalienable right, and to use ones skill and labor in trade for desired items is a necessity of life and therefore a natural right.

“Rights” are not granted by government, “privilege” is granted by government.

Government has called the privileges they lease to the People different sorts of rights when in fact and law they are mere privilege Government has done nothing more than “restate” natural right through “civil right” legislation to provide a redress to grievances concerning the violation of the stated rights, and while government may “restate” natural right, call it whatever they please and even provide a means for redress, government is not the author of the People's rights.

This is an important point to understand as Right is the correlative of duty, for, wherever one has a right due to him, some other must owe him a duty.

It is equally important to remember that the People, each separate man and woman individually, have an unalienable right to life, liberty and the pursuit of Happiness and therefore to protect that right for the People is the “duty” of the government.

The government likes to say that because they protect the people those people owe the government loyalty... and a cut of their earnings.

Remember, the “government” owes its existence to the People, and therefore owes its obedience and loyalty to the People, not the other way around, don't ever forget this.

The State is not “sovereign” in relation to the People of that State. The State is only “sovereign” in relation to other States and fictional entities.

The Oregon constitution makes very clear where “sovereignty” resides at Article I, Section 1, “We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.—“

The creation, the State, a fiction, can not be “sovereign” over the creator, “man.” This is a concept that Satan and it's followers reject, birds of a feather.

So, what we have is the government, a creation of the People, telling the People they must get license from it, pay a fee to it and be regulated by it to exercise the right to freely associate and contract with one another or they will be assaulted by that government. This is clearly unlawful, nevertheless happening.

“The state cannot and does not have the power to license, nor tax, a Right guaranteed to the people,” and “No state shall convert a liberty into a license, and charge a fee therefore.” *Murdock v. Pennsylvania*, 319 U.S. 105.

“If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity.” *Shuttlesworth v. City of Birmingham, Alabama*, 373 U.S. 262

"Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them." *Miranda v. Arizona*, 384 U.S. 426, 491; 86 S. Ct

**License:** A right given by some competent authority to do an act, which without such authority would be illegal. *Bouvier's Law Dictionary 1856*

**Unalienable:** The state of a thing or right which cannot be sold. Things which are not in commerce, as public roads, are in their nature unalienable. *Bouvier's Law Dictionary 1856*

What's that you say, public roads are not in commerce?

It therefore makes sense that one is required “license” to conduct commerce upon the public roads that are not, by their nature, in commerce. The “right of way” is not an artery of commerce. Every “man” has a “right” to make his way on the public roads and requires no “license” to do so, unless actually engaged in commerce upon the road.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--” *US Declaration of Independence*

The Declaration of Independence is declared by the US Congress assembled to be a founding document of this nation and therefore part of “the law of the land” at least to the extent that it enumerates certain rights retained by the People and brought to the full force of law through the Ninth Amendment to the US Constitution, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

**Life:** Life is considered by the law of the utmost importance, and its most anxious care is to protect it. *1 Bouv. Inst. n. 202-3*. It commences in contemplation of law generally as

soon as the infant is able to stir in the mother's womb; *1 Bl. Com. 129; 3 Inst. 50; Wood's Inst. 11*; and ceases at death. Lawyers and legislators are not, however, the best physiologists, and it may be justly suspected that in fact life commences before the mother can perceive any motion of the fetus. *1 Beck's Med. Jur. 291. Bouvier's Law Dictionary 1856*

**Liberty:** Freedom from restraint. The power of acting as one thinks fit, without any restraint or control, except from the laws of nature. Natural liberty is the right which nature gives to all mankind, of disposing of their persons and property after the manner they judge most consonant to their happiness, on condition of their acting within the limits of the law of nature, and that they do not in any way abuse it to the prejudice of other men. *Burlamaqui, c. 3, s. 15; 1 Bl. Com. 125*. Personal liberty is the independence of our actions of all other will than our own. Wolff, *Ins. Nat. §77*. It consists in the power of locomotion, of changing situation, or removing one's person to whatever place one's inclination may direct, without imprisonment or restraint, unless by due course of law. *1 Bl. Com. 134. Bouvier's Law Dictionary 1856*

(note: law has a hierarchy, therefore, “due course of law” can never mean that statutory law can amend, in any way, constitutional law.)

**Pursuit of Happiness:** The constitutional right of men to pursue their “happiness” means the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity, or develop their faculties, so as to give to them their highest enjoyment. This right includes personal freedom, freedom of contract, exemption from oppression or invidious discrimination, the right to follow one’s individual preference in the choice of an occupation and the application of his energies, liberty of conscience, and the right to enjoy the domestic relations and the privileges of the family and the home. *Butchers’ Union Co. v. Crescent City Co., IllU. S. 757, 4 Sup. Ct. 652. 28 L. Ed. 585; 1 Bl. Comm.*

41. And see *English v. English*, 32 N. J. Eq. 750. *Black, Const. Law (3d Ed.)* p. 544. See *Ruhstrat v. People*, 185 Ill. 133, 57 N. E. 41, 49 L. R. A. 181, 76 Am. St. Rep. 30; *Hooper v. California*, 105 U. S. 648, 15 S. Ct. 207, 39 L. Ed. 297; *Butchers' Union, etc., Co. v. Crescent City Live Stock, etc., Co.*, Ill U. S. 740, 4 Sup. Ct. 652, 28 L. Ed. 585. *Black's Law Dictionary*

**Privilege:** This word, taken in its active sense, is a particular law, or a particular disposition of the law, which grants certain special prerogatives to some persons, contrary to common right. *Bovier's Law Dictionary 1856*. A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond the common advantages of other citizens. An exceptional or extraordinary power or exemption. A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law. *Black's Law Dictionary*.

Did you notice that “privilege” is “contrary” to “common right?” “Contrary” is adverse, conflicting, contradictory, hostile, inconsistent, and opposed. “Right” and “privilege” are NOT synonymous, cannot be used interchangeably and are far different conditions.

When a government leases special prerogatives to some persons it first requires a fee, and as we learned in *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012), a fee is nothing more than a tax. Once that fee (tax) is paid and the privilege is exercised the government then expects a “return” on any “profit” gained from the excise of that privilege. Granting “privilege” is akin to making an investment.

In a normal investment one sacrifices something they have, normally money, into a venture they hope will increase the principle, the thing sacrificed, through profit.

The government invests in the licensing privilege, to allow that which is illegal in opposition to common right, in order to promote a government interest.

The “driver” license is a perfect example. We all have a right to travel the right of way by whatever conveyance we choose, however, the right of way is outside commerce and cannot be legally used for commerce. The government has an interest in promoting commerce. The government then decide to issue “license” to conduct commerce upon the right of way in opposition to natural law and common right.

The problem is that the government has unlawfully expanded the “requirement” of a “driver license” to people not engaged in commerce upon the right of way.

The very same condition exists concerning the “excise,” “income tax.” That is a subject for a future essay.

More and more so called “private” businesses are not private at all as they operate business through license exercising “privilege” not right and some even create a strawman to assume all liability for all business decisions made by the man or woman granted that privilege.

We know this type of “privilege” as corporation.

A corporation is considered by US law as a “person,” this “person” has no soul, no morals, no compassion, no conscience and is legally obligated to put making profit for it's stockholders ahead of all other legal considerations. If this “person” was a man it would be diagnosed a psychopath, well ok, they don't use that term in medical diagnosis so, “antisocial personality disorder” then.

The point is, the next time some corporate marketing propagandist tries to render their corp(se) as a “good neighbor” remember, that “good neighbor” is a psychopath.

Corporations have no unalienable rights, they operate as a franchised creation of the State that owes its obedience, wealth and existence to the State.

If a local McDonald's franchise decides to act outside the franchisers policy and a liability is incurred, by say an injury, the local franchisee is sued and held liable alone,

however, if a franchisee acts within policy of the franchiser and a liability is incurred the franchiser is sued and held liable also. A franchiser cannot bestow upon its franchisees more authority or power than itself possesses.

Let's look at Twitter. Twitter is a corporation, a legal fiction, created by the State through law. The State is the franchiser and Twitter is the franchisee.

The State that created Twitter is subject to the restrictions placed upon it by its State's constitution and the US constitution. One such restriction upon the State is that, "Congress shall make no law...abridging the freedom of speech."

Oregon's constitution, as all 50 States, also restricts the State, "No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever..."

When Twitter, for example, moves to abridge and restrict the freedom to "write" a free expression of opinion on any subject whatever they violate the US constitution at the First Amendment and the Oregon constitution at Article I, Section 8. The State cannot lawfully bestow upon Twitter, their creation, an authority and power to censor speech as it, the State, is restricted by law from doing so. As a franchise of the State Twitter's authority, power and will must be bound by, at least, the same restrictions as its franchiser.

This is not a doctoral dissertation or a legal brief and therefore very little authorities are cited. This is intended as an educational essay.