

How to Get Paid All of Your Earnings

***Disclaimer:** The following information is not legal advice and cannot be construed as legal advice. If the reader is in need of legal advice the reader is advised to contact a legal professional authorized to dispense such. The information contained herein is not provided to assist anyone to evade taxes. Rather, it is offered to enlighten those who may be unaware that application for, and use of, a Social Security Account Number is—per the Social Security Administration—strictly voluntary; to remind the reader that voluntary compliance (re the payment of income tax) is expected of those who decide to enroll/participate in the income tax system; to reveal the mechanics of exactly how one volunteers to take part in either of these two programs; and to offer another lawful alternative for those who may no longer wish to continue to volunteer.*

Social Security Account Numbers

The Internal Revenue Service (IRS) personal income tax scheme is utterly dependent upon the continued submission of Social Security Account Numbers (SSAN's) collected from new employees by employers. New employees routinely provide a SSAN on a signed IRS Form W-4 Employee's Withholding Allowance Certificate when requested by an employer, and the employer dutifully forwards the W-4's in accordance with IRS wishes. Without such unparalleled largesse¹ (SSAN's volunteered by new employees and then submitted by employers), IRS has no lawful basis for the assessment and collection of Social Security payroll tax from said new employees—and likewise for every other kind of tax routinely levied² from a paycheck.

Most people think that they have no choice, i.e. that they must provide a SSAN when asked for one by their new employer if they want to have a job. This is not true for a number of reasons, but possibly the most significant one is the official stance of the issuer of all SSAN's, the Social Security Administration (SSA). The following excerpts are taken directly from the official SSA web site at www.ssa.gov; specifically: "Questions?" then "Social Security Number & Card" then Page 2, Question #23: "*When do I have to provide my Social Security Number?*" The following passages (as well as others) appear:

“Question:

“Must I provide a Social Security number (SSN) to any business or government agency that asks?”

“Answer:”

“If a business or other enterprise³ asks you for your SSN, you can refuse to give it.”

“Giving your number is voluntary, even when you are asked for the number directly.”

“The decision is yours.”

The Internal Revenue Code (IRC) requires only that an employer *request* a SSAN from each new employee, and can levy a fine if the employer fails to obtain/ask for a SSAN. However, IRC also provides for a waiver of such penalty if the employer fulfills the request requirement but fails to obtain a SSAN because the new employee declines to provide one (no willful neglect on the part of the employer). If there is ultimately no penalty/fine if the employer fails to obtain a SSAN from a new employee, there is no requirement that a new employee provide one in the first place. No penalty = Not required.

¹ Largesse: Liberal or generous giving; a large gift or donation.

² Levy: v. To raise; execute; exact; collect; gather; take up; seize. Thus, to levy (raise or collect) a tax. n. A seizure.

³ FYI: IRS can only be classified as a “business or other enterprise” because, despite the most vehement objections of Big Brother’s PR men, IRS is not an agency of the U.S. Government. For documentary evidence proving this fact see **Internal Revenue Service** in *Glossary of Cracking the Code Third Edition*, available at www.bbcoa.com.

Similarly, IRC contains no provision for the assessment and collection of income tax from a new employee for whom it has no SSAN. Accordingly, IRC contains no provision that allows/requires/instructs an employer to refuse to continue to employ the new employee, to fire the new employee, to refuse to pay the new employee his/her earnings, to withhold a portion of the new employee's earnings, or permit any other such unlawful measures. Employees who do not provide a SSAN (on a signed W-4, the only authorized way in IRC) when requested to do so are simply not eligible for any benefits (Social Security and other) associated with the earnings they collect from that particular employer.

Any retaliatory action taken against the new employee by the employer, such as any of the ones listed above, is unlawful and can be immediately vindicated via lawsuit—and the new employee will win. This is why: The new employee is hired *first* and then only subsequently asked to provide a SSAN (on a signed W-4). At the time this is requested of the new employee, he/she is *already employed*. This fact is echoed in the prescriptions of IRC, in that IRC authorizes requesting a SSAN *only of an employee*. Since providing a SSAN on a signed W-4 is voluntary (the only valid signature is one that is signed freely), the employer cannot lawfully coerce the new employee into doing what is otherwise a voluntary act. The matter of providing a SSAN (on a signed W-4) is strictly between employee and employer, and does not involve any outside third party, such as IRS and SSA:

“...We do not have the authority to require an employer to provide or deny employment or services to anyone who refuses to disclose his or her number. This is a matter between the individual and the employer.”

Dorcas R. Hardy
Commissioner of Social Security
Letter of response to Rodney Rickman, July 16, 1986

“...There is no law prohibiting a person from exercising his right to work without possessing a Social Security number....”

Harry Reid
United States Senator (Nevada)
Response letter to Kevin Passow, April 24, 1990

The Nature of Benefits

Though not as straightforward in the matter of a government agency asking for a SSAN, the same official SSA web site does not contain one single passage that unequivocally states that anyone is ever required to provide any government agency with a SSAN upon request. The text of SSA web site, created by the same word-wizards that write IRC and every other Code in existence, is masterfully cloaked in ambiguity in order to cause the reader only to *believe* it is mandatory to provide a SSAN when requested by a government agency⁴—but since the only conscionable⁵ purpose behind use of a SSAN is the acquisition of a benefit, no one can ever be compelled to provide one. An ancient and timeless maxim of law states, “No one can be compelled to accept a benefit against his will,” and so it is with SSAN's. The official SSA web site fully acknowledges this fact as shown above. Accordingly, no one is ever required to provide a SSAN under any circumstances unless, of course, someone is desirous of a Social Security-related benefit and the account number is necessary to verify eligibility.

⁴ The only time a SSAN is required is upon application for a benefit.

⁵ Conscionable: Conformable to conscience or to right or duty; just; most common in the negative; *as* your demands are not *conscionable*.

Employer Leeway in Obtaining a SSAN from an Employee

No matter what an employer *believes* an employee's responsibilities may be in the matter of providing a SSAN, the employer is not authorized by IRC, nor by any other Code, to take any action against the employee in an effort to induce the employee to provide a SSAN and seek a benefit against the employee's will, once the employer requests a SSAN and the employee declines to provide one. Neither United States Code (USC) nor Code of Federal Regulations (CFR) provides any instruction for any further communication with the employee on the subject of SSAN's once the request is made, and likewise for any retaliatory action against the employee for refusing to provide one. Whatever the employer does in such case is based only upon the employer's unfounded *belief* of what the employer is authorized/"supposed" to do, combined with ignorance of the law—and as we all know from Big Brother's cheerleaders: "Ignorance of the law is no excuse."

Similarly, no employer is authorized by any Code to abrogate⁶ the terms and conditions of the employment contract with the employee. Again, the employment contract is executed *first*; only *afterwards* does the employer request a SSAN and try to induce the employee to seek Social Security benefits and enter into a separate contract with a third party (IRS). Whenever two parties go into contract with each other (whether verbally or in writing), common sense (as well as contract law) tells us that neither party can subsequently introduce new, arbitrary terms and conditions that must be fulfilled by the other party before the instigating party will honor its obligations as agreed upon in the contract (a form of "breach of contract"). When a contracting party claims the existence of a law that mandates such perfidious⁷ conduct, that party is talking through his hat, as the Constitution expressly forbids the enactment (i.e. *existence*) of any such law:

"No State shall...pass any...Law impairing the Obligation of Contracts..."

Constitution of the United States (of America)
Article I, Section 10, Clause 6

No One Required to Seek Benefits

Even in those cases where a SSAN is required in order to receive a benefit, such as for unemployment compensation, welfare, and food stamps, the decision to apply for any such benefit and provide a SSAN (method by which a sovereign forfeits his/her sovereignty and cements his/her subjugation) is always *voluntary*. It cannot be any other way, because there is neither a penalty for failure to initiate a request for a benefit, nor a penalty for failure to follow through and acquire any such benefit. No penalty = Not required.

As an employee, the only official way to seek eligibility for Social Security benefits in respect of earnings with a particular employer is to provide that employer with a SSAN—*on a signed IRS Form W-4*. No other way is authorized in IRC. Therefore, if one does not wish to be eligible for Social Security benefits based on one's earnings with a particular employer, one would not submit the SSAN on the prescribed form, i.e. a W-4. To decline eligibility for Social Security benefits based on one's earnings apparently is a very commonplace event because the whole of the matter is taken up and concluded in a single sentence in IRC with a simple mandate for the employer: sign an affidavit stating you requested a SSAN, but the employee did not give you one. Per IRC, no further action by the employer is authorized.

⁶ Abrogate: To annul by authoritative act; abolish; repeal; as, to *abrogate* a rule or custom.

⁷ Perfidious: [*<F. perfidie, <L. perfidia, <per, from, + fides, faith.*] Characterized by perfidy; involving a breach of faith; contrary to loyalty and truth; as *perfidious* actions.

“Voluntary Compliance”

IRS officials and media pundits harp incessantly about “voluntary compliance” with income tax—and *rightfully* so: People who voluntarily acquire a SSAN (even via a parent) and then voluntarily sign a statement (W-4) swearing that they are a “taxpayer” and liable for the “income” tax, and listing a SSAN, voluntarily obligate themselves for income tax on earnings they make with the employer that collects the sworn statement (W-4). Such people should, therefore, voluntarily comply with IRC mandates re the payment of income tax on earnings with that employer. Employees for whom an employer has no SSAN on a signed W-4 would, of course, have no such obligation re their earnings with that employer:

“A person with no social security [sic] number would have no taxable income.”

Penny Payton, Claims Representative

Department of Health & Human Services

Response letter to Jerome T. Schiefen, January 10, 1990

For all intents and purposes, there is no substantial difference between an employee with no SSAN (as suggested in the above quote) and an employee who declines to provide a SSAN when requested of him/her. Once IRS receives a SSAN on a signed W-4 (collected and sent in by an employer), however, IRS converts the SSAN into a “taxpayer identification number” (without authorization) and then the charade of providing for all the employee’s purported future Social Security-related benefits commences and IRS begins expropriating whatever funds it wants from the paycheck today.

The SSAN—the foundation and indispensable component of the income tax scheme—is acquired voluntarily and provided voluntarily (even in the case of government agencies) every step of the way for the purpose of participating in the advertised aims of Social Security, i.e. so-called “retirement benefits.” Making provision to realize said future retirement benefits by signing a W-4 today is a sovereign, self-determined, voluntary act that can be conscionably undertaken only for the purpose of acquiring a benefit (there can be no other reason). If no benefits are desired, no such action need be taken. When no SSAN is volunteered via the W-4, there is no Social Security payroll tax—and no other kind of tax associated with the earnings received from that employer. The reason one is asked—and *not ordered*—to do these things is because it is unlawful to force someone to do something against his/her will. The only way to become eligible for Social Security benefits is to acquire a SSAN and voluntarily go into contract with IRS by providing a SSAN on a signed IRS Form W-4. No one can be penalized for not seeking Social Security benefits.

Nuts-and-Bolts Proof: Federal Codes

The above arguments are not mere speculation, and are confirmed in entirety in United States Code (USC) and Code of Federal Regulations (CFR):

An employer must request a SSAN from a new employee:

*“Any person required under the authority of this title to make a return, statement or other document with respect to another person **shall request** from such other person, and shall include in any return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.”*

26⁸ USC 6109(a)(3) (Bold emphasis added)

⁸ Title 26 of United States Code = Internal Revenue Code.

Regulation (positive law) interpreting the above 26 USC 6109(a)(3) prescribes procedure for an employer that does not know a new employee's SSAN even after having requested such:

*“If the person making the return, statement, or other document does not know the taxpayer identifying number of the other person...such person **must request** the other person's number. The request should state that the identifying number is required to be furnished under authority of law. **When the person making the return, statement, or other document does not know the number of the other person, and has complied with the request provision of this paragraph (c), such person must sign an affidavit on the transmittal document forwarding such returns, statements, or other documents to the Internal Revenue Service so stating.** A person required to file a taxpayer identifying number shall correct any errors in such filing when such person's attention has been drawn to them.”*

26 CFR 301.6109-1(c) (**Bold** emphasis added)

Penalty for an employer's failure to obtain a SSAN from a new employee:

*“In the case of a failure by any person to comply with a specified information reporting requirement on or before the time prescribed therefor, such person shall pay **a penalty of \$50 for each such failure...**”*

26 USC 6723 (**Bold** emphasis added)

Waiver of penalty for failure to obtain a SSAN if employee refuses to provide a SSAN (purpose of the affidavit provision in 26 CFR 301.6109-1(c) above):

*“**No penalty shall be imposed** under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.”*

26 USC 6724(a) (**Bold** emphasis added)

It is very simple: An employer is required request a SSAN from a new employee (on a W-4, the only authorized way). If the new employee refuses to provide a SSAN, the employer is required by regulation (positive law) to submit an affidavit attesting that the request was made, thus eliminating the possibility of willful neglect on the part of the employer and ensuring a waiver of the \$50 penalty the employer would have incurred without it.

What is the new employee's role in all this? The new employee plays almost no part in this process. The new employee has no contact and no relationship with IRS, only the employer, who merely requests a SSAN. Once the new employee declines to provide same, his/her role in the process is complete. At that point the employer has no other lawful option than to send IRS an affidavit (as prescribed by law) and honor the employment contract with the employee. IRS is satisfied, the new employee is satisfied, and therefore the employer should be satisfied.

Employer = IRS Slave

The reason the current income tax scheme is so effective is that IRS enlists an outside, third-party volunteer, the *employer*, to work without pay—i.e. as an unwitting *slave*—to ensure that people who draw a paycheck from said employer pay Social Security payroll tax (and income tax, by virtue of submitting the SSAN on an IRS Form W-4). Everything the employer does in this wise is *voluntary*. IRS assumes no liability for the actions of the employer re removal of funds from the employee's paycheck, nor does IRS compensate the employer for his/her/its labor. Since the employer already erroneously believes that it is his/her/its duty to calculate, collect (levy), and distribute taxes from employees' earnings without compensation, it is easy to imagine the difficulties that one might encounter in educating the employer re the actual facts of the law. Therefore, it is imperative that one be as prepared as possible to deal with any eventuality that might arise at the moment of truth.

Two Different Situations

People who draw a paycheck for their living fit into one of two categories: (1) currently employed, (2) currently unemployed. Folks in the latter category will have an easier time of things when they start their next job because the employer will not know their SSAN. People currently employed who want their employer to change horses in midstream and “forget” their SSAN and signed W-4 may have a little more work ahead of them. In such case, moving on and looking for a new job may be more appealing than sticking with a current employer who refuses to mend his/her/its ways, comply with the law, and do the right thing—despite the apparent disadvantages that come with seeking new work. We shall deal with both of these situations, the simpler of the two first: new employers.

A Most Critical Decision

The reader that decides to continue to participate in the Social Security retirement program in order to be eligible for Social Security and other types of benefits derived from his/her earnings via employment will have no use for the remainder of this essay. However, the information that follows immediately below is nevertheless offered so those who are undecided are better equipped to make an informed decision.

The Nature of Social Security

The Social Security retirement benefits program fits the definition of a Ponzi scheme⁹ and therefore should be carefully considered by those who intend to partake in it:

“Ponzi scheme. (**pon**-zee). A fraudulent investment scheme in which money contributed by later investors generates artificially high dividends for the original investors, whose example attracts even larger investments. • Money from the new investors is used directly to repay or pay interest to old investors, usu. without any operation or revenue-producing activity other than the continual raising of new funds. This scheme takes from Charles Ponzi, who in the late 1920’s was convicted for fraudulent schemes he conducted in Boston.”

Black’s Law Dictionary, Seventh Edition (1999)

Social Security is the most massive Ponzi scheme in the history of the world, siphoning off literally tens of trillions of Social Security-payroll-tax dollars from unwitting “volunteers” since 1935. Presently, only people born before 1940 (“old investors”) can expect to receive a full payout of Social Security benefits for the duration of their life after they retire. Most others (“new investors”) can only hope for partial benefits, and people born after 1970 have no hope of ever receiving any Social Security benefits in their lifetime. White House Press Secretary Ari Fleischer confirms Social Security’s nature as a Ponzi scheme in the Thursday, July 25, 2002 edition of the Los Angeles Times in an article entitled “White House Says Bush Still Backs Benefit Plan”:

“White House Press Secretary Ari Fleischer took a swing at the existing Social Security program, calling it ‘dangerous’ to ‘let people pay a lifetime of high taxes for a Social Security benefit that under current projections they’ll never receive.’”

Those who do not wish to continue to take part in Social Security are invited to continue on with the addendum attached hereto; others may stop at this point.

⁹ Ponzi schemes are illegal and victims of a Ponzi scheme usually never see a return of their investment. For a comprehensive examination and exposé of the Social Security System as a Ponzi scheme, see “The Curse of Co-Suretyship,” beginning on page 68 of Cracking the Code Third Edition.

How to Get Paid All of Your Earnings

Addendum – Instructions

I. How to Handle a New Employer if you do not want Social Security Benefits.

A. Rule 1. The very first thing that you need to be aware of is the text of the positive law, i.e. 26 CFR 301.6109-1(c), that instructs an employer how to go about obtaining a SSAN from a new employee. Per the text of that section, once the employer “knows” the SSAN of an employee the employer is purportedly compelled to provide IRS with such number—even if the new employee withholds consent, disagrees, and forbids any such use of the SSAN.¹⁰ Without placing oneself in a position to have to rectify such a wrong, it is easier simply to avoid the possibility of any such circumstance arising from the beginning. Therefore, the first rule to follow whenever a SSAN is requested of you is:

? *Never provide a SSAN unless you want to obtain Social Security benefits.*¹¹

B. Application for employment. It is very likely that the employment application will have a slot for a SSAN. If you do not want Social Security benefits, do not enter your TRADE NAME’S SSAN. [Note: the account holder is your TRADE NAME, not your True Name. Examine the card if you do not believe this.] In the slot on the application for a SSAN, place one of the following:

? *“Not applying for credit”*

? *“Privacy Act”*

? *“Credit check not required”*

? *“Not an employee yet”*

? *“Not applying for SS benefits”*

C. How to respond to verbal demands. If employer personnel tell you that they need a number to process your application, any of the following replies can work without generating friction:

? *“I can’t remember it. I’ll have to get it later.”*

? *“Do you want to run a credit check for the purpose of issuing credit? If not, a Social Security Account Number has no bearing on an application for employment.”*

? *“Unless you are willing to guarantee that I will be hired, I am not willing to provide a Social Security number ahead of time based on privacy concerns.”*

? *“I’m not applying for Social Security benefits; I’m applying for a job. The issue of Social Security benefits can be taken up later, after I’m hired.”*

¹⁰ This is an example of how IRS induces the employer to violate/invoke one’s privacy, an offense that carries both civil and criminal penalties.

¹¹ Although it may be more difficult to follow this rule in opening a bank account, it would also apply equally with banks. The advertised reason that a bank needs a SSAN is for income tax purposes. If the account to be opened were a non-interest bearing account, the need for reporting income (derived from the 1½% annual interest paid) would never arise.

? *“The Internal Revenue Code does not authorize requesting a Social Security number until I am hired.”*

? *“I am afraid of identity theft and prefer to withhold my Social Security Account Number for privacy reasons until it is confirmed that I am hired.”*

D. One possible exception. In the most extreme cases where the employer insists that is absolutely vital that an applicant’s credit report be checked (even though the official SSA web site says that there are alternative methods to check on someone besides using a SSAN and that businesses “do not need it”) and it seems impossible to get to the next step without revealing it—and you are willing to take the chance in order to get the job—a SSAN might be provided under the following circumstances:

Applicant: *Okay. I can see that you are sincere, and therefore I am willing to allow my privacy to be compromised just this one time in order to accommodate your needs. However, the application will have to be notated and signed by an company officer that your company will use the number just this one time, and this time only, and for this purpose, and for no other purpose, and that no company employee will retain any record of the number after the credit check is complete. As long as you are willing to guarantee those things on behalf of the company on the face of the application, and as long as I can keep the original application and you take a copy, I am willing to allow you the use the Social Security number to run a credit check.*

Employer: *Okay. Never seen anyone that was so concerned about his privacy, though.*

E. Name and Address of the Job Applicant. The last sentence of 26 CFR 301.6109-1(c) is very important and reads as follows:

“A person required to file a taxpayer identifying number shall correct any errors in such filing when such person's attention has been drawn to them.”

1. IRS databases. What this means is that even though the employee may be successful in starting work without applying for Social Security benefits, and the employer sends IRS an affidavit as instructed, IRS can come back with a SSAN that matches up with the name and address (obtained by the employer from the new employee’s job application) provided in the employer’s affidavit and demand that the employer then correct the errors in “such filing” (that IRS provides the employer) now that the employer’s “attention has been drawn to them” and begin withholding taxes from said new employee’s paycheck. If IRS knows the SSAN, count on them to intimidate the employer into withholding your earnings no matter what you say.
2. Sworn statements. A different name and address that minimizes the possibility of IRS matching up your TRADE NAME’S SSAN from a previous employer is best. Never do anything illegal, such as swear out a false statement (under penalty of perjury, etc.). Any such act weakens your position whether discovered or not and should always be avoided.
3. Variations in the name. There are many ways that the name can be lawfully modified/abbreviated; in fact, creditors regularly use corruptions (“derivatives and variations in the spelling”) of the TRADE NAME on legal briefs when they come after an alleged debtor—and the court never has a problem in ruling against the alleged debtor. Turnabout is fair play. You can utilize this technique for your own advantage.

4. Addresses. Through strictly lawful means, it may be possible to cite an entirely different address than most people think is appropriate for your TRADE NAME, both historically and currently. You need to scour the recesses of your mind and get creative; the more creative, the better chance of avoiding being linked up with a SSAN based on an address in an IRS data base. P.O. Boxes, especially those in the name of another party, work well.¹² If one were living in a hotel room as of the date appearing on an employment application, one could arguably cite the address of the hotel on the application, even if it were out-of-town and out-of-state. These are personal choices based on personal conviction and—*ideally*—could be backed up with documentary evidence if the need ever arose (highly unlikely).

F. Taking care of business. Shortly after you are hired, someone instructs you to “Go on down to Personnel sometime today and sign all the forms,” or some such thing. Follow through and make the visit as instructed and when you are confronted with the “Social Security Benefits Eligibility Form,” i.e. the W-4, look it over very studiously and then politely hand it back.

1. A plausible exchange. Here is a sample conversation that might ensue in such an encounter:

New employee: *No thanks. I prefer not to seek any Social Security benefits.*

Personnel Clerk: *Oh, but we need that filled out in order to hire you.*

New employee: *That’s not what I was told by Mr. Smith.*

Personnel Clerk: *What do you mean?*

New employee: *He told me I was hired already.*

Personnel Clerk: *Well, technically that’s true, but IRS requires us to give them a signed W-4 from every new employee.*

New employee: *Are you sure about that?*

Personnel Clerk: *Oh, yes. I’ve been working here for over five years and every employee must give us a completed and signed W-4.*

New employee: *Are you saying that what you are asking me to do is governed by the Internal Revenue Code?*

Personnel Clerk: *Yes.*

New employee: *Well, I believe you are mistaken because the Internal Revenue Code gives explicit instructions on the procedure to follow when a new employee declines to provide a Social Security Account Number and it does not involve trying to persuade the new employee to participate in Social Security.*

Personnel Clerk: *This is getting out of control. I am not here to argue. Either fill out and sign the W-4 or I will have to recommend that you not be hired.*

New employee: *I’m already hired.*

Personnel Clerk: *Well, then I will have to recommend that you be fired.*

New employee: *On what grounds?*

¹² Postal employees place mail in the P.O. Box indicated on the envelope, irrespective of the name of the addressee.

Personnel Clerk: *On the grounds that you will not do what I am asking you to do.*

New employee: *You are free to do that if you like, but you will be named as an interested party in a lawsuit, along with your company, for wrongful termination and numerous other crimes and violations of the Constitution, and I will win because what I am saying is backed up by the Social Security Administration, the Internal Revenue Code and the Code of Federal Regulations and what you are doing is unlawful, arbitrary, and not supported in law. Would you like to see the law that governs such matters?*

Personnel Clerk: *This conversation is over. Please wait here.*

[Leaves the room for a few minutes and returns with Mr. Cooper, the head of the personnel department.]

New employee: *Hi, Mr. Cooper.*

Personnel Chief: *What seems to be the problem Mr. Doe?*

New employee: *No problem for me. Miss Stewart just wanted me to sign up for Social Security benefits and I declined her offer.*

Personnel Chief: *You mean you are unwilling to fill out a W-4 for our records?*

New employee: *The purpose of a W-4 is to keep track of Social Security benefits on the money I earn here. Seeking benefits from Social Security is voluntary and I choose not to seek such benefits.*

Personnel Chief: *I am surprised at you, Mr. Doe. You impressed me as a very conscientious fellow, but I am afraid I am going to have to recommend your dismissal.*

New employee: *You mean fire me?*

Personnel Chief: *That's correct.*

New employee: *What for?*

Personnel Chief: *For being unwilling to follow the law and attempting to work in this country illegally.*

New employee: *So you are saying that in order for me to work in America legally I am compelled to disclose a Social Security number and seek Social Security benefits?*

Personnel Chief: *Yes.*

New employee: *Are you an attorney, Mr. Cooper?*

Personnel Chief: *No.*

New employee: *Did you know that practicing law without a license is illegal and that you just gave me a legal opinion? Do you know that you can go to jail for practicing law without a license? [Silence—because Cooper does not know what he is talking about.] What you just stated is completely outside the prescriptions of the Internal Revenue Code and the Code of Federal Regulations regarding an employee that does not provide the employer with a Social Security Account Number.*

Personnel Chief: *I am not going to put up with this nonsense any longer. If you are not willing to fill out a W-4, you will be fired.*

New employee: *Very well, but you will be named as an interested party in a lawsuit that will be immediately filed against you and your company, for wrongful termination, denying employment without due process, and other crimes and violations of the Constitution, and I will win because what I am saying is backed up by the Internal Revenue Code, the Code of Federal Regulations, and the Social Security Administration and what you are proposing is unlawful, arbitrary, and not supported in law. However, all that unpleasantness can be avoided if you will show me the courtesy of a few minutes of your time to show you the law governing these matters. I have a copy of the applicable sections of the Internal Revenue Code and the Code of Federal Regulations as well as the official position of the Social Security Administration. We could wrap up this whole conversation in as little as five minutes.*

Personnel Chief: *Are you trying to tell me that the Internal Revenue Code supports what you are saying?*

New employee: *I am. Would you like to see it?*

Personnel Chief: *[Hesitating] Okay. I am willing to take a look at what you've got, but the first instance of any foolishness and this is over.*

New employee: *Fair enough. First of all, here is what Social Security says I can do when you request a Social Security number from me. This is a printout from the official Social Security Administration web site telling people what to do when a business or other enterprise asks for their Social Security number. Here is the question [points at the highlighted question], and here is the answer [points out the highlighted sections at the top of Page 2 of the printout—copy enclosed here].*

Personnel Chief: *That's all fine and dandy but we are forbidden to allow anyone work here that does not have a SSAN on file.*

New employee: *Is that company policy?*

Personnel Chief: *No. That's what the IRS requires us to do.*

New employee: *Allow me to show you the Internal Revenue Code and the implementing regulations of the Code of Federal Regulations that instruct the employer exactly what to do when the employer does not have a Social Security Account Number for the employee. This is section 2613 USC 6109(a)(3) of the Internal Revenue Code [shows a printout of the actual code—copy enclosed here]. Notice that the employer is only authorized to "request" a Social Security Account Number. No other action by the employer is authorized by the Code.*

This is section 26 CFR 301.6109-1(c) of the Code of Federal Regulations, which prescribes exactly how the employer is required to implement section 6109(a)(3) of the Internal Revenue Code. Irrespective of anything else that may apply in the case of the employee, this is the extent of what the employer is authorized to do. Please read it carefully [personnel chief reads]. Notice that the employer's only lawful recourse is to sign and submit an affidavit on the transmittal document forwarding returns, statements, and other

¹³ Title 26 of United States Code = Internal Revenue Code.

such documents to the IRS. There is no provision for the employer to take any other action, such as firing the employee or refusing to pay him. Since I do not wish to apply for Social Security benefits, and since the W-4 is the only official form on which the Social Security number can be submitted, there is no reason to fill out the form.

Personnel Chief: *This all looks very official, but I know for a fact that IRS would come down on us if we allow you to work here without a Social Security number.*

New employee: *You mean be penalized?*

Personnel Chief: *Yeah.*

New employee: *Do you know what the penalty is for an employer who fails to get a Social Security Account Number from a new employee?*

Personnel Chief: *Not exactly.*

New employee: *A fifty-dollar fine. But the fifty bucks only comes into play if you fail to report that you don't have a number for a particular employee. Here is the section of the Code that lays out the penalty and here is the Code that provides a waiver of that penalty for those employers that follow the Code and send in an affidavit [shows personnel chief a highlighted printout of sections 6723 and 6724(a)].*

Personnel Chief: *Hmmm. This is too incredible to believe. You've made your point, so I'm not going to fire you, but this has got to go above my head. I can't deal with this.*

New employee: *Your CPA should be able to verify everything.*

Personnel Chief: *Right. You're still an employee for the time being, but this will have to go through him or our attorney or both of them, as well as the boss.*

New employee: *No problem. Here are the printouts of the Code we looked at. You are welcome to keep them. Meanwhile, I'd like to get started.*

Personnel Chief: *You are still hired provisionally, but that is subject to a final ruling on the outcome of all this. You can work with Curtis Johnson until this is settled. He is in room 201 on the second floor. He's expecting you.*

New employee: *Thank you. I'll head on up there.*

2. Demeanor. Some cases will be much simpler and others much more difficult, if not seemingly impossible—but pertinent issues always remain the same. That is why it is relatively easy for anyone to be able to grasp the concepts and, using only the four Code sections cited above, become fluent in the subject. The most important thing is to maintain a cordial, genuine tone with those you speak with; getting someone mad at you can wreck all the understanding you have established in an instant.
3. Sequence of events. Once someone is hired, he/she cannot be casually fired for an unfounded reason without risking serious legal action. As shown just below, such agencies as the Equal Employment Opportunity Commission may even get interested in helping you. The fact that one is officially hired and called “employee” is hard evidence of the illegitimacy of any attempt to then introduce a new, arbitrary condition of employment after the fact of being hired. If providing a SSAN were truly a requirement for employment, no one could be hired until he/she divulged a SSAN and signed a W-4, an impossible state of affairs.

4. Extortion. What you are up against is true *organized crime*: the Legal Masters of the World have artfully convinced the employer that the employer is a slave and is obligated to coerce and extort its employees on behalf of an uninvolved third party (IRS) and overwhelm employees with “an offer they can’t refuse.”

G. Case Precedent. In a famous case involving a young man that did not want to obtain a SSAN—*based on religious convictions*—as a condition of employment at Taco Bell after being hired, the court ruled that the boy did not have to obtain a SSAN in order to retain his right to work. The boy, 16-year-old Bruce Hanson, won a \$10,000 judgment, but also agreed not to work at Taco Bell, thus preserving Big Brother’s secret. In the court’s dismissal of the defendant’s motion to dismiss of March 9, 1992, the court stated:

“However, the court is unaware of, and ISC does not cite any federal law that requires termination of an employee because he or she refused to obtain a Social Security number.”

Equal Employment Opportunity Commission v. Information Systems Consulting
Case No. CA3-92-0169-T
U.S. District Court, Northern District of Texas, Dallas Division.

There is no inherent difference between an aversion to apply for a benefit (i.e. obtain and provide a SSAN) based on religious convictions and one based on any other reason. This is why Social Security Administration informs people—even after the SSAN is acquired—that use of the number is always voluntary. If use of the number is always voluntary, then no employer can lawfully introduce a new condition of employment (to use/obtain a SSAN) after the fact of hiring someone and entering into an employment contract.

H. The ultimate argument. The Constitution says that, “*No State shall... pass any...Law impairing the Obligation of Contracts...*” (Article I, Section 10, Clause 6).

1. Unconstitutionality. After someone is hired, such as the boy in the Taco Bell case, contractually speaking, the employer is bound by the agreed-upon terms and conditions of the contract of employment with the new employee. If the Constitution has anything to do with this, *there can be no law* (i.e. no law can be introduced) that impairs the obligation of the contract of employment between employer and employee—but this is what occurs every time one is coerced into providing a SSAN in order to keep from being fired.
2. Non-existent law. The above reveals the pure unconstitutionality of one contracting party, the employer, seeking to coerce the other contracting party, the new employee, into applying for Social Security benefits by extorting a *second* contract with an unrelated, outside third party (IRS) by claiming existence of a law that mandates such act and making such act a requirement in order for the employer to honor the terms of the *original* contract. Constitutionally speaking, after entering into an employment contract with a new employee, no employer can claim the existence of *any law* that impairs the employer’s contractual obligations in the contract. The reason this is true is because *there is, in fact, no such law that allows it*. The disinformation inculcated into the collective consciousness of American employers (vigorously assisted by esquires¹⁴) cannot be supported by the factual existence of any such law.

¹⁴ Esquire: A man belonging to the higher order of English gentry, ranking immediately below a knight.... Applied to various officers in the service of a king... In the U.S. the title belongs officially to lawyers... Oxford English Dictionary (1979).

3. Supreme Court. This issue has never been asserted in a court of law, but its time has come and this is what must be claimed. Based on the truth and gravity of this issue, any such move will undoubtedly invoke maximum resistance—but the simple truth of this contention cannot be denied and a jury should be able to be convinced of it based on the evidence. The Supreme Court would blow IRS's cover by making a ruling on the unconstitutionality of such practice—blatant use of a non-existent “law” (IRC) that impairs the obligation of a contract—and that bridge will likely have to be crossed as this issue continues to arise with employers.
- I. The task at hand. This is not a fair fight, and it was never intended to be a fair fight. We have been under martial law since March 27, 1861 when representatives from the seven Southern States walked out of congress (leaving congress without a quorum to adjourn) and Lincoln took over as commander-in-chief of the military and issued the first Executive Order (command). Things have gone downhill since then. Our gold has been swindled and we have been converted into indentured servants and given a number to use in order to obtain “credit” and “benefits” and work our whole life on the new plantation to pay off an ever-increasing imaginary debt (the so-called “National Debt”).
- J. Ingredients for success. If you are to prevail against the odds and not be forced into “volunteering” for Social Security benefits against your will in order to keep from being fired by an employer, it may require a Herculean effort, including an explanation of what legal steps you will take if the employer does not follow the law and do the right thing. When you keep insisting that the employer follow the law and are unwavering in your resolve, many antagonists will eventually hear the truth in your urgings and capitulate and honor your wishes. Unfortunately, there will always be a small few that do not—but there is already a multitude of successes from people with much less ammunition to work with than is revealed here. In nearly every instance, their success stems from their unflagging certainty of the rightness of their position, combined with enough evidence to convince the employer of the legitimacy of what they were proposing.
- K. IRS “bait and switch”. The income-tax hook is baited with Social Security benefits; i.e. if you want eligibility for Social Security benefits you have to do business with IRS, who then converts the SSAN into a taxpayer identification number and compels the employer to waylay your paycheck however IRS sees fit. The IRS Form W-4 is the official vehicle for an employee to apply for Social Security benefits at his/her place of employment—and, per IRC, there is no other way for an employee to notify IRS. Therefore, both theoretically and practically speaking, if an employee does not want Social Security benefits on his earnings, there is no reason to notify IRS and provide a SSAN. That this decision also happens to short-circuit Big Brother's dreams of as much as 40% – 60% of an employee's paycheck is an unavoidable consequence. If an employee does not want Social Security benefits—*benefits that can only be obtained through voluntary enrollment and participation in the Social Security retirement program*—no law can compel the employee to volunteer a SSAN on an IRS form and seek such benefits.
- L. Following Through. Let us say things result in a meeting with an executive of the firm. The exec can be handled via Registered Mail-Affidavit of Mailing maybe more easily than he/she can with a personal meeting, but when the time comes you need to be fully prepared for anything and armed with the *original* of at least one letter from one of your congressmen, and a certified copy of said letter (using a “Copy Certification by Document Custodian” form¹⁵) for any company officer you may have to deal with.

¹⁵ See paragraph “C” on page 206 of [Cracking the Code Third Edition](#) for an explanation of the use of this form.

1. Write your congressmen¹⁶ now. Upon reading these words it is critical that you immediately draft and mail a letter for each of your senators and your U.S. representative that contains no more than two of the questions listed below.¹⁷ Each letter should be as brief as possible and have a simple, plausible, compelling theme encapsulated (ideally) in one sentence (not more than two) that is deserving of an answer. [Note: The terms “American citizen” and “America” may be interchanged with “United States citizen” and “United States,” respectively.]:

- ? *“Is a United States citizen required to obtain a Social Security number in order to live and work in the United States?”*
- ? *“Is an American citizen required to provide a Social Security number in order to live and work in America?”*
- ? *“If I already have a Social Security number, is there any law that requires that I participate in Social Security where I work?”*
- ? *“Is there any law that requires a United States citizen to provide a Social Security number to be eligible for a benefit he does not desire?”*
- ? *“Is there any law prohibiting a United States citizen from working in the United States if he does not desire Social Security benefits?”*
- ? *“Does an employer have the right to compel an employee to provide a Social Security number?”*
- ? *“Is there any law that allows an employer to compel an employee to provide a Social Security number in order to retain his job?”*
- ? *“Is there any law that allows an employer to refuse to pay an employee all of his earnings if the employee does not provide a Social Security number?”*
- ? *Is there any law that authorizes an employer to fire a new employee or withhold any of his pay if the new employee declines to provide a Social Security number and participate in Social Security?*
- ? *Is there any law that allows an employer to compel a new employee to provide a Social Security number and participate in Social Security if the new employee does not want Social Security benefits?*
- ? *Is there any law that requires a U.S. citizen to reveal his Social Security number in order to participate in the Social Security program where he works if he does not want to accumulate credit toward, and be eligible for, Social Security benefits on the money he earns there?*

2. Properties of your letters. The above questions are well thought out and are designed to elicit a meaningful answer by piercing any veneer that might be used to gloss over such inquiries. Therefore, it is recommended that you not introduce alterations. Notice that the subjects of “IRS” and “W-4” are never mentioned—*only Social Security-related issues*. Since Social Security is the advertised reason for filling out a W-4, the issue of Social Security is all that is addressed. The shorter and more coherent, courteous, and ingenuous¹⁸ the letter,¹⁹ the better the response you

¹⁶ Visit <http://www.civilrightsforum.org/cra/links.html> for the DC address of all senators and representatives.

¹⁷ It is best to send your congressmen a duplicate letter at both their Washington, D.C. and local address; i.e. a total of six letters: two for each senator and two for your representative.

¹⁸ Ingenuous: Candid, frank, or open in character and quality; free from disguise; innocent; artless.

will receive—and it is unwritten policy that all letters from constituents be answered (usually within 30 days). Antagonistic letters may be met with a polite, hollow reply or ignored altogether, so avoid such approach.

3. Official, overwhelming validation. Do not be surprised if the answer you receive contains the exact statement you are hoping for.²⁰ Response letters from congressmen can be sent in and posted on the UCCSG web site for all to see and benefit from. Letters can then be downloaded and printed out (on a color printer, ideally) by anyone, and a whole book of congressional responses can be compiled to use in convincing even the most stubborn of employers.

M. Handling things in writing. An employer (i.e. any of the employer's officers) can be handled with either/both of two types of written communication if necessary: affidavit²¹; and letter.

1. Affidavits. The purpose of any affidavit used herein is twofold:
 - (a) To establish a paper trail of evidence proving one's intent—i.e. that one does not wish to volunteer for eligibility for Social Security benefits from the earnings one collects from a particular employer; and
 - (b) To let the employer know that one cannot be muscled into "volunteering" to participate in Social Security and is capable of seeking legal remedies against the employer, foremost of which is *breach of contract*.
2. Letters. The purpose of any letter is to state demands based on official policy of SSA, applicable sections of IRC and CFR, and personal responses from congressmen. Such demand letters should also have a (color) photocopy of all documents cited within (SSA policy and IRC and CFR sections are attached herewith), as well as a certified (color) copy of any letter from a congressman (using a "Copy Certification by Document Custodian" form, as mentioned above).
3. Documenting your position. Even when a company officer is personally handed written communication by you, *if there is any doubt whatsoever concerning the eventual outcome of the employment situation*, cover yourself by sending the same written communication by Registered Mail, Restricted Delivery, Return Receipt Requested, Affidavit of Mailing, thus enabling you to prove that the company officer received it. Remember: No matter how easy this may turn out to be in the end, you must be prepared for the absolute worst in the beginning and every step of the way thereafter—and building a paper trail of evidence is the most prudent way to go about it. You are showing the employer that the actions taken by the employer against other reluctant SSAN holders for all these years is strictly on the employer's own determinism and is not authorized by law. There cannot be too many employers that are happy to discover this, but many who will be heartened to do the right thing and follow the law from here on out.

¹⁹ This is also the perfect opportunity to establish a new return address that does not link up your TRADE NAME and address with the TRADE NAME'S SSAN in an IRS database (because your employer will see the response letter you receive from your congressmen).

²⁰ For those fortunate enough to be in Representative Ron Paul's district in Texas, you should get a strong response. [Note: It is not unreasonable for any Texan to write Ron Paul and seek answers for these questions.]

²¹ See "Affidavit Properties" in the Document Archive section of www.uccsg.com for a treatment of the nature and of characteristics of an affidavit.

II. Current Employers and Voluntary Compliance with the Law.

- A. Currently employed. Although this can be a much more difficult situation to remedy than the one discussed in Part I (where the employer does not have a SSAN for a new employee), the fundamental issues are the same and anyone in this latter category that has not read pages 1 through 16 in entirety needs to do so before continuing with this Part.
- B. The nature of the beast. Nearly all people who are currently employed and want to withdraw from participation in the Social Security retirement benefits program are seeing between 30% and 50% of their paycheck disappear (some are losing more) as a direct result of their employer having their SSAN on a signed IRS Form W-4 Employee's Withholding Allowance Certificate. This apparently innocent little document is actually the cornerstone of the entire Federal Reserve System confidence game (initiated November 22, 1910 in Jeckyll Island, Georgia and memorialized December 23, 1913 in the Federal Reserve Act of 1913), because without ongoing, unfettered exploitation of unwitting "volunteers" via the W-4, the inherently fraudulent nature of the financial system is exposed. As revealed in Cracking the Code Third Edition, all money is literally *borrowed into existence*; i.e. no bank actually ever loans anything of value (is forbidden to do so by banking regulations) in a so-called "loan transaction." The so-called loan is funded by the alleged borrower's *promise-to-pay* (promissory note; credit application), which is treated as a *deposit* (just like any other deposit in a demand deposit account—e.g. checking, savings) and then converted into Federal Reserve Notes without the alleged borrower's knowledge or consent and returned as the "loan" (the foregoing procedure is verifiable with any CPA). Unless vast sums of Federal Reserve Notes (FRN's) are regularly extracted from circulation in the form of income and other types of taxes (various fines associated with use of FRN's that accrue for the benefit of the owners of the FRN's) the money supply goes out the roof and rampant inflation²² ensues. Such events do not take place in a substance-backed monetary system (such as the gold-backed system that this country enjoyed until as recently as 1913) and reflect on the intentions and activities of the custodians of the private money supply (Fed owners and operators) and can lead to serious demands for accountability from the constituency (such as recently seen in Argentina and other South American countries, all of which now embrace other lawful, alternative forms of money, money substitutes, and systems of barter). FRN's extracted from the paychecks of hundreds of millions of American employees constitute the bulk of the foundation of Big Brother's ability to continue to operate the Federal Reserve confidence game. Deciding to opt out of the Social Security Ponzi scheme and completely and lawfully remove all of one's earnings from the realm of taxation is not something that is looked upon kindly by Big Brother's legions (e.g. CPA's, attorneys of all kinds, judges, government officials, etc. whose economic existence is predicated on the survival of the system) and can generate massive resistance (because it signals the beginning of the end of Federal Reserve domination and control). When you undertake to handle a current employer and get the employer to honor your wishes to cease participating in Social Security, this is the monster that you seek to escape. Its propensity for blind hatred and lawlessness toward upstart slaves (you) is not to be underestimated.

²² *Inflation* is an economic condition wherein there is relatively more money available to buy products than there are products available for sale (seller's market; e.g. the Roaring 20's). *Deflation* is an economic condition wherein there is a relative abundance of products for sale, but not enough money available with which to purchase them (buyer's market; e.g. the Great Depression).

- C. The route out. You have “volunteered” to participate in the Social Security retirement benefits program by placing your TRADE NAME’S SSAN on a signed W-4, a sworn proclamation that you are taxpayer and liable for the income tax. Your saving grace (and route out) is the fact that this is an unconscionable bargain,²³ established not via just one, but *all five factors* that vitiate²⁴ a contract by nullification of the consent factor: duress; menace; fraud; undue influence; and mistake (attached herewith²⁵). Your task is to show your employer how each of these points is binding you detrimentally against your will and thereby obtain the employer’s agreement to honor the fact of the legal non-existence of the ink marks and data on the W-4.
- D. Documents. The following can be undertaken both verbally and in writing; the magnitude of the opposition one is faced with dictates which method is more appropriate, if not both.
1. Official endorsement. Immediately draft a letter for your senators and representative in congress as described in paragraphs “L.1” through “L.3” beginning on page 15 of this essay and obtain as many favorable responses as possible. There is nothing prohibiting you from also writing the Commissioner of Social Security, the general counsel of the Social Security Administration, and any other similarly involved official—because all are hamstrung²⁶ by the nature of the questions appearing on page 15 and cannot answer truthfully without helping your cause.
 - (a) Send in favorable responses from congressmen and government officials by scanning and emailing or by color photocopying and snail-mailing such letters for posting on the www.uccsg.com web site under “Congressional Responses” in the Document Archive section.
 - (b) Check under “Congressional Responses” in the Document Archive section at www.uccsg.com for letters from government officials confirming the voluntary nature of use of a Social Security Account Number and download and print a color copy for use in handling your employer.
 2. Affidavit. Immediately begin composing an affidavit that is in conformity with “Affidavit Properties” and “Sample Affidavit with Instructions” in the Document Archive section of www.uccsg.com. A sworn affidavit constitutes evidence (testimony), and *this affidavit must document*:
 - (a) Vitiating factors. The fact of duress, menace, fraud, undue influence, and mistake—each taken up individually in its own separately numbered paragraph(s) in intimate, moment-to-moment detail (unfolding like a motion picture in sequence, clarity, and vividness)—that is responsible for the W-4 and SSAN currently on file at IRS courtesy of the employer. Consult a dictionary for the exact meaning of each of the above five terms to ensure absolute accuracy in the affidavit. Include *all* events and *all* parties (e.g. media article/stories, school teachers, politicians, IRS personnel/literature, etc.) influencing your decision to provide a SSAN and sign the W-4. If you are unable to determine exactly how one of the five factors bears upon your situation, omit any discussion of such point in the affidavit.

²³ Unconscionable bargain: A contract which no man in his senses, not under delusion, would make, on the one hand, and which no fair and honest man would accept, on the other. Black’s Law Dictionary, First Edition (1891).

²⁴ Vitiate: To make legally ineffective.

²⁵ See also **contract** in Glossary.

²⁶ Hamstrung: Made ineffective or powerless.

- (b) Void W-4. The fact that the ink marks and signature appearing on the original, subject W-4 in question (and the toner marks on any photocopy of the original W-4 in the possession of the employer) are not your ink marks and signature per all applicable points listed in subparagraph “2(a)” immediately above, thus nullifying any alleged effectiveness of said document. The affidavit must positively state these facts.
 - (c) No authorization. Now that the W-4 contract is voided, any use/disclosure of the SSAN by the employer is not authorized and any and all unauthorized use/disclosure of the SSAN is expressly forbidden and so stated.
3. Demand letter. Although some employers/employer personnel can be successfully handled on the points discussed below using only dialogue, nothing is guaranteed and generally this is not known until after the fact. Therefore, to maximize chances of success, construct a demand letter in accordance with paragraph “M.2” on page 16 and also consider the following:
- (a) Heading. Generally not advisable to place any type of heading on a letter, but there may be circumstances where this is appropriate.
 - (b) Contents. The letter needs to cite applicable sections from attached (and certified/notarized, where possible/appropriate) documentation, and must make definitive demands based on:
 - (i) Statutory code re contracts (citing the five points that can vitiate a contract);
 - (ii) SSA policy from the official SSA web site (re the fact of “mistake”);
 - (iii) Applicable sections of IRC and CFR (granted, this may appear to be a moot point, and may be omitted if desired, but these issues can be used to show the employer what the employer needs to do from this point forward, and may cause the employer to reconsider the employer’s stance on the W-4 currently on file);
 - (iv) Favorable quotes in any letter from any government official;
 - (v) Article I, Section 10, Clause 6 of the Constitution of the United States (of America); and
 - (vi) Evidence contained in the affidavit described immediately above in paragraph “D.2.”
 - (c) Intention. Without provoking the employer unduly, your written communication should reflect a quiet resolve to pursue matters via legal means if necessary.
 - (d) Transmission. Different types of personnel present different obstacles: sometimes it is sufficient to hand over documentation in person (as in a meeting), and other times it is best to use Registered Mail. Analyze your options carefully and choose the most advantageous approach with each personnel. Generally, if there is any doubt whatsoever about the outcome of your situation, including a potential reversal of a positive current state of affairs, you must, in order to create a paper trail you can rely on to document your position and keep the employer on the employer’s best behavior, immediately send any and all concerned personnel

the same documentation by Registered Mail, Restricted Delivery, Return Receipt Requested, Affidavit of Mailing. You never want to shoot yourself in the foot by giving the impression of *overkill*, however, so any such mailing is best tempered with a simple cover letter citing the meeting and that this is merely your way of obtaining official confirmation of receipt of documents.

- D. Preparedness. Remember what is at stake and never underestimate what objections may need to be fielded and defused through documentary evidence in any meeting with any personnel. In short, you need to be fully prepared for the absolute worst from the very beginning.
- E. Demeanor. As stated in Part I, get someone mad at you and you can destroy all the positive gains you make. You do not want to come off as a milquetoast,²⁷ but you also do not want to use any more effort and insistence than is necessary to get the desired result. Always conduct yourself in a calm, courteous manner, no matter the provocation. The party that shows the most level-headedness usually prevails. You are holding all the Aces; the only way to blow things is if you do not know it.
- F. Legal action. The main wrong being committed by an employer in such a situation is violation of privacy via unauthorized use of the SSAN. The W-4 is invalidated by the affidavit (evidence) and lawfully cannot be superseded by anything less than a point-for-point counteraffidavit sworn true, correct, and complete. In the event the employer chooses to continue to conspire with IRS and use and disclose private information after notification of lawful negation of the alleged W-4 (the alleged W-4 is no longer signed and the SSAN no longer appears on the alleged W-4 once the affidavit is notarized and served on the employer and goes un rebutted), it is not unreasonable to consider legal action based on the correctness of your position as established in the documents referenced in paragraph “D.3.(b)” on page 19 of this essay.
- G. Criminal matters. Once any alleged authorization to use/disclose the SSAN is nullified by vitiating factors that are attested in a sworn affidavit, the employer has no legal basis to continue to use/disclose said SSAN, irrespective of any acts apparently compelled of the employer by IRC, and any such further unauthorized use/disclosure is willful. Title 42 United States Code, Chapter 7, Subchapter II, Section 408 is very clear on the penalties for illegal use/disclosure of a SSAN:

“(a) In general... Whoever... (8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.”

42 USC 408 Penalties

Also, should an employer illegally seek to compel a new employee to disclose a SSAN—*e.g. to compel the employee seek Social Security benefits against his/her will*—as a condition of employment, the above statute also appears to have applicability.

²⁷ Milquetoast: Any timid or excessively apologetic person.

**Category** ⓘ

Social Security Numbers and Cards

All Subcategories

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[Print Answer](#)[E-mail This To a Friend](#)**When do I have to provide my Social Security number?****Question**

Must I provide a Social Security number (SSN) to any business or government agency that asks?

Answer

The Social Security number (SSN) was originally devised to keep an accurate record of each individual's earnings, and to subsequently monitor benefits paid under the Social Security program. However, use of the SSN as a general identifier has grown to the point where it is the most commonly used and convenient identifier for all types of record-keeping systems in the United States.

Specific laws require a person to provide his/her SSN for certain purposes. While we cannot give you a comprehensive list of all situations where an SSN might be required or requested, an SSN is required/requested by:

- Internal Revenue Service for tax returns and federal loans
- Employers for wage and tax reporting purposes
- States for the school lunch program
- Banks for monetary transactions
- Veterans Administration as a hospital admission number
- Department of Labor for workers' compensation
- Department of Education for Student Loans
- States to administer any tax, general public assistance, motor vehicle or drivers license law within its jurisdiction
- States for child support enforcement
- States for commercial driver's licenses
- States for Food Stamps
- States for Medicaid
- States for Unemployment Compensation
- States for Temporary Assistance to Needy Families

· U.S. Treasury for U.S. Savings Bonds

The Privacy Act regulates the use of SSNs by government agencies. When a Federal, State, or local government agency asks an individual to disclose his or her Social Security number, the Privacy Act requires the agency to inform the person of the following: the statutory or other authority for requesting the information; whether disclosure is mandatory or voluntary; what uses will be made of the information; and the consequences, if any, of failure to provide the information.

If a business or other enterprise asks you for your SSN, you can refuse to give it. However, that may mean doing without the purchase or service for which your number was requested. For example, utility companies and other services ask for a Social Security number, but do not need it; they can do a credit check or identify the person in their records by alternative means. Giving your number is voluntary, even when you are asked for the number directly. If requested, you should ask why your number is needed, how your number will be used, what law requires you to give your number and what the consequences are if you refuse. The answers to these questions can help you decide if you want to give your Social Security number. The decision is yours.

For more detailed information, we recommend the publication at <http://www.ssa.gov/pubs/10002.html>

Notify Me by E-mail if this Answer is Updated

How well did this answer your question?

Very Helpful Somewhat Helpful Not Helpful

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⚡ [PART I - RECORDS, STATEMENTS, AND SPECIAL RETURNS](#)
[\(Notes\)](#)

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n [\(a\) Supplying of identifying numbers](#)

When required by regulations prescribed by the Secretary:

(1) Inclusion in returns

Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

(2) Furnishing number to other persons

Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person or whose identifying number is required to be shown on a return of another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

(3) Furnishing number of another person

Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.

THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED NOVEMBER 20, 2002

26 CFR - CHAPTER I - PART 301

[View Part](#)

§ 301.6109-1 Identifying numbers.

(c) *Requirement to furnish another's number.* Every person required under this title to make a return, statement, or other document must furnish such taxpayer identifying numbers of other U.S. persons and foreign persons that are described in paragraph (b)(2)(i), (ii), (iii), or (vi) of this section as required by the forms and the accompanying instructions. The taxpayer identifying number of any person furnishing a withholding certificate referred to in paragraph (b)(2)(vi) of this section shall also be furnished if it is actually known to the person making a return, statement, or other document described in this paragraph (c). If the person making the return, statement, or other document does not know the taxpayer identifying number of the other person, and such other person is one that is described in paragraph (b)(2)(i), (ii), (iii), or (vi) of this section, such person must request the other person's number. The request should state that the identifying number is required to be furnished under authority of law. When the person making the return, statement, or other document does not know the number of the other person, and has complied with the request provision of this paragraph (c), such person must sign an affidavit on the transmittal document forwarding such returns, statements, or other documents to the Internal Revenue Service, so stating. A person required to file a taxpayer identifying number shall correct any errors in such filing when such person's attention has been drawn to them.

? [U.S.C. TITLE 26 - INTERNAL REVENUE CODE](#)

o *Subtitle F - Procedure and Administration*

≈ [CHAPTER 68 - ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND](#)

≈ *Subchapter B - Assessable Penalties*


≈ *PART II - FAILURE TO COMPLY WITH CERTAIN INFORMATION REPORTING*



§ 6723. Failure to comply with other information reporting requirements

In the case of a failure by any person to comply with a specified information reporting requirement on or before the time prescribed therefor, such person shall pay a penalty of \$50 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$100,000.

[Laws: Cases and Codes : U.S. Code : Title 26 : Section 6724](#)

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U.S. Code as of: 01/02/01

Section 6724. Waiver; definitions and special rules

(a) Reasonable cause waiver

No penalty shall be imposed under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.

(b) Payment of penalty

Any penalty imposed by this part shall be paid on notice and demand by the Secretary and in the same manner as tax.

(c) Special rule for failure to meet magnetic media requirements

No penalty shall be imposed under section 6721 solely by reason of any failure to comply with the requirements of the regulations prescribed under section 6011(e)(2), except to the extent that such a failure occurs with respect to more than 250 information returns (more than 100 information returns in the case of a partnership having more than 100 partners).

(d) Definitions

For purposes of this part -

(1) Information return

The term "information return" means -

(A) any statement of the amount of payments to another person required by -

(i) section 6041(a) or (b) (relating to certain information at source),

(ii) section 6042(a)(1) (relating to payments of dividends),

(iii) section 6044(a)(1) (relating to payments of patronage

CALIFORNIA CODES
CIVIL CODE
SECTION 1565-1590

1565. The consent of the parties to a contract must be:

1. Free;
2. Mutual; and,
3. Communicated by each to the other.

1566. A consent which is not free is nevertheless not absolutely void, but may be rescinded by the parties, in the manner prescribed by the Chapter on Rescission.

1567. An apparent consent is not real or free when obtained through:

1. Duress;
2. Menace;
3. Fraud;
4. Undue influence; or,
5. Mistake.

1568. Consent is deemed to have been obtained through one of the causes mentioned in the last section only when it would not have been given had such cause not existed.

1569. Duress consists in:

1. Unlawful confinement of the person of the party, or of the husband or wife of such party, or of an ancestor, descendant, or adopted child of such party, husband, or wife;
2. Unlawful detention of the property of any such person; or,
3. Confinement of such person, lawful in form, but fraudulently obtained, or fraudulently made unjustly harrassing or oppressive.

1570. Menace consists in a threat:

1. Of such duress as is specified in Subdivisions 1 and 3 of the last section;
2. Of unlawful and violent injury to the person or property of any such person as is specified in the last section; or,
3. Of injury to the character of any such person.

1571. Fraud is either actual or constructive.

1572. Actual fraud, within the meaning of this Chapter, consists in