

Social Security Numbers are not required to live or work in the U.S.

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By Steven D. Miller

Here is information from government and IRS sources that prove Social Security Numbers are not required to live and work in the United States. Find out for yourself. Make your own conclusions. Make your own decisions and accept the consequences. I am not a lawyer. I don't give legal advice. Nothing here is legal advice.

There is a prerequisite to fully understand what you are about to read. First understand that government cannot impose a tax on those who are not liable for tax.* There are only three ways a Citizen can qualify for an income tax. Find out more in my essay "[From whom do the kings of the earth exact tribute?](#)".

*But gifts are always welcome.

PROOF THAT SSNs ARE NOT REQUIRED TO WORK:

1. Appellate court finding in the David Alan Carmichael case ([Link...](#)) and he was a Federal employee. Federal employee wages have been taxable since the Civil War, long before the Income Tax Amendment.

2. EEOC determination in the Bruce Hanson vs Information Systems Consulting case. [Link...](#)

How about you? Do you have equal protection under the law, equal to theirs? Are you protected by the restrictions on government that is equal to theirs?

SSA LETTERS STATE THAT SSNs ARE NOT REQUIRED TO LIVE OR WORK IN THE UNITED STATES

Ask them if it is still true, and you will get your own letters.

- "If you do not wish your employer to use your SSN, you should request your employer to enter the phrase "religious objector" in the space provided for a SSN when your employer reports your wages and taxes." (dated June 6, 1981, signed by the Commissioner himself — [Here](#))
- "you should request present and future employers to enter the phrase, "religious objector" in the space provided for a social security number when they report your wages and taxes. You may show this letter to your employer(s) to show that your request is valid." (Aug 23 1979) [Here](#)

- By 1986 this advice was changed to “Workers who do not wish to use their Social Security numbers for religious or other reasons should get in touch with the Internal Revenue Service office in their area to explain their position and receive advice on how to proceed. 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.” — letter from the SSA Commissioner [Here](#)
- “To our knowledge, there is no law which states employment can be denied if the employee does not have a Social Security number.” (dated Sep 23 1988) ([Here](#))
- “There is no Social Security law requiring a U.S. citizen to have an SSN to live or work in the United States.” (dated Jul 19, 1993) [Here](#)
- “We are not aware of any Federal law or regulation that requires an employer to obtain a Social Security number before hiring an employee or for employment purposes.” (dated April 23, 1997 SSA letter in response to an inquiry to a U.S. Attorney — [Here](#))
- “Yes, there is no law requiring an individual to have a Social Security number to work.” (Jan 09, 2001) [Here](#)
- “A person with no social security number would have no taxable income (see paragraph above)” — SSA letter ([Here](#))
- “There is no Social Security law requiring a person to have an SSN to live or work in the United States. — SSA letter to Congressman ([Here..](#))
- “The Social Security Act does not require a person to have a Social Security Number (SSN) to live and work in the United States, nor does it require an SSN simply for the purpose of having one. ... The Privacy Act regulates the use of SSNs by government agencies. They may require an SSN only if a law or regulation either orders or authorizes them to do so. ... If the request has no legal basis, the person may refuse to provide the number and still receive the agency’s services.” — SSA letter ([Here](#))
- “The Social Security Act does not require a person to have a Social Security number to live and work in the United States. ... [the Supreme Court] upheld the constitutionality of the provision of the law requiring employers to withhold Social Security taxes from employees’ wages and to pay taxes to the Internal Revenue Service. The provision is constitutional even when such withholding or payment conflicts with employer’s or employee’s religious or other beliefs.” — SSA letter [Here](#). The Supreme Court case quoted in the letter was about an Amish man who had a Social Security Number, even though most Amish will never get a number. See my footnote below.
- And another one [here](#).

Privacy Act Limitations

Subsection 201(h). Provides that no person may condition the granting or withholding of any right, privilege, or benefit, or make as a condition of employment the securing by any individual of any information which may be obtained through the exercise of any right secured under the provisions of section 201. It reflects the committee's intention to protect the data subject from coercion by Government agencies or private businesses and organizations who may condition rights, privileges, benefits or considerations otherwise due the person equally with all other citizens upon the obtaining of a personal file or data.

Legislative History of the Privacy Act, Public Law 93-579, tells us the intent of Congress. It warns that private businesses cannot make as a condition of employment the securing of private data. The law itself does not mention private businesses. It says that it is illegal for a "government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security number"—with two exceptions — disclosure required by Federal Statute or disclosure to an agency system of records that pre-existed the Privacy Act. The government agency cannot delegate to a private business the authority to obtain SSNs for the agency if that agency authority does not already exist.

Notice that many of the government responses in the letters that are linked in the previous paragraph are in error. The responses seem to imply that employer's requests for SSNs are mandatory. The Privacy Act requires the use of words "*mandatory*" or "*voluntary*". But the Privacy Act Statements on W-4s and I-9s never use the required word *Mandatory*.

The section anticipates that Federal requests or requirements for personal information henceforth shall be accompanied by written or oral notices presented in obvious or highly visible manner, which use the specific terms "*mandatory*" or "*voluntary*" in describing the nature of the individual's desired response, and providing the other requisite information concerning the authority of the agency to conduct the survey, initiate the inquiry, or, in the case of administrative programs, to ask particular questions of the applicant. The Committee believes that an agency should be able to communicate to the individual, without intimidation, whether he is required to comply with a request for information and what the likely consequences are of his refusal. To further clarify the consequences of these options, the notices should also include an explanation of the limits on the agency's ability to keep information confidential; for example, under compulsory legal process.

Legislative History of the Privacy Act excerpt from page 6963 requires the specific word "*mandatory*". Agencies often use the word *required* to evade the law.

"GIVING YOUR NUMBER IS VOLUNTARY" except when mandatory.

SSA brochure 05-10002 Your Number and Card ([link...](#)) warns that "Giving your number is voluntary even when you are asked for the number directly." and gives advice on what to ask when requested for a number.

You should be very careful about sharing your number and card to protect against misuse of your number. 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 happens if you refuse; and
- What law requires you to give your number.

The answers to these questions can help you decide if you want to give your Social Security number. The decision is yours.

Social Security Administration brochure 05-10002 tells you to ask what law requires you to give a number.

Hand your new employer an SSA brochure 05-10002. Tell your new employer that you are relying in good faith on Social Security Administration advice. After all, SS cards are property of the government, and you are responsible for using it only for its legal purposes.

Employers are deceived into believing that their forms W-4 and I-9 trump the SSA advice.

THE W-4 FORM

It is a crime to obtain a signature by deception. The IRS tricks the employers to commit crimes for them. The employer will insist that you must fill out a W-4 form.

According to the IRS documents, the W-4 Withholding Exemption form is NOT for Income Tax (tax class 2), it is for Gift and Estate Tax (tax class 5). [source...](#)

The W-4 form contains a purported Privacy Act Statement. But it doesn't meet the minimum requirement of the Privacy Act to use the word *mandatory*. The law requires them to use the word *mandatory*. The Legislative History of the Privacy Act Public Law 93-579, at page 6963, ([source...](#)), explains the intent of Congress in imposing this requirement on federal forms: *"Federal requests for personal information shall be accompanied by written or oral notices presented in obvious or highly visible manner, which use the specific terms "mandatory" or "voluntary" in describing the nature of the individual's desired response.... The Committee believes that an agency should be able to communicate to the individual, without intimidation, whether he is required to comply with a request for information..."*

Yet they continue to act in bad faith. They vehemently refuse to *"communicate to the individual, without intimidation, whether he is required to comply with a request for information..."*

Internal Revenue Code, section 6109(a)(3) requires employers to REQUEST the “identifying number as may be prescribed for securing proper identification of such other person.” It does not require them to obtain a number. And the law that requires government to process this request if found at Title 42 US Code section 301.6109.

The REQUESTed number must be the SSN required by the Internal Revenue Code section 6109(d), (I’ve added the emphasis):

The SOCIAL SECURITY ACCOUNT NUMBER ISSUED to an individual for purposes of section 205(c)(2)(A) of the Social Security Act shall, except as otherwise be specified under regulations of the Secretary, be used as the identifying number for such individual for purposes of this title.”

Search as much as you want, but you won’t find an issued account number (because all SSNs are assigned, not issued). Yet, this is what your tax law wants. Every April 15th, many people swear a perjury oath to their federal god that they have an issued number that does not exist.

Also see my essay explaining that Social Security Cards are for welfare applicants (and to aliens after 1972), not for employment. Here...

THE I-9 FORM.

The employer will also insist that you must fill out an I-9 form that is required by the Migrant Agricultural Workers Protection Act, yet the Homeland Security Employer’s Bulletin No. 102 said that the SSN is not mandatory (except for E-Verify).

SECTION 1: EMPLOYEE INFORMATION AND VERIFICATION

Responsibility of the Employer

Employers must ensure that Section 1 is completed by the employee upon **date of hire** (i.e. 1st day of paid work). The signature and attestation under penalty of perjury portions of Section 1 are very important, and employers should take special care to ensure that employees complete these in full. Although employers are held responsible for deficiencies of information in Section 1 (i.e. where required information is not provided by the employee), they may not require employees to produce documents to verify Section 1 information.

NOTE: An employee’s signature and attestation of status under penalty of perjury are particularly important. If a given employee refuses to provide his/her signature or attestation, there is no reason for the employer to proceed to complete Section 2, and the employer should not continue to employ the individual.

NOTE: An employee is not required to include his or her social security number in Section 1 of the Form I-9, nor can the employee be required to do so by the employer. This information block is optional. However, there is one exception: when the employee is hired by an employer participating in the voluntary automated employment eligibility confirmation pilot program. Therefore, an employer cannot require an employee to include his or her social security number **unless** the employer is participating in the voluntary automated employment eligibility confirmation pilot program.⁶

The failure of an employee to include a social security number in section 1 of the Form I-9 does not subject an employer to civil money penalties. Such an omission is neither a substantive, technical, or procedural failure to comply with the Form I-9 requirements.⁷

⁶ While the Department of Homeland Security has the authority pursuant to section 264(f) of the Immigration and Nationality Act, 8 USC 1304(f), to require aliens to provide their social security account number on any alien record that it maintains, its authority does not extend to the Form I-9, except for individuals hired by employers participating in the voluntary automated employment eligibility confirmation pilot programs. See IIRIRA § 403(a)(1)(A).

⁷ See 63 Fed. Reg. 16909 (April 7, 1998) (implementing the good faith provision of section 411 of IIRIRA).

Homeland Security Employer's Bulletin No. 102

Their footnotes refer to the IIRIRA. Here is a link to the [IIRIRA](#) so you can find out that employer participation in E-Verify is voluntary and cannot be made mandatory. If they want to comply with such things a due process, good faith and a feeble (non) attempt at Privacy Act compliance then they can always revert to the I-9 form. And even the I-9 form presumes that you have a number.

Illegal Immigration Reform and Immigrant Responsibility Act [IIRIRA](#) § 403(a)(1)(A), quoted below, and § 411 and Federal Register [63 Fed. Reg. 16909](#).

The IIRIRA good faith exception provides that employers cannot be fined if they made a good faith attempt to comply with the verification requirements. They might react harshly against your proof that they only act in bad faith.

Neither I-9 nor E-Verify will provide you with a Privacy Act Statement that complies with the Privacy Act, Public Law 93-579. A valid Privacy Act Statement uses the word *Mandatory*. Discussed later.

In the [uscis.gov](#) document [M- 274](#) we also find that SSNs are voluntary on the I-9 form.

NOTE: Providing a Social Security number on Form I-9 is voluntary for all employees unless you are an employer participating in the USCIS E-Verify program. Providing an e-mail address or telephone number is voluntary.

You may not ask an employee to provide you a specific document with his or her Social Security number on it. To do so may constitute unlawful discrimination. For more information on E-Verify, see Part Six. For more information on unlawful discrimination, see Part Four.

I-9 Instructions document (M-274) tells you that providing a SSN is voluntary.

Also see <http://www.uscis.gov/i-9-central/about-form-i-9/e-verify-and-form-i-9>

Employers (not employees) have a duty to complete the form I-9. (Employment policy, second page). But Employers were instructed in [Bulletin 102](#), "If a given employee refuses to provide his/her signature or attestation, there is no reason for the employer to proceed to complete Section 2, and the employer should not continue to employ the individual." As if a number were required, or falsifying a federal document were required. For more information on refusing to sign a perjury oath signature, see my book on [Oaths](#).

Do you have a right to contract? If their word *should* was mandatory, then this instruction conflicts with their own multiple warnings that if the employer knows you are eligible, they cannot discriminate. It is also contrary to the Supreme Court's definition of liberty. And the Constitution says that no state can impair the obligation of contracts. And the Privacy Act, discussed below, was intended to prevent government employers and private businesses from coercing certain data as a condition of employment.

It is a crime to obtain a signature by deception.

Should you allow them to discriminate because you refused to falsify a federal document, or should you raise religious objections? Do you want to phrase your objections as moral objections or legal objections? Do you want to settle your dispute in small claims court every paycheck?

The I-9 form requests your data to comply with The Migrant and Seasonal Agricultural Workers Protection Act (Title 8 Code of Federal Regulations 274a.2 and 29 U.S. Code section 1802). The I-9 form Social Security Number section is voluntary even though the form's instructions tell you to provide it. (according to Department of Homeland Security Employer's Bulletin 102, which is no longer posted on their website).

Do you already have proof that they are acting in bad-faith for such things as [depending on your situation]: Refusal to provide legitimate Privacy Act statement, refusal to show "clear and unequivocal language" of a tax statute, making an SSN a condition of employment, discrimination against religion, refusal to reasonably accommodate religious beliefs, demanding worship, extortion, attempted genocide, mail fraud, etc.

E-verify does not require you to get an SSN if you don't have one. But it does force you to conform to their perverted definition of citizenship. Why should citizenship be important? The U.S. Supreme Court in *Elk v. Wilkins* determined that native American Mr. Elk was not allowed to pay tax because he was not a 14th Amendment citizen. And the IRS can only use the 14th Amendment definition of citizenship. If you need to challenge your citizenship you might consider making a record of citizenship through an Administrative Hearing 5 USC 556?

(c) Who is a citizen. Every person born or naturalized in the United States and subject to its jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1401-1459). For

Who is a citizen? The IRS regulations use the same definition of the 14th Amendment.

The Immigration law IIRIRA section 403(a)(1) says:

(1) PROVISION OF ADDITIONAL INFORMATION.—The person or entity shall obtain from the individual (and the individual shall provide) and shall record on the I–9 or similar form— (A) the individual’s social security account number, if the individual has been issued such a number, and (B) if the individual does not attest to United States citizenship under section 274A(b)(2), such identification or authorization number established by the Immigration and Naturalization Service for the alien as the Attorney General shall specify,

They can say that because the word *shall* can mean *may*. More information is in my book on IDs in Appendix B.

The I-9 authority comes from Title 8 U.S. Code 1324a, according to its so-called Privacy Act Statement. Yet 8 USC 1324a says it is enforcing the “Migrant and Seasonal Agricultural Worker Protection Act.” It is irrelevant that you do not seek protection under this act. Will you falsify federal forms just because someone wants you to? The implementing regulations in 8 CFR 274a.2(a) say the I-9 form is for Migrant and Seasonal Agricultural Workers under Title 29 USC 1802. Does it apply to others? And furthermore, 8 CFR 274a2(b)(4) Limitations Of Use of Form I-9 states that the form is limited ONLY for enforcement of the Act.

Also read: Form I-9 rebuttal <http://www.originalintent.org/edu/i-9.php>

PRIVACY ACT ISSUES

Privacy Act section 7:

It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual’s refusal to disclose his social security account number.”

Except for disclosures required by law.

Legislative History of the Privacy Act page 6981 proves that private businesses are also subject to the Acts provisions: Source...

... no person may condition the granting or withholding of any right, privilege, or benefit, or make as a condition of employment the securing by any individual of any information which may be obtained through the exercise of any right secured under the provisions... It reflects the committee’s intention to protect the data subject from coercion by Government agencies or private businesses and organizations who may condition rights, privileges, benefits or considerations otherwise due the person equally with all other citizens upon the obtaining of a personal file or data.”

The intent of the legislature’s words in the Privacy Act is “... to protect the data subject from coercion by Government agencies or private businesses and organizations who may condition, rights, privileges, benefits or considerations otherwise due the person equally with

all other citizens upon the obtaining of a personal file or data.”

For more information see my book on [Identification Credentials](#).

FOOTNOTE:

The author of the letter stated incorrectly that the Supreme Court found Social Security to be Constitutional. It did not.

In my book Social Security: Mark of the Beast, you will read:

In 1937 the Social Security Act was declared unconstitutional because, according to the federal appellate court, it was using public funds for private purposes, as a “trust fund” and as “insurance” – Davis v. Boston, 89 F.2d. 368. The court declared that as an excise tax, which it claimed to be, it could not be imposed on wages since an excise tax may be placed only on articles of consumption. (This case reversed a lower court’s ruling in 17 F.Supp. 97, which decided that it was valid as an excise tax). A month later, the Supreme Court, in both Helvering v. Davis, 301 U.S. 619 and in Steward Machine Co. v. Davis, 301 U.S. 548, both cases decided on the same day, reversed the appellate court on a technicality. Although they did not explain why the appellate court was wrong, they reversed the appellate court.

The Supreme Court found that the appellate court was wrong to claim that there is a trust fund or insurance. THERE IS NO TRUST FUND AND IT IS NOT INSURANCE. The Supreme Court refused to face the question of whether Social Security was an excise tax. They declared: “We find it unnecessary to make a choice between the arguments, and so leave the question open.”

That’s right! There is no official determination that Social Security is constitutional.

Also consider that the Hearings before the House of Representatives Committee of Ways and Means Subcommittee entitled “Legal Status of OASI Benefits”, November 27, 1953 also confirmed that Social Security was not insurance.

By the way, there are some minor trust funds for federal worker’s compensation, black lung disease, vaccine injury and a few others (these are in the Internal Revenue Code in sections 9501 to 9510, not in the Social Security Act). Nowhere is there a trust fund for old age benefits. Nowhere does the Social Security Act have provisions for a trust fund. You can search it all you want, but you won’t find it. THE SOCIAL SECURITY ACT HAS NO PROVISIONS FOR A TRUST FUND.

As further proof that there is no trust fund or insurance: In 1960 the Supreme Court in Flemming v. Nestor determined that Social Security remains constitutional because there has never been a promise to pay benefits. Again I repeat: SOCIAL SECURITY REMAINS CONSTITUTIONAL BECAUSE THERE IS NO TRUST FUND AND IT IS NOT INSURANCE AND THERE IS NO PROMISE TO PAY BENEFITS.

Allowing your family to partake of Social Security is a sin (1st Timothy 5:8, Mark 7:9-13). The phrase “worse than an infidel” may seem harsh, but it is in your Bible. “

OTHER SOURCES FOR INFORMATION:

Arthur Thomas’s employment with Taco Bell never went to court. [Source...](#)

Leahy v. District of Columbia, 833 F.2d 1046 driver license without SSN, ruling by Judge Ruth Bader Ginsburg.

Claire Wolfe's article on SSNs

Aaron Bolinger's videos showing the relationship between Social Security Numbers and the prophesied Mark of the Beast.

Republic Magazine Issue #6 has an SSN article on page 24

An SSN rescission document package is available from
<http://www.scribd.com/doc/25162606/Privacy-Act-and-Social-Security-Number-Limitations-5th-Ed>

Amish do not use Social Security Numbers. To them, taking benefits is proof that you do not trust God (Mark 11:24, Philippians 4:19, etc). Why is it that the Americans who still believe in the motto of the United States — In God We Trust — are the Americans who will never use the health care law? Why should they pay to support your greed addiction? Corban (Roman system of forced welfare contributions) nullifies the word of God. Mark 7:11-13.

For your duty to pay your tale of bricks to Pharaoh see my book The Citizen Cannot Complain.

Is failure to file a tax return a crime?

In the Supreme Court case U.S. v. Sandra L. Craft, during the oral arguments before the Supreme Court, Justice Rhenquist said that there is no statute that makes it a crime by itself. QUOTE: "I'm not familiar with a statute that makes that a crime by itself" ... "but the fact that you didn't file...frankly...it's my impression that that would not by itself be a crime".

http://supreme.lp.findlaw.com/supreme_court/docket/2001/january.html#00-1831

http://www.supremecourtus.gov/oral_arguments/argument_transcripts/00-1831.pdf Read all of page 5 & 6, lines 9 thru 24 of the oral argument transcript:

If you want to read the published case decision here is a link:

<http://supct.law.cornell.edu/supct/html/00-1831.ZS.html>

YOU MAY ALSO BE INTERESTED IN

The eBook Resisting the W-4 and I-9.

The eBook Identification Credentials: Mandatory or Voluntary?

My video on Socialism in America.* It started out as a presentation to prove that government does not think SSNs are required, but then I had to explain why socialism and welfare were never in our culture.



Watch Video At: <https://youtu.be/XVbhak7dzVE>

* With thanks to Jeremiah Bell for his technical help in producing the video. Visit his YouTube channel Eccentricity Probe.

And [here](#) is my SSN-Not-Required PowerPoint file if you want to develop your own presentation.

Here is another YouTube video about SSNs.

JUDGE EXPOSES BANKS! SOCIAL SECURITY NUMBERS ARE NOT NEEDED TO OPEN ACCOUNTS! Link: <https://www.youtube.com/watch?v=LEYeljmoeY8>

And if you are involved in a court case, don't miss the government's point of view. [Disclosure of Social Security Numbers \(justice.gov\)](#). Prepare to overcome their objections.