

No Answers, **NO Taxes.**

We The People
V.
The U.S. Government

The Lawsuit to Restore Constitutional Order

On November 8, 2002, all 535 Congressmen and the President were formally served four Petitions for Redress of Grievances charging our government with extensive violations of the U.S. Constitution and abuse of the People's unalienable rights.

The Government has repeatedly refused to answer these well documented, specific charges.

Among our assertions is that this nation has gone to War without a formal Congressional declaration, that the Government lacks any legal jurisdiction to impose a direct income tax upon the People and that the IRS uses fraud and unlawful force in order to extort income taxes that are not owed under US law.

In addition, we endure the "USA Patriot Act" that openly degrades the unalienable Rights of the People, an unconstitutional, privately owned central bank (i.e., the "Fed") and a currency backed by nothing but limitless debt. Our Republic is faltering — **and this is WHY.**

THE SOLUTION: Thousands of Americans are joining together to bring a history altering, professionally litigated class action lawsuit to force the U.S. Government to abide by the Constitution and to answer the People as they are required by the 1st Amendment Right to Petition.

America's future awaits *your* decision. **Nothing less than our Republic and our Freedom are at stake.**



This is Your Invitation to Join the History Making Class Action Lawsuit

**Learn The Details.
Join the Lawsuit.
Stand With America &
Defend Our Freedom.
Make a Donation.
Spread The Word.**

The Constitution is all that stands between the People and total government tyranny and loss of our liberty. It is a set of principles and a legal construct designed to restrain our limited, servant government and guarantee the protection of the People's unalienable rights for all time.

**The Constitution does not defend itself.
We, the American People, MUST DEFEND IT.**

Here's what our Founding Fathers had to say about a government that refuses to answer Petitions for Redress:

"If money is wanted by Rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility."

-- "Continental Congress To The Inhabitants Of The Province Of Quebec." *Journal of the Continental Congress. 1774-1789. Journals 1: 105-13.*

**We The People Foundation For
Constitutional Education, Inc.**
2458 Ridge Road, Queensbury, NY 12804

www.GiveMeLiberty.org

Welcome.

This packet is your personal invitation to be part of what may eventually be known as the lawsuit that altered the course of this nation's history, saved our Republic and restored our nation to Constitutional order. Thank you for your interest in this epic struggle for everything that is Right -- and is America.

For decades our Constitution has been under quiet attack by forces determined to undermine the essential, Fundamental principles of Liberty as espoused in our Founding Documents. Untold numbers of Americans have already given their lives in defense of our Constitution and to secure the Freedoms that, unfortunately, are today quickly slipping from our lives and our Republic.

Considering what is at stake, we ask only that you spend a few minutes reviewing the attached materials.

Enclosed is everything you need to learn about this initiative and become a member of the plaintiff class. *Be sure to read about the injunctions that we are seeking from the court against both IRS and DOJ to protect all plaintiffs from tax enforcement actions and any possible retaliation for exercising our Rights.*

Your fellow Americans await your decision.

If you have no further interest in this information or in supporting this historical legal initiative, please return this package to the person that gave it to you ASAP so that it can be quickly shared with another American.

For extensive information, please see our website at **www.GiveMeLiberty.org**.

If you choose to commit and stand with us, please make several copies of this package and pass them along to your friends, coworkers and family.
It is very important to spread word of this lawsuit across our nation.

These materials are also available on our website in .pdf format for downloading and e-mailing.

Table of Contents

<u>Content</u>	<u>Pages</u>
Welcome & Table of Contents	1-2
Letter from Bob Schulz	3-4
Overview of the Right, News Insert	5-12
Flyer: "No Answers, No Taxes"	13-14
JOIN THE LAWSUIT & Donate, Forms & Instructions	15-18
Class Definition & Preliminary Statement of the Case	19-21
Apply to the WTP-LDA (<i>Legal Defense Association</i>)	22-30
Join the national WTP Congress	31-32
Statements of Fact & Belief, re: the Income Tax Petition	33-58

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To: POTENTIAL PLAINTIFFS

From: Bob Schulz, Chairman

Date: July 23, 2003

Subject: Class Action Lawsuit Against the U.S Government

On November 1, 2002, our Foundation ran a full-page ad run in the nationwide edition of USA Today. We rhetorically asked millions of Americans one simple question:

What would life in America be like **without a Constitution**?

The ad continued in response:

- A war without a formal declaration
- A “Patriot Act” that destroys our Rights
- An Income Tax imposed with NO legal authority
- A currency based upon limitless debt
- A privately owned central bank, and
- ***A Government that refuses to answer***

Today our nation finds itself mired in international conflict, economic turmoil, social decay and wallowing in a spiritual vacuum. Our political system has been corrupted beyond repair and “Government,” for many, has become synonymous with “fear”.

Our families are distressed and increasingly dysfunctional because of confiscatory levels of taxation and the side-effects these taxes breed. The Federal Government grows each day yet very problems that government attempts to solve endlessly defy solution.

Much of what ails this nation today, and poses grave threats to her future – and particularly -- the future of Freedom itself, can be traced directly to our servant Government’s gross abuse of the explicit and limited legal powers that have been delegated to it by the People, through our federal Constitution.

In short, our servant government has “taken over house.” It refuses to answer our Petitions or justify those actions that clearly lack constitutional authority.

Our flags, songs and tall monuments are merely symbols of a single, underlying spiritual principle that sets this nation apart from EVERY other nation on Earth:

That we have been endowed *by our Creator with certain unalienable Rights*. Among these Rights is the sovereign power to create, alter and abolish as necessary, institutions of servant government to insure the protection of the Rights of the People.

Unfortunately, we now face, as did our Founding Fathers, a government that has denied and infringed upon the Rights of the People and has abused its limited authority.

Anticipating such behavior by government, our Founders explicitly enumerated the Right to Petition government for redress of grievances within the Bill of Rights. As we now know from our research and the historical record, this Right is THE cornerstone Right that facilitates the exercise of “Popular Sovereignty.” It insures that the People have a *peaceful* means to secure and exercise their rightful role as master of government.

Despite deliberate and systemic efforts to suppress and purge knowledge and use of this Right from high school civics classes, law school textbooks, judicial proceedings and the halls of Congress, this Right – with your help – **is about to be reborn.**

The Right to Petition is what this lawsuit is all about. We are about to travel into un-chartered legal territory and ask the courts to judicially declare the very premise upon which this nation was founded:

- We are about to find out, as our Founding Documents plainly state, that We The People are the true Sovereigns of our Republic.
- We are about to discover if we truly are a nation OF, BY and FOR the People.
- We are about to learn if we still have a government limited by a written Constitution, ***or not.***

Please take the time to review the enclosed materials that document our four year Petition process and the U.S. Government’s resolute refusal to respond to our repeated Petitions and the well substantiated, direct violations of our Constitution.

Please **consider joining our lawsuit as a member of the Plaintiff class** and also consider making a **tax deductible donation** to help us prevail in this historical confrontation that will determine the future of Freedom.

There are moments that can alter the course of the future forever. This is one of them. Let us dare to reclaim and experience our Rights as our Creator intended. Nothing less than our form of government, our freedom and all that is America is at stake.

Sincerely,

Bob Schulz, Chairman

Congress, President Served Petitions With Protest

Government Shows Ultimate Disrespect to “We The People”: They Ignore Us

An INTRODUCTION to this REPORT

American Free Press is proud to be offering a special insert in this week's issue documenting the courageous efforts of the government reform group, We The People Congress. Few organizations in America today have been able to mobilize citizen activists at a grass roots level like We The People to lobby top federal officials, forcing Washington to sit up and take notice. As the group notes on its web site:

“Every citizen of this nation has the opportunity to submit a formal and personal demand to the government, per their explicit right under the First Amendment to the Constitution, demanding official responses to the charges of We The People concerning significant violations of our fundamental rights and liberties by the government.”

In addition to detailing the educational outreach programs, the conferences and political activities undertaken by We The People since its founding in 1999, also included in this special supplement are Petitions for Redress, which

address the needless war with Iraq, the war on terrorism, the Federal Reserve system and the federal income tax.

As readers will see, these appeals were signed by thousands of Americans just like you and hand-delivered to top officials in Washington. We The People has chosen to include these petitions not only to make a public record of its efforts, but also to make an appeal for citizens to sign on and hand deliver or mail copies to Congress and the president.

Please don't neglect to pass this information on to family, friends, associates and other interested parties so everyone around the nation can have the opportunity to voice their concerns about government overstepping its constitutional mandate and operating in sharp contrast to the way in which it was originally designed by our Founding Fathers.

Interested readers who would like to get involved with We The People, can visit the group's web site, located at GiveMeLiberty.org, or write: We The People, 2458 Ridge Rd., Queensbury, N.Y. 12804.



PHOTOS COURTESY OF ART NORRIS

We the People Proclaim: ‘No Answers . . . No Taxes’

By Don Harkins

WASHINGTON, D.C.—On Nov. 14, 2002, near the steps of this nation's Capitol, an estimated 600 members of the We The People Congress assembled on the National Mall between Jefferson and Madison streets.

Freedom Drive participants had gathered to await the government's responses to four lawfully submitted Petitions for Redress of grievances (see pages B-3–B-6). The petitions are regarding the federal income tax fraud, the Federal Reserve, the USA Patriot Act and the Iraq War resolution.

The petitions assert many well-documented, significant violations of the Constitution and the people's constitutionally protected rights. The petitions were signed by thousands of Americans and formally served on every member of Congress and the president Nov. 8, 2002.

The half-day event included live entertainment and speeches by constitutional law professors including ACLU President Nadine Strossen and several former IRS agents in support of the Constitution and the right to petition for redress.

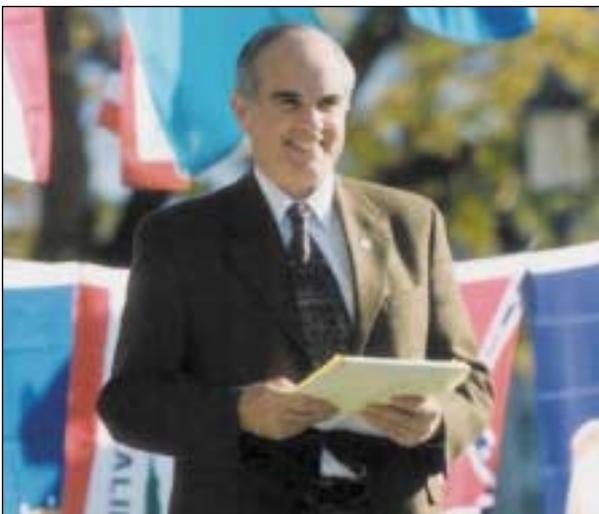
When the 2:30 p.m. deadline marking the “Moment of Truth” came and went without an appearance from a representative of the U.S. government, We the People Chairman Bob Schulz delivered a historic speech proclaiming the forceful message, “No Answers, No Taxes” and announced We The People's firm resolve to enforce the Constitution of this nation.

Shortly thereafter, most of those in attendance donned navy blue, police-style windbreakers emblazoned in gold with, “Tyranny Response Team” and marched *en masse* to the Capitol and to the steps of the Supreme Court chanting loudly, “No Answers, No Taxes!” and, “Obey the Constitution!”

The rally in D.C. was the culmination of Freedom Drive 2002, which began in San Francisco, Nov. 8. People from nearly every state in the nation joined the week-long convoy of “Freedom Drivers” who made their way east across Interstate 70. Major overnight rallies were held along the way in Salt Lake City, Denver, Kansas City, Indianapolis and Frederick, Maryland.

The D.C. rally marked the latest step in We The People's four-year long quest of petitioning the federal government to answer hundreds of specific, well-documented legal allegations of gross violations of law that have arisen from the enforcement and administration of U.S. income tax laws.

“We have employed every remedy available to us in an attempt to compel the government to publicly address our legitimate grievances with regard to the income tax and other sig-



We the People Congress Chairman Bob Schulz interprets the silence from Capitol Hill as an opportunity for the people of this nation to put aside their political differences and unite under the Constitution to reclaim their birthright as free Americans.

nificant violations of the public trust and our constitutionally protected rights,” said Schulz. “When our servant government failed to redress our grievances on Nov. 14, we determined that there remains only one practical, nonviolent option left for the People. This day ushers in a new era of lawful protest. If we fail to act now, we will most certainly lose our Republic: No Answers, No Taxes.”

To enforce the right of petition and to force the U.S. government to answer to the legal charges, We The People is now publicly advocating that Americans exercise their constitutional right to refrain from filing or paying income taxes—unless and until—the federal government agrees to honor its lawful obligation to respond to We The People's Petitions for Redress of grievances as guaranteed by the First Amendment.

FOUNDING FATHERS' INTENT

In their own words the Founding Fathers explained the right to petition and the method to enforce it. The Founders were studiously familiar with 2,000 years of Western Civilization's trials and tribulations regarding the natural tendency of governments to become despotic. Sitting at the Continental Congress, the Founders passed an official act clearly stating the right of the people to refrain from paying taxes to a government that was acting outside the boundaries drawn around its power:

“If money is wanted by Rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility.”

(See “Continental Congress To The Inhabitants Of The Province Of Quebec,” Journals of the Continental Congress, 1774-1789. Journals 1: 105-13).

What follows is a multi-year chronological record of the steps Bob Schulz and the We The People Foundation have taken to compel government to answer several serious and well-documented allegations concerning gross violations of our Constitution and our inalienable rights.

YEAR 1999

In March 1999, Bob Schulz became aware of serious questions regarding the federal income tax. As a student of the law, Schulz's initial research and inquiry into the legal materials led him to conclude there were very substantial legal questions regarding the origin of the income tax. Also in question were the administrative practices of the IRS regarding federal income tax collections and enforcement procedures.

In response, Schulz formed We The People Foundation (WTP) and began calling for a full public discourse and official debate between the tax and legal researchers and representatives of the IRS and/or Department of Justice. It was Schulz's intent to invite the government officials into a public setting to fully retort and officially rebut the claims and legal research of tax honesty advocates.

April: WTP publicly announces its intention to hold a symposium on the legality of the income tax.

May 5: WTP forwards a letter to President Clinton, Senate Majority Leader Trent Lott and Speaker of the House Dennis Hastert. The letter, also sent to IRS Commissioner Charles Rossotti, outlines WTP's grievances with regard to an income tax that is causing Americans to be bankrupted and imprisoned.

The May 5 letter was accompanied with attachments in support of WTP conclusions that the 16th Amendment was never properly ratified, that no statute requires individuals to pay federal income tax and filing a tax return forces Americans to waive their Fifth Amendment rights.

The letter respectfully requested that the federal government “identify the people with the best legal minds to argue against these conclusions and have those people participate in the symposium.” The government does not respond.

June 4: WTP sends a follow up letter to Clinton, Lott, Hastert and Rossotti to inform them that the public symposium

(See U.S. OFFICIALS TOLD, Page B-2)

U.S. Officials Told: 'No Answers, No Taxes'

(Continued from Page B-1)

will be held at the National Press Club in Washington, D.C., July 1-2. The government does not respond.

July 1-2: The symposium was held and broadcast live on CSPAN-2. WTP was represented by ex-IRS agent Joe Bannister, author Bill Benson, author Bill Conklin, attorney Lowell Becraft, activist Devvy Kidd and WTP Chairman Bob Schulz.

The government, which had not bothered to acknowledge receipt of WTP's respectfully submitted requests, failed to attend. It was announced at the symposium that a citizen's summit would be scheduled for the coming fall.

Nov. 13: The "Citizens' Summit to End Unlawful Income Tax" was held at the National Press Club in Washington. Citizens from 16 states assembled to hear WTP speakers and sign a "Remonstrance" intended to end illegal tax collections and unlawful enforcement operations of the IRS. The government does not respond or attend.

YEAR 2000

April 13: Delegates from all 50 states assembled in Washington to serve the Remonstrance on the illegal operations of the IRS regarding its collection of income taxes. Clinton, Lott, Hastert and Supreme Court Justice William Rehnquist were also given copies of the July 1-2 symposium videotape and other supporting documents. Clinton, et al., were asked to respond to WTP. The events of the day were videotaped. WTP recorded direct promises from several high-level officials representing the Executive and Legislative branches of government that their respective branches would participate in a June 29 conference where income tax issues would be publicly discussed.

June 2: White House spokesman Jason Furman stated that, "The legality of the income tax is not a high-priority item at the White House," and the White House had, therefore "... decided not to participate in any conference on the subject."

All those in government who had promised to participate in the conference followed the White House lead and also refused to participate.

WTP held the all-day conference June 29 with the federal government, again, in absentia.

July 7: WTP runs its first of several full-page ads in the nationwide edition of *USA Today*. The headline states: "Most Citizens are Not Required to File an Income Tax Return, the 16th (Income Tax) Amendment to the Constitution is a Fraud, If You File, You Waive Your Fifth Amendment Rights."

Nov. 19: The initial *USA Today* ad continues to generate tremendous response from people all over the country. *The New York Times* runs investigative article on employers that have stopped withholding income taxes from paychecks and chides the IRS to prosecute them.

As of March 2003, none of the cited employers have been criminally charged.

YEAR 2001

Feb. 16-17: WTP runs its second full-page nationwide *USA Today* ad featuring three former IRS agents who resigned from the IRS after learning the truth about the tax laws. WTP holds a meeting on Feb. 17, in Arlington, Va., to kick off "Project Toto," a multi-million dollar nationwide education campaign to bring the truth to the American public.

March 2, 23: WTP runs two more full-page nationwide ads in *USA Today*. The ad of March 2 features employers who have stopped withholding all taxes on paychecks of their employees because there is no law that requires wage withholding. The March 23 ad features several prominent tax researchers including Bill Benson, Larken Rose and John Kotmair. Benson's 1980s research conclusively documented that the 16th Amendment was fraudulently ratified and Larken Rose has documented that U.S. tax law statutes show that the ordinary wages and salaries of Americans are not taxable because they do not come from taxable sources.

March 30: WTP is informed that the Senate Finance Committee will hold a hastily called hearing on April 5 to specifically address the WTP's full-page ads in *USA Today*. WTP formally requests to be a hearing witness but is denied the right to testify at the hearing.

April 5: Schulz and several other WTP representatives attend the Senate Finance Committee hearing where blow-ups

of the WTP ads are large exhibits. After the hearing, WTP holds a press conference outside Senate office building. Press kits documenting WTP's attempts to publicly debate the government regarding the income tax are provided to the media. *New York Times* reporter David Cay Johnston tells WTP he told the IRS officials the agency is mishandling WTP and should publicly address the group's grievances.

April 9: Hundreds of WTP supporters assemble in Washington to march from the Jefferson memorial to encircle the IRS headquarters. Although repeatedly invited, Rossotti refuses to address the gathered crowd. WTP decides official silence justifies escalated steps in opposition to unlawful operations of the IRS. WTP states the next logical step is to encourage American citizens to stop filing tax returns and for American businesses to stop withholding taxes from employee paychecks. WTP believes this tactic will force the government to answer questions about the income tax.

April 11: *USA Today* informs WTP that it will refuse to run any more WTP ads after the IRS met with its legal department, claiming WTP is advising Americans to break the law by not filing until the government answers questions about the income tax.

July 1: WTP Chairman Schulz begins a hunger strike in Washington and vows to continue until he dies or the government agrees to answer questions regarding the income tax. Schulz's hunger strike receives national network media attention.

July 18: The White House intervenes to stop the hunger fast. White House Economic Advisor Lawrence Lindsey wrote and delivered a letter to Schulz saying Schulz would be receiving a substantive response from the IRS.

July 19: IRS Commissioner Rossotti called to say his experts would meet with Schulz and his experts in a recorded public forum to answer the questions. That afternoon, Attorney General John Ashcroft called to say the same thing.

July 20: Rep. Roscoe Bartlett (R-Md.) announces that Assistant U.S. Attorney General Dan Bryant, following direct negotiations with Schulz, agreed in writing to publicly answer WTP's questions about the income tax. Bartlett promises that the IRS will be at the hearings. The historic event is scheduled for Sept. 25-26, 2001.

Sept. 12: WTP agrees to postpone the Sept. 25-26 hearings due to the tragedy of Sept. 11. The hearings are rescheduled for Feb. 27-28, 2002.

YEAR 2002

Jan. 17: Bartlett withdraws as congressional sponsor of WTP/IRS hearings. Though Bartlett claims WTP's "Wait to File Until the Trial" (until after the Feb. 27-28 hearings) campaign motivated his withdrawal, WTP learns that the IRS and DOJ had secretly informed Bartlett (as late as November 2001) that they would not attend the meeting as promised and he (Bartlett) would be forced to face expectant Americans by himself. Schulz announces that "a constitutional crisis has developed."

Jan. 31: WTP releases a preliminary list of 299 questions for the IRS and arranges to hold Feb 27-28 hearings as scheduled regardless of government's decision to renege on its promises.

Feb. 10: WTP runs a full-page ad in *The New York Times* publicly challenging the IRS and the Department of Justice to answer the legal questions. There is no response from either agency.

Feb. 27-28: WTP holds its "Truth in Taxation" hearings with the federal government, again, in absentia. The two-day hearing is broadcast live via a multimedia Internet broadcast. Viewers can review the legal exhibits on line as they watch the proceedings. Attorneys, including an ex-IRS Office of Counsel, former IRS agents, CPAs, and other tax and legal researchers testify under oath for two days about the legal fraud of the federal income tax system.

April 4, 8: On April 4, notice was provided to the White House, to every member of the president's cabinet, to the chairman of the Senate Finance Committee and the House Ways and Means Committee regarding evidence of fraud at the IRS. The statement mentioned that WTP would be holding a briefing on the subject at the National Press Club on April 8, 2002, at which

a forensic accountant would be presenting the evidence. The statement mentioned that the briefing would be broadcast live, via the Internet. There was no response from any one in the government.

April 8: WTP hand-delivered a copy of a certified transcript of the record of the Citizens' Truth-In-Taxation Hearing to every member of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the House IRS Oversight Committee, President Bush and Lawrence Lindsey. There was no response from the government.

April 15: Each and every one of the 535 Congressmen and the president were formally served copies of the record and evidence of the Truth-in-Taxation hearing. Thousands of petitions from citizens demand that the representatives respond to the findings of the hearing. Only a handful of representatives even attempt a response. No representative responds directly to their constituents' demand letters.

July: WTP announces Freedom Drive 2002. Preparations for thousands of Americans to drive to D.C. and to personally deliver Petitions for Redress of grievances are under way.

Oct. 7: WTP posts four formal Petitions for Redress on the Internet. Thousands sign the petitions documenting violations of Constitution regarding the Iraq War resolution, the USA Patriot Act, the Federal Reserve Act and the federal individual income tax.

Nov. 8: The cross-country Freedom Drive begins in San Francisco. Petitions for Redress are formally served on every member of Congress and the president via legal process service. The Petitions for Redress request that representatives from the government should answer WTP on the National Mall Thursday, Nov. 14.

Nov. 14: Freedom Drive 2002 arrives in Washington and participants gather on the Mall. The government shows its contempt for the American people and their Constitution by completely ignoring the formal and proper petitions. Schulz announces "No Answers, No Taxes."

YEAR 2003

Jan. 26: WTP Announces formation of the WTP Legal Defense Association (LDA). This nonprofit membership organization will provide professional legal defenses for members accused of violating U.S. tax laws for terminating their voluntary compliance with the federal income tax system. The low cost LDA memberships are for both citizens and businesses that have stopped filing, paying or withholding as part of the "No Answers, No Taxes" initiative.

SUMMARY

We the People have meticulously documented every step in the process to compel government to meet its constitutional obligation to answer citizens' Petitions for Redress of grievances. The WTP web site, www.givemeliberty.org, contains the entire archive of news releases, *USA Today* ads and correspondence with government officials from 1999 to present. Also available through the WTP web site are the audiotapes, videotapes and CD-ROMs that document the thorough and formal manner in which WTP has conducted itself including the Truth-in-Taxation hearing.

As this chronology documents, the Founding Fathers were correct in their wisdom that the tendency of governments is to devolve into tyranny and that Americans will eventually be forced to stand for their rights. Thus, the constitutional provision of redress was built into our system of government. Should government become so venal and oppressive that it ignores the citizens' Petitions for Redress, the Founders told us to withhold our money and/or our compliance until such time as those questions are answered to our satisfaction.

The ability of the government to use any tax system to seize the privacy, wages, and property of its citizens are indeed serious legal matters for any free people. That our government continues to do so while grossly violating the most basic constructs of the Constitution and while repeatedly refusing to publicly answer the petitions and produce public documentation of its *bona fide* legal authority is, in a word, tyranny.

If the Founders were with us to witness the events that have transpired since their gift to this nation, they would surely stand shoulder to shoulder, from border to border, as we shout, "No Answers, No Taxes!" ★

PETITION ONE: Petition for Redress of Grievances Relating to the Application of the Armed Forces of the U.S. in Hostilities in Iraq Without a Congressional Declaration of War

WHEREAS, during September, 2002, the President of the United States of America submitted a draft Resolution to the United States Congress that would authorize the President to apply the armed forces of the United States of America in hostilities in Iraq without a congressional Declaration of War, and

WHEREAS, All men are created equal and are endowed by their "Creator" with certain unalienable rights, and

WHEREAS, If the Creator has, in fact, gratuitously provided, equipped and enriched the People of the United States of America with Rights, it follows that those Rights belong to the People and to the Creator and it follows that any affront to the Constitution (as when government attempts to violate an unalienable Right) is an affront to the Creator, and

WHEREAS, If our Rights come from the Creator, only the Creator can frustrate and deny or defeat our Rights—that is, government cannot abridge what God has put in place, and

WHEREAS, The Constitution of the United States of America is a strongly worded, Divinely inspired set of principles expressly intended to govern the government, not the people, and

WHEREAS, By the terms and provisions of the Constitution, the People have established their government and authorized it to act in certain ways, and have purposely and markedly restricted and prohibited the government from acting in certain ways, and

WHEREAS, The People, through their Constitution, have prohibited the government from applying the armed forces of the United States of America in hostilities overseas without a Congressional declaration of war, and

WHEREAS, The People have granted to Congress alone the authority to declare war against a foreign nation, and

WHEREAS, The Constitution does not give Congress the authority to delegate control over its war declaration power to the President, and

WHEREAS, The Constitution guarantees every American citizen the unalienable right to life, liberty, and property, and

WHEREAS, Each of the Constitution's prohibitions and restrictions on government's power is, in fact, another unalienable right enjoyed by every citizen and resident on American soil, and

WHEREAS, Each individual on American soil has an unalienable right to freedom from a government that would apply the armed forces of the United States of America in hostilities overseas without a Congressional declaration of war, now therefore

WE THE PEOPLE, hereby petition the federal government for a redress of grievances relating to the application of the armed forces of the United States of America in Iraq without a congressional declaration of war, and

WE THE PEOPLE, respectfully request that the President of the United States of America, each member of Congress' House of Representatives and each member of Congress' Senate honor their oaths of office to uphold the Constitution, by honoring their obligation to respond to this, the People's petition for redress of grievance, by answering the following questions, and

WE THE PEOPLE, at noon on Thursday, November 14, 2002, will peaceably assemble at the Washington monument in Washington, D.C., where we will await the President, the Senate Majority Leader and the Speaker of the House, and other members of Congress, or their representatives, to receive an answer to these questions or to learn when these elected representatives of the People will provide an answer to our questions.

1. Do you admit that the War Powers Clauses of the United States Constitution provides Congress with the power to "define and punish...offenses against the Law of Nations" (U.S. Constitution, Art. I, § 8, cl.10), and the power to "declare War . . ." (U.S. Constitution, Art. I, § 8, cl. 11), and the power to "make rules for the government and regulation of the [armed forces of the United States]" (U.S. Constitution, Art. I, § 8, cl. 14), and the power to "provide for the calling forth of the [National Guard and National Guard Reserve]..." (U.S. Constitution, Art. I, § 8, cl. 15), and the power to "provide for...governing such part of the [National Guard and National Guard Reserve]..." (U.S. Constitution, Art. I, § 8, cl. 16)?

2. Do you admit that Congress' power to declare war works in conjunction with the authority granted to the President under

the Constitution to act as "Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." (U.S. Constitution, Art. II, § 2, cl. 1)?

3. Do you admit the Framers intended to give each of the two branches a role in the conduct of foreign military affairs, that is, that Congress would declare war and raise and financially maintain armies, while the President would conduct wars?

4. Do you admit that in 1973, over President Richard Nixon's veto, Congress passed the War Powers Resolution, (50 U.S.C. § 1541, et. seq.), in order to "fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations"?[See 50 U.S.C. § 1541(a)]

5. Do you admit that the purpose of the resolution was to ensure that the "constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces?" [See 50 U.S.C. § 1541©]

6. Do you admit that War Powers Resolution 50 U.S.C. §1541 et seq., delegates to some future President, under any unknown circumstances, the power to introduce the United States armed forces into hostilities (war) against a sovereign nation, even those which offer no threat to the United States, its allies, or to any other nation, for a period of sixty days or more, without a declaration of war by Congress and without specific statutory authorization?

7. Do you admit that the War Powers Resolution provides, *inter alia*, that "[i]n the absence of a declaration of war, in any case in which United States Armed Forces are introduced (1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; (2) into the territory, airspace or waters of a foreign nation while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or (3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation; the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a written report setting forth the circumstances necessitating the introduction of forces, the constitutional and legislative authority to introduce the forces and the estimated scope and duration of the hostilities or involvement." 50 U.S.C. § 1543(a)?

8. Do you admit that in violation of said War Powers clauses, the War Powers Resolution of 1973 delegates to some future President, under any unknown circumstances, and without a declaration of war by Congress, and without specific statutory authorization, the power to define and punish "offenses" by a sovereign nation, by introducing the United States armed forces into hostilities (war) against that sovereign nation, even though that sovereign nation may offer no threat to the United States, its allies or to any other nation?

9. Do you admit that 50 U.S.C. § 1544(b) requires that within 60 calendar days after the President either submits a report pursuant to Section 1543(a) or is required to have submitted a report, the President must terminate the use of the United States Armed Forces described in Section 1543 unless Congress (1) has declared war or has provided specific authorization for the use of such forces, (2) has extended by law the sixty-day time period, or (3) is physically unable to meet as a result of an armed attack on the United States?

10. Do you admit that 50 U.S.C. § 1544(b) authorizes the President to extend the 60-day period an additional thirty days if he determines and certifies in writing to the Congress that the continued use of forces for the additional time is necessary to safely remove the United States Armed Forces?

11. Do you admit that 50 U.S.C. §§ 1545, 1546, 1546a (The War Powers Resolution) also sets forth a mechanism so that both houses of Congress are required to give priority consideration to

any resolution or bill that would provide the President with the authorization described above?

12. Do you admit that the War Powers Resolution, 50 U.S.C. §1541 et seq., does not indicate what is to happen if the President ignores the 60-day requirement, as President Clinton did with respect to his military campaign against Yugoslavia?

13. Do you admit that the War Powers Resolution, 50 U.S.C. § 1547(a), explicitly provides that authority to introduce forces into hostilities shall not be inferred "from any provision of law . . . including any provision contained in any appropriations Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]," or "from any treaty . . . unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]"?

14. Do you admit that War Powers Resolution 50 U.S.C. §1541 et seq., is violative of the War Powers Clauses: Article I, Section 8, clauses 10, 11, 14, 15 and 16 of the U.S. Constitution?

15. Do you admit that during September 2002, the President submitted a draft Resolution to Congress that would authorize the President to apply the armed forces of the United States of America in hostilities in Iraq and the region around Iraq?

16. Do you admit that the draft Resolution the President submitted to Congress in September, 2002, regarding the application of the armed forces of the United States against Iraq, would, if passed by Congress, represent an unconstitutional delegation by the Congress to the Executive of the War Powers reserved to Congress by Article 1, § 8, clauses 10, 11, 14, 15 and 16 of the U.S. Constitution, and a significant and substantial violation of the most fundamental constitutional principle of "separation of power"?

17. Do you admit that any agreement, contract or treaty with the United Nations does not give Congress the authority to delegate control over its war declaration power to the President?

18. Do you admit that the U.S. Supreme Court has held that, "It would be manifestly contrary to the objectives of those who created the Constitution . . . let alone alien to our entire constitutional history and tradition to construe Article VI (The Supremacy Clause) as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V."? REID V. COVERT, 354 U.S. (1956)

19. Do you admit that the Congress does not stand beside the People or the Judiciary as a co-interpreter of the fundamental law, particularly when it comes to consideration of restraints on Congressional power?

20. Do you admit that that Congress and the Executive may not collude to evade any Clause of the Constitution?

21. Do you admit that the People cannot close their eyes to the Constitution and see only the acts of the President and the Congress?

22. Do you admit that said draft Resolution calls upon Congress to collude with the President in a collective decision to apply the armed forces of America against the sovereign nation of Iraq, unconstitutionally, and to deliberately chose, by their official actions, to allow for the collapse of fundamental republican principles and with it the rule of law?

23. Do you admit that said draft Resolution calls upon Congress to collude with the President in a collective decision to deny us and other citizens our unalienable right to freedom from a government that applies the armed forces of America in hostilities overseas without a declaration of war by Congress?

Respectfully submitted this 4th day of November, 2002 by We The People of the United States of America:

First Name _____

Last Name _____

City _____

State _____

PETITION 2: Petition for Redress of Grievances Relating to the “War on Terrorism”

WHEREAS, During October, 2001, the U.S. Congress passed and the President signed the USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct

Terrorism), and

WHEREAS, The USA Patriot Act was voted on by men and women engulfed in a terrifying atmosphere of shock, fear, mass media hysteria and anthrax mailings, and

WHEREAS, It has been acknowledged by some members of Congress that most congressmen were pressured to vote for, but never bothered to read the 324-page Act before voting on it, and

WHEREAS, All men are created equal and are endowed by their “Creator” with certain unalienable rights, and

WHEREAS, If the Creator has, in fact, gratuitously provided, equipped and enriched the People with Rights, it follows that those Rights belong to the People and to the Creator and it follows that any affront to the Constitution (as when government attempts to violate an unalienable Right) is an affront to the Creator, and

WHEREAS, If our Rights come from the Creator, only the Creator can frustrate and deny or defeat our Rights—that is, government cannot abridge what God has put in place, and

WHEREAS, The Constitution of the United States of America is a strongly worded Divinely inspired set of principles expressly intended to govern the government, not the People, and

WHEREAS, By the terms and provisions of the Constitution, the People have established their government and authorized it to act in certain ways, and have purposely and markedly restricted and prohibited the government from acting in certain ways, and

WHEREAS, The Constitution of the United States of America guarantees to every American citizen and to those lawfully on our soil, the right to privacy and to due process of law, and

WHEREAS, The Constitution prohibits and restricts the Federal Government from infringing on those rights, and

WHEREAS, The Constitution guarantees each and every American citizen the unalienable right to life, liberty, and property, and

WHEREAS, Each of the Constitution’s prohibitions and restrictions on government’s power is, in fact, another unalienable right enjoyed by every citizen and resident on American soil, and

WHEREAS, Every American citizen has an unalienable right to freedom from a government that would infringe or erode the unalienable rights to privacy, due process, freedom of association, freedom of information, freedom of speech, right to legal representation, freedom from unreasonable searches, right to a speedy and public trial, and right to liberty, now therefore

WE THE PEOPLE, hereby petition the Executive and Legislative Branches of the Federal Government for a redress of grievances relating to the so-called “war on terrorism,” and

WE THE PEOPLE, respectfully request that the President of the United States of America, each member of Congress’ House of Representatives and each member of Congress’ Senate honor their oaths of office to uphold the Constitution, by honoring their obligation to respond to this, the People’s petition for redress of grievance, by answering the following questions, and

WE THE PEOPLE, at noon on Thursday, November 14, 2002, will peaceably assemble at the Washington monument in Washington, DC, where we will await the President, the Senate Majority Leader and the Speaker of the House, and other members of Congress, or their representatives, to receive an answer to these questions or to learn when these

elected representatives of the People will provide an answer to our questions.

1. Do you admit that under Section 112 of the USA Patriot Act, a “suspected terrorist” needs only to be “certified” by the Attorney General on “reasonable grounds” that he “believes” someone to be engaged in terrorist activities?

2. Do you admit that Section 802 of the USA Patriot Act does not define an act of terrorism by the characteristics of the actors or the nature of the acts?

3. Do you admit that Section 802 of the USA Patriot Act defines an act of terrorism as an act “calculated to influence or affect the conduct of government by intimidation or coercion or to retaliate against government conduct”?

4. Do you admit that under Section 802 of the USA Patriot Act, the definition of terrorist is broad enough to sweep up citizens who engage in hunger strikes and other forms of non-violent demonstrations to force the government to respond to their Petitions for Redress?

5. Do you admit that under Section 803 of the USA Patriot Act, the act of giving food or shelter to a friend who may have been involved in any of these acts could, in turn, brand a person as a “terrorist” as well?

6. Do you admit that under Section 213 of the USA Patriot Act, government purportedly has the right to go into a citizen’s home while that person is away, copy the content of the person’s computer hard drive and files, gather and take any information or items they please without ever serving a citizen notice of such search or seizure since, “the execution of a warrant may have adverse effect”?

7. Do you admit that Section 213 of the USA Patriot Act authorizes government to issue a warrant based on “reasonable cause,” rather than the constitutionally mandated “probable cause”?

8. Do you admit that under Section 218 of the USA Patriot Act, the standards for foreign intelligence collection under the Foreign Intelligence Surveillance Act (FISA) were radically altered?

9. Do you admit that the standards for foreign intelligence collection traditionally meant that when a federal officer went to the FISA court or designated judge for an order of electronic surveillance under the FISA which may involve communications of a United States person, the application requires not only the approval of the Attorney General, based upon his finding that it satisfies strict criteria and requirements, but also a certification by the Assistant to the President for National Security Affairs or a designated senior executive branch official that, among other things, “the purpose” of the surveillance is to obtain foreign intelligence information?

10. Do you admit that Section 218 of the USA Patriot Act permits surveillance if intelligence gathering is a “significant purpose” (as opposed to “the purpose”) of the government’s contemplated action?

11. Do you admit that this wording change effectively allows intelligence to be used by both law enforcement and intelligence agencies, blurring the distinction between domestic law enforcement and foreign intelligence operations?

12. Do you admit that this wording change would allow the National Security Agency to become an arm of domestic law enforcement?

13. Do you admit that Sections 216, 217 and 218 of the USA Patriot Act allow for unrestricted wiretapping, the tracing and spying on email messages and internet activities on anyone anywhere in the USA without the need to obtain a court order as long as “the information likely to be obtained . . . is relevant to an ongoing criminal investigation”?

14. Do you admit that USA Patriot Act infringes on and erodes traditional due process safeguards and relies heavily on detention in the immigration context?



15. Do you admit that the USA Patriot Act relies heavily on mandatory detention, depriving individuals of their liberty and significantly impacting their ability to secure and maintain working relationships with counsel?

16. Do you admit that the USA Patriot Act and Justice Department rule changes since September 11 permits a prolonged detention of immigration detainees before charges are initiated, continued mandatory detention without bond or a custody hearing after charges have been filed (even when charges are not based on security grounds), and an automatic stay of release when an immigration judge or the Board of Immigration Appeals disagrees with the INS and sets a bond?

17. Do you admit that under Section 236A of the USA Patriot Act (at the Attorney General’s discretion), no court shall have jurisdiction to review, by habeas corpus, petition, or otherwise, any such action or decision?

18. Do you admit that under the USA Patriot Act, detainees will not have access to legal counsel with security clearances?

19. Do you admit that under the USA Patriot Act, detainees will not be able to meet privately with their legal counsel?

20. Do you admit that the USA Patriot Act and Justice Department rule changes since September 11 allow for the secret, incommunicado nature of detentions, closed hearings and a lack of access to attorneys and family members?

21. Do you admit that on October 11, 2001, the Justice Department issued a rule announcing that communications of certain federal prisoners would be monitored?

22. Do you admit that said draft Resolution calls upon Congress to collude with the President in a collective decision to apply the armed forces of America against the sovereign nation of Iraq, unconstitutionally, and to deliberately chose, by their official actions, to allow for the collapse of fundamental republican principles and with it the rule of law?

23. Do you admit that said draft Resolution calls upon Congress to collude with the President in a collective decision to deny us and other citizens our unalienable right to freedom from a government that applies the armed forces of America in hostilities overseas without a declaration of war by Congress?

Respectfully submitted this 4th day of November, 2002 by We The People of the United States of America:

First Name _____

Last Name _____

City _____

State _____



PETITION 3: Petition for Redress of Grievances Relating to the Federal Income Tax

WHEREAS, The U.S. Department of Justice (DOJ) and the Internal Revenue Service (IRS) reneged on their July 2001 written agreement to appear at a public forum to answer the People's Remonstrance and questions regarding the alleged lack of statutory or Constitutional authority for the federal income tax, and the alleged gross and systemic violations and deprivations of the People's Constitutionally protected rights, and

WHEREAS, On February 27 and 28, 2002, in Washington DC, at the public forum, with the government in absentia by their refusal to appear, the People conducted a Truth-in-Taxation Hearing, taking testimony, under oath, from credible professionals including former IRS agents, tax attorneys, CPAs, tax law researchers and a former IRS Counsel, whose testimony was supported by recorded irrefutable evidence, finding that the Department of Justice, the IRS and the Courts have been acting in gross violation of the Constitution and the most fundamental principles upon which this nation was founded, and

WHEREAS, On April 15, 2002, each U.S. Congressman in the House of Representatives and the U.S. Senate was served with a copy of the full record of the Truth-In-Taxation Hearing, including a certified transcript of the Hearing, and

WHEREAS, the record of the Hearing produced the 532 statements of fact that are attached to, and made a part of this Petition for Redress, and

WHEREAS, On April 15, 2002, along with the copy of the full record of the Citizens' Truth-In-Taxation Hearing, each member of Congress received letters from constituents, respectfully petitioning the elected representative to:

"Move to direct the Department of Justice and the Internal Revenue Service to, 1) stop forcing employers to withhold and stop forcing Americans to file an income tax return and 2), place a moratorium on civil and criminal prosecutions of income tax laws and furlough the people currently in prison on convictions of failure to file income tax returns, OR, in the alternative, schedule a full congressional hearing, requiring IRS and DOJ to answer the questions and address the evidence," and

WHEREAS, only 65 of the 535 Congressmen responded to those petitions and each of the 65 responses was a non-responsive response, utterly failing to address the evidence from the Citizens' Truth-In-Taxation Hearing or the constituent's respectful letter-petition, and

WHEREAS, On June 10, 2002 at the daily White House press briefing, Presidential Press Secretary Ari Fleischer was asked specifically in regard to the Peoples' petition for redress concerning the income tax, if the President would direct IRS and DOJ, (which are Executive branch agencies), to honor their July, 2001 agreement with Bob Schulz (Chairman of We The People Foundation for Constitutional Education, Inc.); Fleischer, speaking for President Bush,

replied I'm not familiar with the specific case, and these questions are decided by the people involved", and

WHEREAS, All men are created equal and are endowed by their "Creator" with certain unalienable rights, and

WHEREAS, If the Creator has, in fact, gratuitously provided, equipped and enriched the People with Rights, it follows that those Rights belong to the People and to the Creator, and it follows that any affront to the Constitution (as when government attempts to violate an unalienable Right) is an affront to the Creator, and

WHEREAS, If our Rights come from the Creator, only the Creator can frustrate and deny or defeat our Rights—that is, government cannot abridge what God has put in place, and

WHEREAS, The Constitution of the United States of America is a strongly worded, Divinely inspired, set of principles expressly intended to govern the government, not the People, and

WHEREAS, By the terms and provisions of the Constitution, the People have established their government and authorized it to act in certain ways, and have purposely and markedly restricted and prohibited the government from acting in certain ways, and

WHEREAS, The Constitution of the United States of America guarantees to every American citizen and to those lawfully on our soil, the right to privacy and to due process of law, and

WHEREAS, The Constitution prohibits and restricts the Federal Government from infringing on those rights, and

WHEREAS, The Constitution guarantees each and every American citizen the unalienable right to life, liberty, and property, and

WHEREAS, Each of the Constitution's prohibitions and restrictions on government's power is, in fact, another unalienable right enjoyed by every citizen and legal resident on American soil, and

WHEREAS, The People of this nation are entitled, by right, to a system of taxation that does NOT violate any of their Constitutionally protected unalienable rights, now therefore

WE THE PEOPLE hereby petition the Executive and Legislative Branches of the Federal Government for a redress of grievances relating to the federal income tax.

WE THE PEOPLE respectfully request that the President of the United States of America, each member of Congress' House of Representatives and each member of Congress' Senate honor their oaths of office to uphold the Constitution, by honoring their obligation to respond to this Petition for Redress of Grievance.

WE THE PEOPLE respectfully request, that by December 31, 2002, the President of the United States of America:

1) Direct the Department of Justice to immediately cease all civil and criminal investigations, grand jury activity and

prosecutions related to enforcement of federal Individual Income Tax laws; and

2) Direct the Internal Revenue Service to immediately cease all investigations, enforcement and administrative activity related to the payment of taxes on individual income; and

3) Immediately order the release of all persons currently in prison on convictions of crimes related to the individual income tax, including "failure to file," even if other non-violent crimes were committed in an effort to protect property or avoid payment of taxes on individual income; and

4) Grant immediate Presidential pardons to any individual that has been convicted of an income tax crime, either federal or state, even if other non-violent crimes may have been committed in an effort to protect property or avoid the payment of taxes on individual income; and

5) Direct the IRS to inform the general public, all employers and tax payers that wage withholding, filing of returns and payment of monies for individual income tax purposes is not mandatory, and may be stopped immediately without further legal obligation or penalty; and

6) Submit to Congress a bill calling for the formal repeal of the federal Individual Income Tax laws.

WE THE PEOPLE, respectfully request the Congress of the United States of America, in order to maintain the flow of adequate revenue to the government, to implement, by December 31, 2002, a fully Constitutional system of taxation, which may include modifications to the current mix of uniform indirect taxes (excise taxes, tariffs, duties and imposts) and the implementation of apportioned direct taxes, as explicitly provided for, and limited by, Article 1 of the Constitution.

WE THE PEOPLE respectfully request that the President and each member of Congress honor their fundamental obligation to respond to this Petition for Redress, by appearing in person or by designated representative at 2:00 PM on Thursday, November 14, 2002, at the Washington monument in Washington DC, where the People will be peaceably assembled and awaiting their government's official response to this petition.

ATTACHMENT: Statements of Fact from the Citizens' Truth-in-Taxation Hearing held February 27 and 28, 2002, in Washington, DC.

Respectfully submitted this 4th day of November, 2002 by We The People of the United States of America:

First Name _____

Last Name _____

City _____

State _____



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We encourage everyone to join the association as soon as possible so that a professional full-time team of attorneys, paralegals and legal researchers can lead a multitude of citizens across this nation to reclaiming their Rights and peacefully force our government to provide redress to our Petitions.

In the near future, we will release specific instructions and forms to be used by employees, employers and the self-employed to actively stop withholding and paying and to otherwise legally terminate their voluntary compliance with the income tax system, pending an answer to our Petitions.

www.givemeliberty.org

PETITION 4: Petition for Redress of Grievances Relating to the Federal Reserve System

WHEREAS, All men are created equal and are endowed by their "Creator" with certain unalienable rights, and

WHEREAS, If the Creator has, in fact, gratuitously provided, equipped and enriched the People with Rights, it follows that those Rights belong to the People and to the Creator and it follows that any affront to the Constitution (as when government attempts to violate an unalienable Right) is an affront to the Creator, and

WHEREAS, If our Rights come from the Creator, only the Creator can frustrate and deny or defeat our Rights—that is, government cannot abridge what God has put in place, and

WHEREAS, The Constitution of the United States of America, and particularly the Bill of Rights, is a strongly and carefully worded, Divinely inspired set of principles expressly intended to restrain the government, not the people, and

WHEREAS, By the terms and provisions of the Constitution, the People have established their government and delegated to it the authority to act in certain ways, and have purposely and markedly restricted and prohibited the government from acting in certain ways, and

WHEREAS, The Constitution of the United States of America delegates to Congress alone the power to coin money and regulate the value of foreign exchange (and implicitly the currency in circulation), and

WHEREAS, The Constitution does not, by its terms or by necessary and unavoidable implication, authorize Congress to pursue any positive monetary policy or to delegate control over monetary policy to any central bank, such as the United States Federal Reserve System, and

WHEREAS, The Constitution guarantees every American citizen the unalienable right to life, liberty, and property, and

WHEREAS, Each of the Constitution's prohibitions and restrictions on government's power is, in fact, another unalienable right enjoyed by every citizen and lawful resident on American soil, and

WHEREAS, Every American citizen has an unalienable right to freedom from a government that, without the People's prior and explicit consent, would either pursue a positive program of monetary policy or would turn over control of America's monetary policy to any un-elected and politically unaccountable body, now therefore

WE THE PEOPLE, hereby petition the Executive and Legislative Branches of the Federal Government for a redress of grievances relating to the origin and operation of the United States Federal Reserve System, and

WE THE PEOPLE, respectfully request that the President of the United States of America, each member of Congress' House of Representatives and each member of Congress' Senate honor their oaths of office to uphold the Constitution, by honoring their obligation to respond to this, the People's petition for redress of grievance, by answering the following questions, and

WE THE PEOPLE, at noon on Thursday, November 14, 2002, will peaceably assemble at the Washington monument in Washington, DC, where we will await the President, the Senate Majority Leader and the Speaker of the House, and other members of Congress, or their representatives, to receive an answer to these questions or to learn when these elected representatives of the People will provide an answer to our questions.

1. Do you admit that our government, the United States of America, does not own any of the stock in the Federal Reserve Banks?

2. Do you admit that the Federal Reserve System consists of a Board of Governors in Washington D.C., plus a group of privately held (but privately and publicly administered) Corporations, including 12 main banks and 32 regional branch banks?

3. Do you admit that the President, with the advice and consent of the Senate, appoints all 7 members of the Federal Reserve Board?

4. Do you admit that the Federal Reserve's member banks are controlled by private individuals and corporations, often acting in concert, that receive profits from their ownership and operation of our country's monetary system?

5. Do you admit that the Federal Reserve Board is a government agency or instrumentality?

6. Do you admit that for the first twenty years, Federal Reserve Notes (FRNs) had to be redeemed in lawful money by Reserve Banks and member banks (12 U.S.C. Section 411); or, failing redemption, the United States could assert a lien on all the

Reserve banks' assets (12 U.S.C. Section 413)?

7. Do you admit that since 1933 FRNs may be redeemed only by other FRNs?

8. Do you admit that our money, the Federal Reserve Notes, with the exception of minor or trivial amounts, are not backed by anything other than the federal government's power to collect taxes?

9. Do you admit that since 1933 currency issues, including FRNs, have been created and are created with no external limit from nothing but paper and ink?

10. Do you admit that the assets of the Federal Reserve System are not composed of anything other than about \$11 billion of gold certificates in the Federal Reserve Banks, about \$16 billion foreign exchange, about \$2 billion Special Drawing Rights (SDRs), about \$22 billion of premises and equipment of the Federal Reserve Banks themselves and about \$591 billion of government securities, plus about \$32 billion of Repurchase Agreements or, do you believe the Federal Reserve System owns or has claims to assets that the System does not list in its normal public disclosures?

11. Do you admit that the total assets of the Federal Reserve equal about \$682 billion?

12. Do you admit that all gold owned by the Federal Reserve System was handed over to the Treasury Department in 1934 and that the Federal Reserve received certificates for the gold and carries these certificates as assets at \$42.22 per ounce (\$11 billion total value)?

13. Do you admit that the Federal Reserve System's 12 main and 32 branch banks obtain Federal Reserve currency notes from the Bureau of Printing and Engraving for approximately two cents per piece of paper, regardless of denomination, and uses them to purchase Treasury debt for which the Treasury is liable for the full face amount of each bill, note or bond, plus interest?

14. Do you admit that, except for discounted bills, by selling a \$100 US Treasury Security to the Federal Reserve, the federal government is agreeing to pay the Federal Reserve the full amount of the principal of the Security (\$100) plus an interest payment?

15. Do you admit that it is estimated that only \$263 billion in Federal Reserve Notes are in circulation in the USA (approximately 40%)?

16. Do you admit that it is estimated that the other \$362 billion in Federal Reserve Notes are in circulation overseas (approximately 60%)?

17. Do you admit the national debt, the sum total of all outstanding US Treasury Securities (not including governmental guarantees and other contingent and conditional obligations), is approximately \$6 trillion?

18. Do you admit that the \$6 trillion national debt can never be paid-off with the Federal Reserve Notes if there are only \$625 billion Federal Reserve Notes in circulation (absent a long-term, extraordinarily oppressive and over-burdensome system of taxation aimed at circulating the currency back into the government's hands), i.e., that the supply of "currency" whether in either physical FRNs or accounting/book entries must be increased endlessly (inflation) in order to make the payments of interest and principal on both national and privately held debts that are denominated in FRNs?

19. Do you admit that when a worker "deposits" his paycheck in a bank or writes a check, there is no exchange of actual FRNs and only an accounting entry takes place and that for every \$1 deposited in a member bank, approximately \$9 can be lent out through the Fractional Reserve Policy and, in any event, the public is never informed of the inherently unstable nature of the system?

20. Do you admit that whereas Federal Reserve Notes are units of exchange, bank money (credit money) is units of account, and absent laws requiring a higher reserve requirement, banks can expand deposit accounts to 9+ times exchange?

21. Do you admit that when a member bank lends a customer "money" it merely credits the customer's account with a book entry, never actually depositing Federal Reserve Notes in the customer's account?

22. Do you admit this is the reason why only \$263 billion Federal Reserve Notes in domestic circulation have been pyramided to support a \$10 trillion dollar economy?

23. Do you admit that when the Federal Reserve Act was passed (on Christmas Eve) in 1913, Federal Reserve Notes became one of four forms of competing currency (specie, treasury notes or

greenbacks, national bank notes and FRNs)?

24. Do you admit that in 1933, Congress passed a law making Federal Reserve Notes "legal tender," thereby transferring the power to coin and issue our nation's money from Congress to the Federal Reserve?

25. Do you admit that in 1933 (revised in 1935), Congress passed a law purportedly transferring the power to regulate interest rates and thereby the relative value of money, from Congress to the Federal Open Market Committee (currently comprised of up to 7 members of the Board of Governors and up to 5 voting representatives of Federal Reserve Banks)?

26. Do you admit that our country now borrows what should be our own money from the Federal Reserve (a "private" corporation that is, in fact, heavily politically influenced by the President through the Secretary of the Treasury), paying interest for the privilege?

27. Do you admit that the Secretary of the Treasury and the Federal Reserve have knowledge of and has acted in close coordination with the Treasury Department's Exchange Stabilization Fund (ESF) to manipulate and suppress the price of gold in an effort to keep the perceived value of the dollar relatively high?

28. Do you admit that the Secretary of the Treasury and the Federal Reserve have acted in close coordination with the central banks and governments of foreign nations to suppress the price of gold?

29. Do you admit that a portion of the ownership of the Federal Reserve is held by foreign entities and that the current statutes allow for ownership of a controlling interest in its Federal Reserve Bank stock?

30. Do you admit that there is a risk that there could be significant and unavoidable conflicts of interest between the private (and not insignificantly foreign) owners of the Federal Reserve Banks and the American people that are forced by law to use its FRNs?

31. Do you admit that the Treasury Department's ESF has directly engaged and/or colluded with foreign governments and/or central banks to intervene in the world's financial markets in order to manipulate market outcomes?

32. Do you admit similar manipulation regarding gold and equity markets?

33. Do you admit that the Treasury Department's ESF, under U.S. law, is held accountable only to the President and its books and records are open for public examination only through a limited degree and untimely disclosures?

34. Do you admit that the whole of the Federal Reserve System has never been independently audited?

35. Do you admit that there is a currently pending House Resolution calling for a complete audit of the Federal Reserve by the General Accounting Office?

36. Do you admit the Federal Reserve Board is resisting a complete audit of the books and operations regarding foreign exchange trading, government securities trading, and transactions with or for the account of foreign central banks and monetary authorities?

37. Do you admit the Federal Reserve interferes with the free market's effect on the value of Federal Reserve Notes by trying to regulate the value of all Federal Reserve Notes?

38. Do you admit that the Federal Reserve determines the amount of money in circulation and the price of credit (including mortgage and car loan rates)?

39. Do you admit the Federal Reserve, at its sole discretion, decides what the rate of interest will be that the federal government will pay to the Federal Reserve?

40. Do you admit that the Federal Reserve Board consults closely with the Secretary of the Treasury before every important monetary policy move and that Alan Greenspan consults with the Secretary of the Treasury before each Federal Open Market Committee meeting?

41. Do you admit that under Article 1 Sections 1 and 8 of the federal Constitution, only Congress, which comprises only the Senate and the House of Representatives, has the power to coin money (silver and gold coin) and regulate the value thereof?

42. Do you admit that no provision of the Constitution gives Congress the authority to transfer any powers granted under the Constitution to a private corporation?

43. Do you admit that the Federal Reserve Board is repugnant to the Constitution?

(See PETITION 4, Page B-7)

A Plan of Action to Restore the Constitution

Many people in America are talking about Freedom. They appear to be united in their beliefs that we have unalienable Rights that are guaranteed by the Constitution and that government is meant to be limited in what it can and cannot do by the terms of the Constitution. They appear to be united in their beliefs that the government has stepped outside the boundaries drawn around its power by the Constitution and that the Constitution is hanging by a thread. They appear to be united in their beliefs that something must be done to restore the Constitution.

They appear to have the courage of their convictions.

What's needed now is a comprehensive plan of action for all those concerned, right-thinking Americans to unite behind: A bold plan of action. That plan is ready. It is here.

The time is now. It is time to do something.

Each one of us has limited energy and resources. If we are going to achieve the governmental reform we are certainly entitled to, we will need to develop a great amount of thrust to overcome the powers arrayed against us. To develop the needed thrust we need to channel our energy—i.e., combine and unite our individual energies, and with a common voice, confront those that would steal our liberty and send a single message:

NO ANSWERS, NO TAXES

Releasing our energy in different directions does not serve this purpose. What must begin now is a total and unflinching personal commitment to unite our collective efforts into a force that will bring the desired results. Nothing else will make a stronger statement to the power structure in Washington than a coming together of millions of Americans who are focused and who will not be deterred until our Constitution is restored.

We must all search our hearts and decide what real commitment means to us. For some, real commitment means you're willing to walk out your front door tomorrow and never look back. This was the course chosen by our Founding Fathers and supported by their families who were equally devoted to the cause of liberty for all. For others, commitment means observing from afar while others haul the load.

We hope you share our definition of real commitment: Putting aside differences and joining to execute a plan of action, never deviating, never backing down and devoting all our energies towards victory.

We ask for your total commitment. I ask you to stand with the courage of your convictions and to pledge your sacred honor. I ask you to stand and defend your freedom.

We ask you to join with We the People Congress and we will move forward. The hour is late and the time for education and debate has passed. Stand with us now and fight, or watch America pass into history.

Our plan of action is based squarely upon the Right of Redress Before Taxes and has a name: "NO ANSWERS, NO TAXES." For obvious reasons, this right has been quietly ignored for many years by those in power. It is time to breathe life into this dormant Right. It is time to make this self-evident Right the cornerstone of this nation's future.

The plan is based on a three-step procedural mechanism, provided by the Constitution and recommended by the Founding Fathers, for the people to peacefully obtain relief from unconstitutional behavior by those wielding governmental power:

Step One: The people prepare a proper Petition(s) for Redress of Grievances. The Petition(s) include a request for admissions to be returned to the People by a certain time.

Step Two: The People formally serve the Petition on all 535 congressmen and the President.

Step Three: If the government does not properly respond to the People's petition, the People retain and hold onto all money they would otherwise have given to the government until the government properly responds to the People.

In short, redress before taxes.

No ANSWERS, NO TAXES currently addresses four of the most important issues currently facing the people (but can easily be expanded to address additional constitutional infringements and abuses of governmental power).

A substantial and credible body of evidence is now available in support of the propositions that the federal government is abusing its authority and powers regarding taxes, money, war and domestic law enforcement.

Specifically, the evidence points to the unconstitutionality of the: 1) Iraq resolution; 2) the USA Patriot Act; 3) the Federal Reserve system; 4) and the federal income tax.

In defense of, and to restore the Constitution, many people have already taken step one and step two and are now embarking on

step three.

Regarding step one, on Oct. 8, 2002, four proper Petitions for Redress of these Grievances were posted on the web site belonging to the We The People Foundation for Constitutional Education. The remedy the people were seeking through these petitions was an answer to certain questions. By Nov. 8, 2002, more than 14,000 people signed those petitions.

Regarding step two, on Nov. 8, 2002 the petitions were hand delivered to the offices of all 535 members of Congress and to the president.

The petitions respectfully requested our elected representatives to send a representative to meet with the people on the National Mall on the afternoon of Nov. 14, 2002, to let the people know when we would receive answers to our questions.

On Nov. 14, 2002, in a climax to Freedom Drive 2002, thousands of Americans, representing most states and congressional districts, gathered on the National Mall to await answers from our elected representatives. However, in an arrogant act of defiance by our servant government, none of the 536 elected representatives responded to the People's Petitions.

Regarding step three, upon the failure of the elected representatives to respond, the chairman of the Foundation, Bob Schulz, in a prepared statement, quoting the founding fathers, called upon the people to retain and hold onto the money they would otherwise send to the federal government until the elected representatives properly responded to the petitions by answering the questions.

Since that day in November 2002, the WTP organization has been working on step three of the plan: preparing for a live, weekly broadcast of THE LIBERTY HOUR; recording, for wide distribution, a one hour and 20 minute VHS tape recording of the rationale behind "No Answers, No Taxes"; preparing instructions and forms for companies and individuals to cease the withholding and payment of the individual income tax; and establishing a Legal Defense Association to defend all those companies and individuals, as necessary, who have joined their countrymen in supporting the plan by ceasing to withhold and pay the individual income tax.

The question now is how much thrust is needed and will be developed to restore the Constitution?

Please know this: Unless step three is carried out by the people "by the numbers," our Constitutional Republic (the great American experiment in government of, by and for the People) is doomed and it will have died without a whimper.

But also know this: Once the people experience the simplicity, power and practical effectiveness of this unalienable right, our government officials will be taught a lesson they will never forget and the course of this nation's future—indeed the course of Liberty itself—will be set with firmness in the right again as our Creator gives us to see the right.

What then, will you be able to tell your grandchildren?

It has taken decades of research by dedicated individuals, which has now provided We the People with the necessary foundation of knowledge to undertake our current plan of action.

It is now, with this plan, that each and every American who has had enough, can support and make a commitment to become involved. No one has to be left on the sidelines. This plan is for everyone. This plan is within the reach of everyone.

Key to the plan is the pooling of resources and standing united in our voice and actions to present a common, undefeatable legal defense to assert and regain our freedom.

Samuel Adams said, *"The liberties of our country, the freedom of our civil Constitution, are worth defending at all hazards; and it is our duty to defend them against all attacks. We have received them as a fair inheritance from our worthy ancestors: they purchased them for us with toil and danger and expense of treasure and blood, and transmitted them to us with care and diligence. It will bring an everlasting mark of infamy on the present generation, enlightened as it is, if we should suffer them to be wrested from us by violence without a struggle, or to be cheated out of them by the artifices of false and designing men."*

Can We the People find the courage of our convictions to honor those who came before us by defending at all hazards our freedom, liberties and our Constitution?

The Founding Fathers and thousands of colonials died to bring forth documents listing our God-given rights that government can never abuse, take away or abridge. Their tomorrows were cut short and their resources expended so we could enjoy our tomorrows as a free people.

Can we do no less? Dare we do no less? Will we let this day pass us by? Join us. Unite. ★

For more information on We the People Legal Defense Association, see notice at the bottom of page B-5.



PETITION 4, Continued

44. Do you admit that the Federal Reserve Banks are repugnant to the Constitution?

45. Do you admit the Constitution specifically states that the enumeration of certain rights shall not be construed to deny or disparage others retained by the People, and that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People (Ninth and Tenth Amendments)?

46. Do you admit the United States of America is not just one more undifferentiated trading outpost in some great global economy?

47. Do you admit the United States of America belongs to We The People?

48. Do you admit the medium of exchange, that is, the money we use in our country, is an instrumental element of national sovereignty and is supposed to be under our control?

49. Do you admit that if our government needed to spend more money than it is taking in, the Treasury does not have to use the Federal Reserve System – the government could print the additional money, put it into circulation and withdraw it as necessary—i.e., that we do not have to borrow our own money from any central bank?

50. Do you admit the Federal Reserve System has never been declared constitutional by the Supreme Court?

51. Do you admit there has never been a Supreme Court case regarding the constitutionality of the Federal Reserve System?

52. Do you admit that all elected officials are required to take an oath of office to support the Constitution?

53. Do you admit that to the extent that Congress enacts or facilitates avoidance of clear and explicit language of the Constitution that Congress is undermining the Constitution?

54. Do you admit certain elected and appointed officials, including the President, elected members of the Congress, and appointed members of the Board of Governors of the Federal Reserve System are guilty of aiding and abetting the undermining of clear and explicit language of my Constitution?

55. Do you admit this fits the common definition of tyranny?

First Name _____

Last Name _____

City _____

State _____

No Answers, NO Taxes.

On November 8, 2002, all 535 Congressmen and the President were formally served four Petitions for Redress of Grievances charging our government with significant violations of the U.S. Constitution and the People's unalienable rights.

Among the specific charges is that the U.S. Government lacks the legal jurisdiction to impose a direct income tax upon the People and that the IRS routinely and systematically violates the People's rights in order to extort taxes not owed under U.S. law.



**The Government
Refuses to Answer**

**The People Must Act Now
to Save The Constitution**

**Stop Paying.
Stop Filing.
Stop Withholding.**

The Constitution is all that stands between the People and total government tyranny and loss of liberty. It is a set of principles and a legal construct to restrain our servant government and guarantee the protection of the People's unalienable rights.

The Constitution does not defend itself. We, the American People must defend it.

Here's what our Founding Fathers had to say about a government that refuses to answer:

"If money is wanted by Rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed and thus peaceably procure relief without trusting to despised petitions or disturbing the public tranquility."

—Continental Congress to the Province of Quebec, Journal of the Continental Congress. 1774-1789. Journals 1: 105-13.

We The People Congress

2458 Ridge Road, Queensbury, NY 12804

518.656.3578

www.GiveMeLiberty.org

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Public Notice:

Legally Stop Withholding

**Q: Have You Ever Actually
Read the US Tax Laws?**

We Have:

- Under U.S. tax law workers are ***NOT*** obligated to submit to tax withholding on their paychecks. Not federal. Not state. Not FICA. Nothing.
- There is ***NO*** U.S. law that requires filing an income tax return or paying income taxes. Your employer is ***NOT*** a "withholding agent" as legally defined by the Internal Revenue Code.
- The IRS has ***NO*** delegated legal jurisdiction to enforce US income tax laws on most Americans living in the fifty states. It really is based on "voluntary compliance" — Just like the IRS says.
- Under U.S tax law workers can ***LEGALLY*** terminate "voluntary" W-4 withholding agreements and keep 100% of their wages.

**Learn What the Law *Really*
Says. Keep 100% of Your \$.
Legally. For FREE.**

Former IRS agents, constitutional attorneys, legal experts and even a former attorney from IRS Office of Counsel testified, under oath, in a public hearing that:

- IRS Agents have ***NO*** legal authority to seize property, compel audits, "assess" income taxes or levy your wages.
- IRS knowingly and unlawfully tampers with its computer files to trick their software into processing fraudulent tax "assessments."
- IRS systemically & routinely denies citizens their 5th Amendment Right of Due Process while "enforcing" tax laws that do not apply to average Americans, e.g., "US Tax Court" is part of the IRS.



Challenge Your Accountant or Attorney to Disprove Anything You Will Learn.

Learn to stop fearing the IRS. Learn what the law *really* says — not what IRS claims in their forms, threatening letters or publicly broadcast half-truths. LEARN THE LAW. EXERCISE YOUR LEGAL RIGHTS.

Companies: Increase your bottom line and improve cash flow instantly. Eliminate accounting overhead, "matching" FICA taxes AND ***legally let your workers keep 100% of their wages*** — i.e., their property.

Learn WHY the government *refuses* to answer specific questions about these laws.

Learn how workers, unions and even entire companies have successfully stopped withholding. Learn about worker lawsuits for unlawful conversion, unauthorized withholding, violations of US Civil Rights laws and employment/labor rights.

Legally fight unlawful IRS levies, garnishments and wage withholding for income taxes — that under U.S. law — cannot be legally enforced upon the People.

**We The People Foundation for
Constitutional Education, Inc.**
2458 Ridge Road, Queensbury, NY 12804
518.656.3578

www.GiveMeLiberty.org

Join the
We The People v. The U.S. Government
Lawsuit As a **Member of the Plaintiff Class**

All citizens that meet the criteria defined in the lawsuit's Class Definition are welcome to apply to become part of the Plaintiff Class.

There is *NO cost* to become a class member plaintiff or participate as a class member.

Class members need not appear in U.S. District Court or otherwise file any papers.

The class is represented collectively in the action by licensed attorneys that are well experienced in class actions and complex litigation.

The lawsuit is being funded solely by the We The People Foundation through [donations](#).
WTP is 501(c)3 not-for-profit, tax-exempt Foundation. All donations to the WTP Foundation are tax deductible.

IMPORTANT NOTICES:

1) The lawsuit seeks NO financial damages. The only relief requested is non-financial in nature. There will therefore, be NO monetary awards for the Class or any member of the Class.

2) We will seek a declaration of our rights and equitable relief in the form of temporary and preliminary court injunctions prohibiting and enjoining the IRS and Department of Justice from taking any action against Plaintiffs in furtherance of the enforcement of Subtitle A and Subtitle C of the Internal Revenue Code (Individual Income Taxes and Employment Taxes), pending a final determination of the issues presented and raised in the lawsuit. This includes acts of retaliation by federal and state income tax collection enforcement personnel.

In short, if these orders are granted by the Court, as we believe they must be, due to the well documented history of our 4-year Petitioning process and the People's superior claims of Right arising through the Right to Petition, all members of the Plaintiff class will be individually protected against IRS and DOJ tax collection enforcement until the matters of the Petitions for Redress are judicially resolved.

PROCEDURE:

- 1) READ the (draft) [Class Definition](#) and determine if you qualify as an interested and/or damaged party. **The legal class definition in this packet is preliminary and IS SUBJECT TO CHANGE** per direction of our legal counsel.
- 2) READ the [Petitions for Redress of Grievances](#) found in this packet.
We encourage all the potential Plaintiffs to [sign](#) the Petitions.
- 3) Read the [Preliminary Statement of the Case](#)

If you meet the criteria specified in the Class Definition and wish to be contacted about formally becoming a Member of the Plaintiff Class:

4) FILL OUT the Contact Information Form so that our legal counsel can send printed materials to you. Additional instructions will come with that package. The materials will require you to sign an affirmation attesting to your qualifications to stand as a member of the Class.

5) MAIL your Information Form along any donation you may wish to make, to the WTP home office. You will be contacted via mail or phone. Donations may also be made through our secure, encrypted on-line system at www.GiveMeLiberty.org. Our on-line donation system supports automated, monthly and twice-monthly donations via major credit cards or e-Check draft processing.

**We The People Foundation
2458 Ridge Road
Queensbury, New York 12804**

-- PLEASE --

**DO NOT CALL or E-MAIL or WRITE We The People Foundation
regarding your status as a Class Member.**

We do NOT have the resources to respond to individual questions, inquiries, etc.

**You will be contacted as is appropriate by the Plaintiff Class attorneys.
Please see our website www.GiveMeLiberty.org for news about the case.**

Thank You.

REPLY- BY- MAIL INFORMATION FORM BEGINS ON NEXT PAGE

PRELIMINARY STATEMENT OF THE CASE FOLLOWS

DEFINITION OF THE CLASS FOLLOWS

PLEASE CONTACT ME !

**About Joining the We The People v. The U.S. Government
Class Action Lawsuit as a Plaintiff.**

ALL INFORMATION IS HELD STRICTLY CONFIDENTIAL

FIRST Name		
LAST Name		
Street 1		
Street 2		
City		
State	ZIP	County
Phone		
E-MAIL		

**MAIL this form to: We The People Foundation,
2458 Ridge Road
Queensbury, NY 12804**

_____ I'm also enclosing a donation in the amount of \$_____ Check/cash/\$-order.

_____ I'd also like to donate using a credit card using: VISA MC AMEX DISCOVER

Card # _____ **Exp. Date** _____

Security Code _____ (If MC or VISA, last 3 numbers on BACK of card, If AMEX, 4 numbers on front of card)

Amount \$ _____ *Continue to donate each month until I tell you to stop: YES NO*

Signed: _____ Today is: _____ - _____ - 2003

Thank you for Joining in defense of our Freedom!

PRELIMINARY STATEMENT OF THE CASE

(DRAFT 7-03)

The federal government is committing wrongful, unconstitutional acts resulting in injuries, loss and damage to millions of American citizens.

In spite of Constitutional prohibitions, the Executive branch is taxing the labor of the working men and women of America, forcing companies to withhold that direct tax from the wages and earnings of their workers, and Congress has acquiesced.

In spite of Constitutional prohibitions, the Executive branch has applied the armed forces in hostilities in Iraq without a Congressional declaration of war, taxing the labor of the People to pay for the mischief, and the Congress has acquiesced.

In spite of Constitutional prohibitions, the Executive branch is printing paper money without regard to any stockpile of gold or silver, then selling that paper money to a cartel of private banks for the cost of the ink and paper, then borrowing back that paper money from that cartel with principal equal to the face amount printed on the paper money and at an interest rate determined by the cartel, then taxing the labor of citizens to pay the interest on that “debt,” and the Congress has acquiesced.

In spite of Constitutional guarantees, the Executive is collecting its tax on labor through a nationwide campaign of fear, intimidation and coercion and by the use of swarms of armed agents to search and seize the private property of working Americans, and the Congress has acquiesced.

In spite of Constitutional guarantees, the Executive and the Congress have refused to hear the citizens’ Petitions for Redress of these grievances.

In spite of Constitutional guarantees, the Executive is harassing and penalizing those citizens whose Petitions for Redress have gone unanswered and who now are acting to stop the withholding and payment of the illegal direct tax on labor, and tribunals inferior to the Supreme Court are cooperating in this abuse of government power.

The Constitution is hanging by a thread – the First Amendment Right to Petition, which includes the Right of Redress “BEFORE TAXES”, is the only non-violent means by which the American people can directly confront unlawful government conduct. This Right to Petition is essential to the protection and preservation of individual liberty and equal justice under the law. The American People are being systematically denied this unalienable Right by the Executive, Legislative and Judicial branches of the federal government.

We The People have Petitioned the Executive and the Legislative branches. We now Petition to test the attitude of the Judiciary.

We seek a declaration of our Rights and injunctive relief.

DEFINITION OF THE CLASS FOR THE CLASS ACTION

(DRAFT 7-03)

All plaintiffs are citizens of the United States of America, residing in one of the fifty states, outside of areas ceded to the government of the United States.

All plaintiffs believe: 1) the federal government is abusing its delegated taxing powers, war-making powers, money-making powers and/or police powers¹; 2) the People have the Right to Petition for Redress of these Grievances; 3) the People have the Right to have their grievances heard and answered once their Petitions are presented to their elected representatives; and 4) the People have the Right of Redress Before Taxes until their grievances are heard, in order to peaceably procure relief, without trusting to the Petitions and without disturbing the public tranquility.

All plaintiffs are: 1) business owners, purportedly required by the Internal Revenue Code to collect and turn over to the government various taxes tied to the labor of their workers; or 2) workers, retirees and independent contractors, purportedly required by the Internal Revenue Code to file tax returns and pay taxes tied to their earnings.

All plaintiffs have: 1) directly questioned their elected representatives about one or more of these grievances but have had their petitions ignored; and/or 2) have been supporting one or more of the four “We The People” Petitions for Redress of Grievances served on every member of Congress and the President in November of 2002, which Petitions have been ignored.²

¹ With specific reference to the origin and enforcement of the federal income tax, the Iraq Resolution adopted in October, 2002, the Federal Reserve and the U.S.A. Patriot Act, adopted in October 2001.

² For instance, the Petition regarding the fraudulent origin and illegal enforcement of the income tax, which got underway in May of 1999 and has continued unabated since then. Plaintiffs have supported and participated in the Petition process by signing one or more of the Petition documents, by attending one or more of the Petition-related symposiums, conferences, marches, and Freedom Drives, by their donations and contributions of their time, intellect, legal research, talent and/or financial resources, or by retaining their money until their grievances are redressed.

All plaintiffs are: 1) withholding, filing and paying the taxes under duress, because they are afraid of the IRS; or 2) not withholding, filing or paying the taxes until the government properly hears and answers the Petitions for Redress of Grievances.

We The People Legal Defense Association STANDARD AGREEMENT

1. This agreement, entered into this _____ day of _____, 2003, is between the *We The People Legal Defense Association*, with principal offices located at _____ ("WTP-LDA"),

2. And Company Name: _____, a registered fictitious entity (*circle one*: Corporation, Sub-S Corp., Trust, Partnership, LLC, other _____), with principal offices located at _____ ("Member")

3. And (*If a Natural Person*) _____, with mailing address at _____ ("Member")

Purpose of the Association

4. WTP-LDA is a non-profit, public interest "Association" established to protect, preserve and enhance the People's individual, unalienable Rights - particularly the Right to Petition for Redress of Grievances and the Right of "Redress Before Taxes," which are guaranteed by the 1st Amendment.

5. Through annual memberships, WTP-LDA intends to be united in service together through individuals, companies and associations, providing a unified and uniform voice when and where it is needed to secure these Rights.

6. WTP-LDA intends to engage the services of attorneys and other professionals to represent member Companies that have ceased, or intend to cease earnings withholding of all federal taxes from their workers' paychecks until, the Executive and Legislative branches of the federal government respond to a certain four Petitions for Redress that were served on each member of Congress and the President in November, 2002, current members of Congress who were not members of Congress in 2002 are currently being served.

7. WTP-LDA intends to also represent natural persons who have stopped, or intend to stop filing federal tax returns and/or cease the payment of any alleged federal income taxes, until, the Executive and Legislative branches of the federal government respond to a certain four Petitions for Redress that were served on each member of Congress and the President in November, 2002.

Definitions

8. "Company" is a registered fictitious entity (incorporated business, S-Corp., trust, LLC or partnership) with two or more workers who are citizens or nationals of the United States of America.
9. "Worker" is a person directly hired by the Company and receives earnings and/or a salary from said corporation.
10. "Member" is any Company or natural person who has been approved for membership by the WTP-LDA and whose membership is in good standing.
11. "Applicant" any Company or natural person applying for membership.

Memberships

12. Membership in the WTP-LDA is not effective until after the Applicant's submittal of a signed and notarized copy of this standard agreement (which serves as WTP-LDA's application form), payment of the required membership fees and the formal approval by the WTP-LDA Administrator.
13. Because of unique situations, Applicants MAY be approved for Membership with special, written stipulations.

Representations and Obligations: Applicant/Member

14. Applicant may be engaged in a minor or major dispute with state and/or federal tax authorities regarding alleged tax assessments, debts or failure to file, but Applicant has NOT received any final administrative, civil or criminal judgment relating to any state or federal tax laws.
15. Applicant is not currently under criminal indictment for a tax crime.
16. Applicant is not under criminal arrest; has not been judicially summoned; has not been indicted; and to the best of Applicant's knowledge, applicant has not been judicially summoned or referred to the U.S. Department of Justice or any state prosecuting authorities for a tax crime.
17. Applicant has studied, understands and is in full agreement with the principles and legal positions represented in WTP-LDA's legal strategy regarding constitutional government and income taxes. Those positions are contained in

the Petitions, Causes of Action, and Statement of Facts which Applicant acknowledges to have read and approves in substance.

18. Applicant desires to become a member of WTP-LDA.

18A. Applicant will make payment, in full, to the WTP-LDA for the appropriate annual membership dues within 14 days following the public announcement of the planned WTP-LDA Service Activation Date (see below).

19. Member will contact WTP-LDA as soon as possible if contacted by the government in regards to actions or non-actions Member may have taken regarding termination of voluntary compliance with the income tax laws.

20. Member will keep the WTP-LDA case manager informed of all ongoing communications with government authorities and timely provide copies of all relevant communications to WTP-LDA.

21. Member will pay all membership dues and invoices for additional services or products by the due date on the invoice. **Memberships may be terminated if said invoices remain unpaid after 30 days.**

22. Member acknowledges that if Member causes the termination of its membership for failure to timely pay its dues and invoices, Member terminates WTP-LDA's obligation to represent Member and Member will no longer receive any services from WTP-LDA.

Representations and Obligations: WTP-LDA

23. WTP-LDA's legal strategy rests entirely on the exercise of and defense of the unalienable, unconditional, constitutionally-guaranteed Rights to Petition for Redress of Grievances and Redress Before (paying) Taxes, and the specific Causes of Action and Statements of Facts developed by the We The People organization (copy attached to and made a part of this Agreement).

24. These causes of action and supporting facts definitively assert: 1) the People have a Right to retain and hold onto money they would otherwise have turned over to the federal government if there are material facts supporting allegations of unconstitutional behavior by those wielding governmental power (oppression) and the government refuses to respond to the People's proper Petitions for Redress of those grievances; and 2) the federal income tax laws are without bona fide legal authority, are unenforceable against the People not subject to their jurisdiction, and are administered in a manner grossly repugnant to the People's Constitutionally protected Rights.

25. WTP-LDA intends to hire only attorneys and legal assistants, who have studied, understand, agree with, and are prepared to advocate aggressively for WTP-LDA on the principles and legal positions the WTP organization has developed regarding constitutional government and the income tax.

26. WTP-LDA intends to build a team of patriotic attorneys with exceptional intellect, subject matter expertise (or high aptitude), integrity, courage; and a strong heart for our cause.

27. WTP-LDA will handle each case in a rational, intelligent and professional manner observing all court/administrative rules, professional conduct rules and proper legal procedures.

28. In the event Member is contacted by state or federal tax authorities because Member has either ceased earnings withholding of all federal taxes from its workers' paychecks, or ceased filing "income" tax returns or ceased paying "income" taxes, WTP-LDA, *on a best efforts basis*, and AT NO COST TO THE MEMBER (*except where a separate agreement has been made*), will represent Member and endeavor to obtain an attorney and/or other professional representation and/or assistance at every stage of the proceedings including legal/educational consultation by letter and phone, direct representation with tax officials and court proceedings if necessary.

29. Member recognizes that WTP-LDA and Member are on the cutting edge of a ground-breaking process that we believe will positively affect every American. WTP-LDA intends to provide all Members with sufficient defenses and assistance to repel any and all government responses that may arise from Member's relevant actions or non-actions.

Member understands that the taxing authorities, and the federal and state governments may not accept the legal positions presented by WTP-LDA and WTP-LDA MAKES NO GUARANTY, EXPRESS OR IMPLIED, THAT THEY WILL BE ABLE TO DEFEND MEMBER AGAINST WHAT WTP-LDA CONSIDERS TO BE A GOVERNMENT ACTING BEYOND ITS BONA FIDE CONSTITUTIONAL AND LEGAL AUTHORITY.

29A. Together, Member and WTP-LDA will work towards success, even while encountering the to-be-expected roadblocks along the way. Every effort, using well thought out legal strategies, executed by top notch attorneys and other professionals will be used by WTP-LDA.

30. WTP-LDA obviously, cannot guarantee the outcome of any legal dispute between the Member and the tax agency or government. WTP-LDA cannot, and will not, be held liable by Member for any such outcome.

31. WTP-LDA will not represent Members in any IRS audit to determine the accuracy of the information provided on any tax return filed by Member.

32. WTP-LDA intends to begin providing its services only after a sufficient number of Companies and Natural Persons have formally joined the WTP-LDA, as Members in good standing, to enable WTP-LDA to function as an economically viable association.

33. WTP-LDA will begin providing its legal services only after a minimum of ten thousand (10,000) Companies and/or Natural Persons have formally joined WTP-LDA, as Members in good standing, including payment of their annual membership fees.

34. WTP-LDA may, at its sole discretion, decide to begin providing its legal services at any time after some number LESS THAN 10,000 Companies and/or Natural Persons have formally joined WTP-LDA, as Members in good standing.

35. After a sufficient number of WTP-LDA applications have been received, WTP-LDA will announce the ***planned*** "WTP-LDA Service Activation Date" and notify all Applicants. Applicants will then send their annual dues to WTP-LDA.

35A. Following the public announcement of the ***planned*** Service Activation date, WTP-LDA will begin collecting dues payments from all Applicants and begin to process Memberships. Only after a sufficient number of Applicants make timely payments, will WTP-LDA announce the ***actual*** Service Activation Date.

35B. WTP-LDA will only be responsible for providing legal services to a Member following BOTH the actual Activation of the WTP-LDA services AND the formal approval of the Applicant's Membership (which includes full payment of dues). Members will be notified when their Membership has been approved.

Termination of the Association

36. In the event an insufficient number of Companies and/or Individuals join WTP-LDA, or fail to make timely payments of their annual dues following the announcement of the planned "Service Activation Date", WTP-LDA will be formally dissolved as a legal entity and no Services will be provided.

37. Following actual activation of WTP-LDA services, WTP-LDA reserves the right to terminate its operations and dissolve as a legal entity, at any time for any reason. Following such an unanticipated circumstance, WTP-LDA will make partial refunds of Membership dues, on a weighted, pro-rata basis from Association funds after payment of all Association debts and satisfying all financial obligations owed by the Association, as well as all costs related to the

termination of the Association.

Membership Dues & Fees

38. Natural Persons: \$ 250 per calendar year

39. Companies: \$ 500 per calendar year

40. Renewal of annual memberships will be invoiced approximately 2 months before expiration.

40A. **NO payment is required to apply for Membership** during the startup phase of the Association.

40B. Initial Membership Dues will be due within 14 days after the public announcement of the planned WTP-LDA "Service Activation Date".

Termination of Memberships

41. WTP-LDA reserves the right to terminate Applicant's membership if Applicant has failed to disclose to WTP-LDA, or falsified, or omitted any material fact or condition that could have influenced the approval of a Membership and/or the provision of legal services or assistance to the Member.

42. WTP-LDA reserves the right to seek recovery of the costs of services provided to any Member that is terminated for the reasons stated above.

42A. MEMBER RECOGNIZES THAT ATTORNEYS AND/OR OTHER PROFESSIONALS HIRED THROUGH WTP-LDA MAY REQUIRE ADDITIONAL, SEPARATE WRITTEN OR ORAL AGREEMENTS WITH MEMBER TO EFFECT LEGAL REPRESENTATION.

IN GENERAL, WTP-LDA WILL BEAR THE FINANCIAL COSTS OF SUCH REPRESENTATION, SUBJECT TO THE TERMS AND LIMITATIONS CITED IN THIS AGREEMENT AND ANY AGREEMENT BETWEEN SUCH ATTORNEY AND/OR PROFESSIONAL AND THE WTP-LDA.

MEMBER IS FREE TO DECLINE THE REPRESENTATION AND MAY OR MAY NOT AGREE TO SAID TERMS.

IN THE EVENT THAT MEMBER IS NOT AGREEABLE TO THE TERMS OF ENGAGEMENT OF THE ATTORNEY AND/OR OTHER PROFESSIONALS, WTP-LDA WILL ENDEAVOR TO LOCATE ANOTHER ATTORNEY AND/OR OTHER PROFESSIONAL TO ADVOCATE ON BEHALF OF MEMBER.

IN THE EVENT THAT MEMBER DOES NOT ENGAGE THE SERVICES OF AN ATTORNEY OR OTHER PROFESSIONALS THROUGH WTP-LDA, THEIR MEMBERSHIP MAY BE TERMINATED AND THEIR CURRENT YEAR DUES MAY BE REFUNDED, LESS ANY EXPENSES INCURRED. WPT-LDA WILL BE HELD LEGALLY HARMLESS UNDER SUCH CIRCUMSTANCES.

43. WTP-LDA reserves the right to terminate Applicant's membership if Applicant has failed to provide WTP-LDA or its Representatives, with timely notice of relevant, official correspondence including, but not limited to, notices, summons, certified letters, indictments, seizures, levies, etc.

44. WTP-LDA reserves the right to terminate Applicant's membership if Applicant has failed to follow the instructions or legal guidance provided by WTP-LDA or its representatives.

45. WTP-LDA reserves the right to terminate Applicant's membership if Applicant has failed to pay any required membership related fees within 30 days of their due date.

46. Termination of individual memberships can be made at anytime by the WTP-LDA Administrator for any non-financial cause, in which case WTP-LDA will refund all current year fees paid to WTP-LDA by the Member so terminated.

47. Signatures/affidavits are found on the following page.

Applicant: Signature _____
Name _____
Date _____
Address _____

Telephone _____
Fax _____
e-Mail _____

Sworn to before me this ____ day of _____, 2003

Notary

For WTP-LDA: Signature _____
Name _____
Date _____
Title _____
e-mail _____

I Want to Join the Nationwide We The People Congress !

ALL INFORMATION IS HELD STRICTLY CONFIDENTIAL

FIRST Name		
LAST Name		
Street 1		
Street 2		
City		
State	ZIP	County
Phone		
E-MAIL		

_____ **1 2 3 Years**
 @ \$25 / Year

_____ **Lifetime \$500**

MAIL this form to: We The People Congress
2458 Ridge Road
Queensbury, NY 12804
518-6556-3578

_____ I'm also enclosing a donation in the amount of \$_____ Check/cash/\$-order.

_____ I'd also like to donate using a credit card : VISA MC AMEX DISCOVER

Card # _____ **Exp. Date** _____

Security Code _____ (If MC or VISA, last 3 numbers on BACK of card, If AMEX, 4 numbers on front of card)

Amount \$_____ *Continue to donate each month until I tell you to stop: YES NO*

Signed: _____ Today is: _____ - _____ - 2003

Thank you for Joining in defense of our Freedom!

STATEMENT OF FACTS AND BELIEFS REGARDING THE INDIVIDUAL INCOME TAX

FIRST BELIEF:

THE RIGHT OF REDRESS OF GRIEVANCES INCLUDES THE RIGHT OF REDRESS BEFORE PAYMENT OF TAXES.

1. The Right of **Redress Before Taxes** lies in the hands of the People.
2. This Right is the People's non-violent, peaceful means to procuring a remedy to their grievances without having to depend on-- or place their trust in -- the government's willingness to respond to the People's petitions and without having to resort to violence.
3. As our Founding Fathers explicitly noted, retaining and keeping in our possession the money that we would otherwise have turned over to the government is the only real practical, non-violent method to corral those that have seized power from the People without the People's consent:

*"If money is wanted by Rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility."*¹
4. From 1999 thru 2002 the People have properly petitioned for a Redress of Grievances regarding the federal income tax system. The Executive and Legislative branches have utterly failed to honor their obligation to respond.

SECOND BELIEF:

THE INCOME TAX IS A TAX ON LABOR, PROHIBITED BY THE 13TH AMENDMENT

1. It was the intent of Congress to require "individuals" to make income tax returns based upon receipt of more than a threshold amount of gross income even if the individual ends up not "liable for" a tax on that gross income. [See 26 U.S.C. 6012 (a).]
2. The "gross income" mentioned in Section 6012 of the Internal Revenue Code is the "gross income" as set forth at Section 61(a) of the Internal Revenue Code. (See 26 U.S.C. Sections 61(a) and 6012.)
3. Section 61(a) of the Internal Revenue Code defines "gross income" as "all income" from whatever source derived, but does not define "income." [See 26 U.S.C. § 61(a)] In *Eisner v. Macomber*, 252 U.S. 189, 206 (1920), the United States Supreme Court held that Congress cannot by any definition it may adopt conclude what "income" is, since it cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone that power can be lawfully exercised. [See *Eisner v. Macomber*, 252 U.S. 189, 206 (1920)]
4. The definition of income as it appears in Section 61(a) is based upon the 16th Amendment and that the word is used in its constitutional sense. House Report No. 1337; Senate Report No. 1622; U.S. Code Cong. and Admin. News, 83rd Congress, 2nd Session, pages 4155 and 4802, respectively, 1954.
5. The United States Supreme Court has defined the term income for purposes of all income tax legislation as: The gain derived from capital, from labor or from both combined, provided it include

¹ See, "Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress. 1774 -1789. Journals 1: 105-13.

profit gained through a sale or conversion of capital assets. [See *Stratton's Indep. v. Howbert*, 231 U.S. 399 (1913); *Doyle v. Mitchell*, 247 U.S. 179 (1920); *So. Pacific v. Lowe*, 247 U.S. 330 (1918); *Eisner v. Macomber*, 252 U.S. 189 (1920); *Merchant's Loan v. Smetanka*, 255 U.S. 509 (1921)]

6. The United States Supreme Court defined "income" to mean the following:

"...Whatever difficulty there may be about a **precise scientific definition of 'income,'** it imports, as used here, something entirely distinct from principal or capital either as a subject of taxation or as a measure of the tax; **conveying rather the idea of gain or increase arising from corporate activities."**

[See *Doyle v. Mitchell Brothers Co.*, 247 U.S. 179, 185, 38 S.Ct. 467 (1918) (emphasis added)].

"This court had decided in the Pollock Case that the income tax law of 1894 amounted in effect to a direct tax upon property, and was invalid because not apportioned according to populations, as prescribed by the Constitution. The act of 1909 avoided this difficulty by imposing not an income tax, but an **excise tax upon the conduct of business in a corporate capacity**, measuring, however, the amount of tax by the income of the corporation... *Flint v. Stone Tracy Co.*, 220 U.S. 107, 55 L.Ed. 389, 31 Sup.Ct.Rep. 342, Ann. Cas."

[See *Stratton's Independence v. Howbert*, 231 U.S. 399, 414, 58 L.Ed. 285, 34 Sup.Ct. 136 (1913) (emphasis added)].

7. The term "corporation" as used above infers a federally chartered and not a state chartered corporation.
8. The United States Government is defined as a federal corporation:

United States Code

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART VI - PARTICULAR PROCEEDINGS

CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE

SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS

Sec. 3002. Definitions

(15) "**United States" means -**

(A) **a Federal corporation;**

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

(See 26 U.S.C. 3002)

9. Individuals as defined in Subtitle A of the Internal Revenue Code and in 26 CFR §1.1441-1 are not federal corporations, and therefore cannot have "profit" or "gain" as constitutionally defined above.(See 26 CFR 1.1441-1)

10. In the absence of gain, there is no "income." [See *Stratton's Indep. v. Howbert*, 231 U.S. 399 (1913); *Doyle v. Mitchell*, 247 U.S. 179 (1920); *So. Pacific v. Lowe*, 247 U.S. 330 (1918); *Eisner v. Macomber*, 252 U.S. 189 (1920); *Merchant's Loan v. Smietanka*, 255 U.S. 509 (1921)]
11. There is a difference between gross receipts and gross income. (See Common knowledge)
12. The United States Supreme Court recognizes that one's labor constitutes property. (See *Stratton's Indep. v. Howbert*, 231 U.S. 399 (1913); *Doyle v. Mitchell*, 247 U.S. 179 (1920); *So. Pacific v. Lowe*, 247 U.S. 330 (1918); *Eisner v. Macomber*, 252 U.S. 189 (1920); *Merchant's Loan v. Smietanka*, 255 U.S. 509 (1921).) (Ex. 065, 066, 067, 054, 068.)
13. The United States Supreme Court stated in *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 757 (concurring opinion of Justice Fields) (1883), that:

It has been well said that, "The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable."
14. The United States Supreme Court recognizes that contracts of employment constitute property. [See *Stratton's Indep. v. Howbert*, 231 U.S. 399 (1913); *Doyle v. Mitchell*, 247 U.S. 179 (1920); *So. Pacific v. Lowe*, 247 U.S. 330 (1918); *Eisner v. Macomber*, 252 U.S. 189 (1920); *Merchant's Loan v. Smietanka*, 255 U.S. 509 (1921); *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 757 (concurring opinion of Justice Fields) (1883)]
15. The United States Supreme Court stated in *Coppage v. Kansas*, 236 U.S. 1, 14 (1914) that: "The principle is fundamental and vital. Included in the right of personal liberty and the right of private property--partaking of the nature of each--is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property."
16. The United States Supreme Court recognizes that a contract for labor is a contract for the sale of property. [See *Stratton's Indep. v. Howbert*, 231 U.S. 399 (1913); *Doyle v. Mitchell*, 247 U.S. 179 (1920); *So. Pacific v. Lowe*, 247 U.S. 330 (1918); *Eisner v. Macomber*, 252 U.S. 189 (1920); *Merchant's Loan v. Smietanka*, 255 U.S. 509 (1921); *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 757 (concurring opinion of Justice Fields) (1883).]
17. The United States Supreme Court has stated in *Adair v. United States*, 208 U.S. 161, 172 (1908) that:

In our opinion that section, in the particular mentioned, is an invasion of the personal liberty, as well as of the right of property, guaranteed by that Amendment (5th Amendment). Such liberty and right embraces the right to make contracts for the purchase of the labor of others and equally the right to make contracts for the sale of one's own labor.
18. Congress recognizes at Section 64 of the Internal Revenue Code that "ordinary income" is a gain from the sale or exchange of property. (See 26 U.S.C. 64.)
19. Internal Revenue Code Sections 1001, 1011 and 1012 provide the method Congress has set forth for determining the gain derived from the sale of property. (See 26 U.S.C. Sections 1001, 1011, and 1012.)
20. Section 1001(a) states that: "The gain from the sale or other disposition of property shall be the excess of the amount realized there from over the adjusted basis provided in section 1 011 for determining gain . . ." [See 26 U.S.C. § 1001(a)]
21. Section 1001(b) states that: "The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received." [See 26 U.S.C. 1001(b)]

22. Section 1011 states that: "The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis (determined under section 1012...), adjusted as provided in section 1016." (See 26 U.S.C. 1011.)
23. Section 1012 states that: "The basis of property shall be the cost of such property . . ." (See 26 U.S.C. 1012.)
24. The cost of property purchased under contract is its fair market value as evidenced by the contract itself, provided neither the buyer nor seller were acting under compulsion in entering into the contract, and both were fully aware of all of the facts regarding the contract. [See *Terrance Development Co. v. C.I.R.*, 345 F.2d 933 (1965); *Bankers Trust Co. v. U.S.*, 518 F.2d 1210 (1975); *Bar L. Ranch. Inc. v. Phinney*, 426 F.2d 995 (1970); *Jack Daniel Distillery v. U.S.*, 379 F.2d 569 (1967); *In re Williams' Estate*, 256 F.2d 217 (1958)].
25. In the case of the sale of labor, none of the provisions of Section 1016 of the Internal Revenue Code are applicable. (See 26 U.S.C. 1016.)
26. When an employer pays the employee the amount agreed upon by their contract, there is no excess amount realized over the adjusted basis, and thus no gain under Section 1001 of the Internal Revenue Code. (See 26 U.S.C. 1001.)
27. If one has no gain, one would have no income in a constitutional sense. (See 26 U.S.C. 64) (26 U.S.C.1001)
28. If one has no income, one would have no "gross income."
29. In the absence of "gross income," one would not be required to make a return under Section 6012 of the Internal Revenue Code. (See 26 U.S.C. 6012.)
30. Section 6017 of the Internal Revenue Code requires individuals, other than nonresident alien individuals, to make a return if they have net earnings from self-employment of \$400 or more. (See 26 U.S.C. 6017.)
31. The term "net earnings from self-employment" is defined at Section 1402(a) of the Internal Revenue Code as follows:

"The term 'net earnings from self-employment' means the gross income derived by an individual from any trade or business carried on by such individual . . ." [See 26 U.S.C. 1402(a)]
32. In the absence of "gross income," one would not have more than \$400 of "net earnings from self-employment." [See 26 U.S.C. 1402(a)]
33. The "taxable income" upon which the income tax is imposed in Section 1 of the Internal Revenue Code is defined at Section 63 of the Internal Revenue Code. (See 26 U.S.C. Sections 1 and 63.)
34. The term "taxable income" is defined differently for those who itemize deductions and those who don't itemize deductions.
35. For those who do itemize deductions, the term "taxable income" means "gross income" minus the deductions allowed by Chapter 1 of the Internal Revenue Code, other than the standard deduction.
36. For those who do not itemize deductions, the term "taxable income" means "adjusted gross income" minus the standard deduction and the deduction or personal exemptions provided in section 151 of the Internal Revenue Code. (See 26 U.S.C. 151.)
37. For individuals, the term "adjusted gross income" means gross income minus certain deductions.

38. In the absence of "gross income" an individual would have no "adjusted gross income" and no "taxable income."
39. In the absence of taxable income, no tax is imposed under Section 1 of the Internal Revenue Code. (See 26 U.S.C. 1.)
40. Employment taxes are contained in Subtitle C of the Internal Revenue Code. (See Title 26, United States Code, index.)
41. The taxes imposed in Subtitle C of the Internal Revenue Code are different than the taxes imposed in Subtitle A of the Internal Revenue Code. (See Title 26, United States Code, index.)
42. The Federal Insurance Contributions Act (FICA) tax contained in Subtitle C at Section 3101 of the Internal Revenue Code is imposed on the individual's "income." (See 26 U.S.C. 3101.)
43. The rate of the tax set out at Section 3101 of the Internal Revenue Code is a percentage of the individual's wages. (See 26 U.S.C. 3101.)
44. The term "income" as used at Section 3101 of the Internal Revenue Code is the same income as used in Subtitle A of the Internal Revenue Code. (See 26 U.S.C. 3101; Title 26, United States Code, index.)
45. If one has no income, one is not subject to the tax imposed at Section 3101 of the Internal Revenue Code. (See 26 U.S.C. 3101.) (Ex. 093.)
46. The Federal Insurance Contributions Act (FICA) tax on employers contained in Subtitle C at Section 3111 of the Internal Revenue Code is an excise tax on employers with respect to their having employees. (See 26 U.S.C. 3111.)
47. At Section 3402 of the Internal Revenue Code, employers are directed to withhold from wages paid to employees, a tax determined in accordance with tables prescribed by the Secretary of the Treasury. (See 26 U.S.C. 3402.)
48. Congress does not identify the Section 3402 "tax determined" as either a direct tax, an indirect tax, and/or an "income" tax. (See 26 U.S.C. 3402.)
49. Congress made the employer liable for the Section 3402 tax at Section 3403 of the Internal Revenue Code. (See 26 U.S.C. Sections 3402 and 3403.)
50. At Section 3501 of the Internal Revenue Code, Congress directed the Secretary of the Treasury to collect the taxes imposed in Subtitle C and pay them into the Treasury of the United States as internal revenue collections. (See 26 U.S.C. 3501.)
51. Congress has not anywhere imposed the tax described at Section 3402 of the Internal Revenue Code. (See Title 26, United States Code, in its entirety.)
52. At Section 31 of the Internal Revenue Code, the amount of the Section 3402 tax on wages is allowed as a credit against the income tax imposed in Subtitle A. (See 26 U.S.C. Sections 1 and 31.)
53. If one does not have any tax imposed at Subtitle A for any reason whatsoever, the law enacted by Congress at Section 3402(n) of the Internal Revenue Code constitutes an exemption of the tax described at Section 3402(a) of the Internal Revenue Code. (See 26 U.S.C. Sections 3402.)
54. A typical American family works until noon of every working day just to pay its alleged tax obligations. (See "Compilation of Tax Facts" by freelance writer John MacIntyre, published in Southwest Airlines Spirit Magazine, 1999 ed., v. 4, hereinafter "Tax Facts," p. 154.)

55. The typical American family pays more in taxes than they spend on food, clothing, and housing combined. (See Tax Facts.)
56. There are currently over 480 tax forms. (See Tax Facts.)
57. The federal tax code contains over 7 million words. (See Tax Facts.)
58. Over 1/2 of Americans are paying some sort of tax professional to help them comply with alleged tax law requirements. (See Tax Facts.)
59. Each year the Internal Revenue Service sends out approximately 8 billion pages of tax forms and instructions, generating enough paper to stretch 28 times around the Earth.
60. Americans spend approximately 5.4 billion labor hours and \$200 billion dollars per year attempting to comply with alleged tax requirements, which is more time and money than it takes to produce every car, truck, and van each year in the United States. (See Tax Facts.)
61. In 1913, the average American family had to work only until January 30th before earning enough to pay all alleged tax obligations. (See Tax Facts.)
62. The average American family had to work all the way through May 12th in order to pay their alleged federal, state, and local tax bills for the year 2000. (See Tax Facts.)
63. Economist Daniel J. Mitchell recently observed that: "[Medieval serfs] only had to give the lord of the manor a third of their output and they were considered slaves. So what does that make us?" (See "Legalized Loot" by Machan)
64. The average Wisconsin citizen had to work until May 9th this year to pay all alleged tax obligations. (See Tax Facts.)
65. Americans own less of their labor than feudal serfs.
66. The 13th Amendment to the U.S. Constitution states: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation." (See U.S. Const. amend XIII.)
67. If Congress can constitutionally tax a man's labor at the rate of 1%, then Congress is free, subject only to legislative discretion, to tax that man's labor at the rate of 100%.
68. "Peonage" is a condition of servitude compelling a man or woman to perform labor in order to pay off a debt. (See Black's Law Dictionary, 6th Ed., West Publishing Co. 1990, p. 1135.)
69. The Federal Reserve Act was passed in 1913, within a few months of the ratification of the Sixteenth Amendment that allegedly authorized a tax on the incomes of most Americans.
70. The Federal Reserve Act allowed the U.S. government to borrow large sums of money from private banking institutions at interest, and thereby potentially create a large public debt.
71. U.S. Congress' inability to balance the federal budget or lack of fiscal discipline could create large volumes of public debt to the Federal Reserve.
72. The result of increasing public debt must be an increase in income tax revenues to pay off the debt in order to maintain solvency of the federal government.
73. An increase in income tax revenues would require a larger percentage of the wage (labor) income of average Americans to be extracted as income tax, because more than half of federal income tax revenues derive from personal income taxes rather than corporate income taxes.

74. There is an incentive for politicians to buy votes with borrowed money that will be paid off by unborn children at interest.
75. Requiring unborn children of tomorrow paying off extravagances of today at interest amounts to taxation without representation, which was the very reason our country rebelled from Great Britain to become an independent nation.
76. Thomas Jefferson, one of our founding fathers and author of our Declaration of Independence, said the following
- "I sincerely believe... that banking establishments are more dangerous than standing armies, and that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." --Thomas Jefferson to John Taylor, 1816. ME 15:23
- "Funding I consider as limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it; every generation coming equally, by the laws of the Creator of the world, to the free possession of the earth He made for their subsistence, unencumbered by their predecessors, who, like them, were but tenants for life." --Thomas Jefferson to John Taylor, 1816. ME 15:18
- "[The natural right to be free of the debts of a previous generation is] a salutary curb on the spirit of war and indebtedment, which, since the modern theory of the perpetuation of debt, has drenched the earth with blood, and crushed its inhabitants under burdens ever accumulating." --Thomas Jefferson to John Wayles Eppes, 1813. ME 13:272
- "We believe --or we act as if we believed--that although an individual father cannot alienate the labor of his son, the aggregate body of fathers may alienate the labor of all their sons, of their posterity, in the aggregate, and oblige them to pay for all the enterprises, just or unjust, profitable or ruinous, into which our vices, our passions or our personal interests may lead us. But I trust that this proposition needs only to be looked at by an American to be seen in its true point of view, and that we shall all consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves; and consequently within what may be deemed the period of a generation, or the life of the majority." --Thomas Jefferson to John Wayles Eppes, 1813. ME 13:357
- "It is incumbent on every generation to pay its own debts as it goes. A principle which if acted on would save one-half the wars of the world." --Thomas Jefferson to A. L. C. Destutt de Tracy, 1820. FE 10:175
- "To preserve [the] independence [of the people,] we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessities and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the government for their debts and daily expenses, and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes, have no time to think, no means of calling the mismanagers to account, but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers." --Thomas Jefferson to Samuel Kercheval, 1816. ME 15:39
77. With an unlimited source of credit in the Federal Reserve, and an ability to claim any percentage of the income of the Average American in income taxes, the growth of the federal government and the smothering and complete extinguishment of liberty is inevitable given the vagaries and weaknesses of the humankind who occupy public office.

78. "Peonage" is a form of involuntary servitude prohibited by the Thirteenth Amendment to the Constitution of the United States. [See *Clyatt v. United States*, 197 U.S. 201 (1905)]
79. The U.S. Congress abolished peonage in 1867. (See 42 U.S.C. 1994; R.S. Section 1990, Act of Mar. 2, 1867, c. 187, Section 1, 14 Stat. 546.)
80. Holding or returning any person to a condition of peonage is a crime under 18 U.S.C. 1581. (See 18 U.S.C. 1581)
81. Involuntary servitude means a condition of servitude in which the victim is forced to work for another by use or threat of physical restraint or injury, or by the use or threat of coercion through law or legal process. [See *Clyatt v. United States*, 197 U.S. 201 (1905); *Bailey v. Alabama*, 219 U.S. 219 (1910); *United States v. Kozminski*, 487 U.S. 931 (1988)]
82. If an American stops turning over the fruits of his or her labor to the federal government in the form of income tax payments, he suffers under the risk of possible criminal prosecution and incarceration. (See Form 1040 Instruction Booklet)
- THIRD BELIEF:**
CONGRESS LACKS THE AUTHORITY TO LEGISLATE AN INCOME TAX ON THE PEOPLE EXCEPT IN THE DISTRICT OF COLUMBIA, THE US TERRITORIES AND IN THOSE AREAS WITHIN ANY OF THE 50 STATES WHERE THE STATES HAVE SPECIFICALLY AUTHORIZED IT, IN WRITING.
- At Section 7608(a) of the Internal Revenue Code, Congress set forth the authority of internal revenue officers with respect to enforcement of Subtitle E and other laws pertaining to liquor, tobacco, and firearms. [(See 26 U.S.C. 7608(a))]
 - At Section 7608(b) of the Internal Revenue Code, Congress set forth the authority of internal revenue officers with respect to enforcement of laws relating to internal revenue other than Subtitle E. [See 26 U.S.C. 7608(b)]
 - The only persons authorized to enforce Subtitle A are special agents and investigators. [See 26 U.S.C. 7608(b)]
 - The term "person" as that term is used in Internal Revenue Code Section 6001 and 6011 is defined at Section 7701(a)(1). [See 26 U.S.C. 6001, 6011, and 7701(a)(1)]
 - Internal Revenue Code Section 7701(a)(1) states: "The term person shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation." [(See 26 U.S.C. 7701(a)(1))]
 - Trusts, estates, partnerships, associations, companies and corporations do not have arms and legs, do not get married, do not eat, drink and sleep, and are not otherwise included in what one not trained in the law would recognize as a "person."
 - Internal Revenue Code Section 6012(a) states that: "(a)General Rule. Returns with respect to income taxes under subtitle A shall be made by the following: (1)(A) Every individual having for the taxable year gross income which equals or exceeds the exemption amount or more" [(See 26 U.S.C. 6012(a))]
 - Internal Revenue Code Section 1 imposes a tax on the taxable income of certain "persons" who are "individuals" and "estates and trusts." (See 26 U.S.C. 1.)
 - The "individual" mentioned in Internal Revenue Code Section 6012 is the same individual as mentioned in Internal Revenue Code Section 1. (See 26 U.S.C. Sections 1 and 6012.)

10. The "individual" mentioned by Congress in Internal Revenue Code Section 6012 and Internal Revenue Code Section 1 is not defined anywhere in the Internal Revenue Code. (See 26 U.S.C. Sections 1.1 and 6012; Title 26, United States Code, in its entirety.)
11. 26 C.F.R. 1.1-1 is the Treasury Regulation that corresponds to Internal Revenue Code Section 1. (See 26 U.S.C. 1; 26 C.F.R. 1.1-1.)
12. At 26 C.F.R. 1.1-1(a)(1), the individuals identified at Section 1 of the Internal Revenue Code are those individuals who are either citizens of the United States, residents of the United States, or non-resident aliens. [See 26 U.S.C. 1.1; 26 C.F.R. 1.1-1(a)(1)]
13. The "residents" and "citizens" identified in 26 C.F.R. 1.1-1(a)(1) are mutually exclusive classes. [See 26 C.F.R. 1.1-1(a)(1)]
14. As used in 26 C.F.R. Sec. 1.1-1, the term "resident" means an alien. (See 26 C.F.R. 1.1-1.)
15. 26 C.F.R. 1.1-1(c) states that: "Every person born or naturalized in the United States, and subject to its jurisdiction, is a citizen." [See 26 C.F.R. 1.1-1(c)]
16. A person who is born or naturalized in the United States but not subject to its jurisdiction, is not a citizen within the meaning of 26 C.F.R. 1.1-1. (See 26 U.S.C. 1.1-1)
17. On April 21, 1988, in the United States District Court, Southern District of Indiana, Evansville Division, in the case of *United States v. James I. Hall*, Case No. EV 87-20-CR, IRS Revenue Officer Patricia A. Schaffner, testified under penalties of perjury that the terms "subject to its jurisdiction" as used at 26 C.F.R. 1.1-1(c) meant being subject to the laws of the country, and that meant the "legislative jurisdiction" of the United States. (See "Judicial Tyranny and Your Income Tax," Jeffrey A. Dickstein, J.D., Custom Prints 1990, Appendix B, pp. 309-357.)
18. In the same case, Patricia A. Schaffner testified under oath the term "subject to its jurisdiction" could have no other meaning than the "legislative jurisdiction" of the United States. (See "Judicial Tyranny and Your Income Tax," Jeffrey A. Dickstein, J.D., Custom Prints 1990, Appendix B, pp. 309-357.)
19. When Patricia A. Schaffner was asked to tell the jury what facts made Mr. Hall subject to the "legislative jurisdiction" of the United States, the prosecutor, Assistant United States Attorney Larry Mackey objected, and the court sustained the objection. (See "Judicial Tyranny and Your Income Tax," Jeffrey A. Dickstein, J.D., Custom Prints 1990, Appendix B, pp. 309-357.)
20. The Internal Revenue Service is never required by the Federal courts to prove facts to establish whether one is subject to the jurisdiction of the United States. (See "Judicial Tyranny and Your Income Tax," Jeffrey A. Dickstein, J.D., Custom Prints 1990, Appendix B, pp. 309-357.)
21. The United States Department of Justice and United States Attorneys, and their assistants, always object when an alleged taxpayer demands the Government prove that they are subject to the jurisdiction of the United States, and the federal courts always sustain those objections, which means that the federal courts routinely prohibit the introduction of potentially exculpatory evidence in tax crime trials.
22. The IRS has been directed to maintain a system of financial records on all federal judges, all IRS Criminal Investigation Division Special Agents, and all U.S. Attorneys, which records cannot be accessed by the subject(s) under the FOIA or Privacy Act. (See Treasury System of Records 46.002 as identified in Treasury/IRS Privacy Act of 1974 Resource Document #6372)
23. Unless specifically provided for in the United States Constitution, the federal government does not have legislative jurisdiction in the states. [See *United States v. Lopez*, 514 US 549 (1995)]

24. 40 U.S.C. §255 identifies the only method by which the federal government may acquire legislative jurisdiction over a geographic area within the outer limits of a state of the Union, which is by state cession *in writing*. (See 40 U.S.C. §255.)
25. On December 15, 1954, an interdepartmental committee was commissioned on the recommendation of the Attorney General of the United States, Herbert Brownell, Jr., and approved by President Eisenhower and his cabinet, named the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, and charged with the duty of studying and reporting where the United States had legal authority to make someone subject to its jurisdiction. (See "Jurisdiction over Federal Areas Within the States: Report of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas Within the States," April 1956, hereinafter "the Report.")
26. In June of 1957, the "Interdepartmental Committee for the Study of Jurisdiction over Federal Areas Within the States" issued "Part II" of its report entitled "Jurisdiction Over Federal Areas Within the States." (See Report, p. 197.)
27. The Report makes the following statements:
 - a. "The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction -- by State consent under Article I, section 8, clause 17... Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place." (See Report, p. 41.)
 - b. "It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to clause 17 by a Federal acquisition of land with State consent, or (2) by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non- interference by the State with Federal functions," (See Report, p. 45.)
 - c. "The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State," (See Report, p. 46.)
 - d. "On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various other crimes, jurisdiction over which is retained by the States under our Federal-State system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government." (See Report, p.107.)
28. The phrase "subject to their jurisdiction" as used in the Thirteenth Amendment means subject to both the jurisdiction of the several states of the union and the United States. (See U.S. Const. Amendment 13.)
29. The "subject to its jurisdiction" component of the definition of citizen set out at 26 C.F.R. 1.1-1(c) has a different meaning than the phrase "subject to their jurisdiction" as used in the Thirteenth Amendment to the Constitution of the United States. (See 26 C.F.R. 1.1-1(c); U.S. Const. amend 13.)
30. The term "foreign" is nowhere defined in the Internal Revenue Code.
31. The term "foreign" means anything outside of the legislative jurisdiction of the Congress, which means anything outside of federal property ceded, in most cases, to the federal government by the states as required by 40 U.S.C. §255. (See 40 U.S.C. §255.)

32. A Treasury Regulation cannot create affirmative duties not otherwise imposed by Congress in the underlying statute, corresponding Internal Revenue Code section. [See *C.I.R. v. Acker*, 361 U.S. 87, 89 (1959); *U.S. v. Calamaro*, 354 U.S. 351, 358-359 (1957)]

33. Congress defined a "taxpayer" at Section 7701(a)(14) of the Internal Revenue Code, as any person subject to any Internal Revenue tax. [See 26 U.S.C. 7701(a)(14)]

34. "Subject to" is defined in Black's Law Dictionary, Sixth Edition, page 1425 as:

"Liable, subordinate, subservient, inferior, obedient to; governed or affected by; provided that; provided; answerable for." *Homan v. Employers Reinsurance Corp.*, 345 Mo. 650, 136 S.W.2d 289, 302

(See Black's Law Dictionary, Sixth Edition, page 1425)

35. Based on the above definition of "subject to", use of the term "taxpayer" in describing anyone creates a presumption of liability for tax on the part of the person being referred to.

36. The IRS uses the term "taxpayer" to refer to everyone, including those not necessarily subject to or liable for Subtitle A income taxes.

37. In *Botta v. Scanlon*, 288 F.2d 504, 508 (1961), a federal court said:

"A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of assessment against individuals not specified in the states as a person liable for the tax without an opportunity for judicial review of this status before the appellation of 'taxpayer' is bestowed upon them and their property is seized..."

38. Based on the above, it is a violation of due process and a violation of delegated authority for any IRS tax official to refer to any person as a "taxpayer" who does not first identify him or herself as such voluntarily.

39. The federal courts, in the case of *Long v. Rasmussen*, 281 F. 236 (1922) stated at 238:

"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."

"The distinction between persons and things within the scope of the revenue laws and those without is vital."

40. One who is not a citizen, resident, or non-resident alien, is not an individual subject to the tax imposed by Section 1 of the Internal Revenue Code. (See 26 U.S.C. 1; 26 C.F.R. 1.1-1.)

41. An individual who is not subject to the tax imposed by Section 1 of the Internal Revenue Code, is not an individual required to make a return under the Requirement of Internal Revenue Code Section 6012. (See 26 U.S.C. Sections 1.1 and 6012.)

42. The Supreme Court, in the dissenting opinion of Judge Harlan in the case of *Downes v. Bidwell*, 182 U.S. 244 (1901), stated:

"The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to...I take leave to say that, if the principles

thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism. It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution."

43. The jurisdiction that Honorable Justice Harlan above was referring to where "legislative absolutism" would or could reign was in areas subject to the legislative jurisdiction of the U.S. government, which includes the District of Columbia, federal enclaves within the states, and U.S. territories and possessions.

44. The Internal Revenue Manual says the following, in Section 4.10.7.2.9.8 (05-14-1999):

Importance of Court Decisions

Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position.

Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code.

Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers.

45. The Internal Revenue Service, in its responsive letters to tax payers, routinely and chronically violates the above requirements by citing cases below the Supreme Court level, which do not apply to more than the individual taxpayer in question according to the above.

FOURTH BELIEF: IRS IS PROHIBITED BY THE 4TH AND 5TH AMENDMENTS FROM COMPELLING PEOPLE TO SIGN AND FILE AN INCOME TAX RETURN FORM 1040

1. 26 U.S.C. 6001 requires the keeping of records.
2. 26 U.S.C. 7203 makes it a federal crime not to keep the records required under section 6001.
3. The records required under 26 U.S.C. 6001 contain information that will appear on the tax returns pertaining to federal income taxes.
4. The Fifth Amendment prohibits the government from compelling an American to be a witness against himself.
5. The IRS currently uses the following: Non-Custodial Miranda warning:

"In connection with my investigation of your tax liability I would like to ask you some questions. However, first I advise you that under the fifth Amendment to the Constitution of the United States I cannot compel you to answer any questions or to submit any information. If such answers or information might tend to incriminate you in any way, I also advise you that anything which you say and any documents which you submit may

be used against you in any criminal proceeding which may be undertaken. I advise you further that you may, if you wish, seek the assistance of an attorney before responding."

(See IRS Handbook for Special Agents.)

6. The Privacy Act and Paperwork Reduction Act notices currently used by the IRS provides that the information provided in the preparation of a tax return can go to the Department of Justice who prosecutes criminal cases against the filers of tax returns. (See IRS Form 1040 and Instruction Booklet.)
7. The United States Attorneys' Bulletin, April 1998 edition, contained an article written by Joan Bainbridge Safford, Deputy United States Attorney, Northern District of Illinois, entitled: "Follow That Lead! Obtaining and Using Tax Information in a Non-Tax Case," hereinafter "Follow that Lead!".
8. "Follow that Lead!" states the following:

"In any criminal case where financial gain is the prominent motive, tax returns and return information can provide some of the most significant leads, corroborative evidence, and cross-examination material obtainable from any source."
9. "Follow that Lead!" states the following:

"In even the most straightforward fraud case, the usefulness of tax returns should be apparent . . . the tax return information provides a statement under penalty of perjury which may either serve as circumstantial evidence of the target' misrepresentation of his economic status or as helpful cross-examination material . . . Disclosure of tax returns may also provide critical leads and impeachment material."
10. The Disclosure, Privacy Act, and Paperwork Reduction Act Notice set out in the IRS Form 1040 Instruction Booklet states the following:

"[W]e may disclose your tax information to the Department of Justice, to enforce the tax laws, both civil and criminal, and to cities, states, the District of Columbia, U.S. Commonwealths or possessions, and certain foreign governments to carry out their tax laws."
11. Tax returns are used by the IRS to develop civil and criminal cases against the filers of the tax returns. (See "Follow that Lead!")
12. Tax returns of a filer are used as evidence against the filer in both civil and criminal income tax cases. (See Annotations, Title 26, Sections 7201,7203)
13. The United States Supreme Court has held that a fifth amendment privilege exists against requiring a person to admit or deny he has documents which the government believes is related to the federal income tax. [See *United States v. Doe*, 465 U.S. 605 (1984)]
14. The Fifth Amendment provides an absolute defense to tax crimes. (See *United States v. Heise*, 709 F.2d 449, 450 (6th Cir. 1983); *Garner v. United States*, 424 U.S. 648, 662-63 (1976).)
15. The U.S. Court of Appeals for the 10th Circuit took the position in *U.S. v. Conklin*, (1994), WL 504211, that the filing of an income tax return (Form 1040) is not compelled and, therefore, the principle that no one may be forced to waive their 5th Amendment rights in order to comply with a law is not applicable to federal income tax returns. (See *U.S. v. Conklin*, (1994), WL 504211)
16. The Supreme Court has held that if one wants to assert the Fifth Amendment to an issue pertaining to a federal income tax return, one must make that claim on the form itself. (*Sullivan v. United States*, 274 U.S. 259 (1927).)

17. If one claims Fifth Amendment protection on an income tax form, that act can result in criminal prosecution for failure to file income tax returns, income tax evasion, or conspiracy to defraud. [See *United States v. Waldeck*, 909 F.2d 555, 561 (1st Cir. 1990)]

18. The Paperwork Reduction Act Notice (the "Notice") set out in the IRS Form 730 states that:

"You must file Form 730 and pay the tax on wagers under section 4401(a) if you are: Are in the business of accepting wagers, or Conduct a wagering pool or lottery."

19. The Notice states the following:

[C]ertain documents related to wagering taxes and information obtained through them that relates to wagering taxes may not be used against the taxpayer in any criminal proceeding. See section 4424 for more details.

20. In 1997, 5,335 tax audits resulted in criminal investigations of those tax filers. (Speculation: Tax Facts, etc.)

21. Judge Learned Hand stated that:

Logically, indeed, he (the taxpayer) is boxed in a paradox for he must prove the criminatory character of what it is his privilege to suppress just because it is criminatory. The only practicable solution is to be content with the door's being set a little ajar, AND WHILE AT TIMES THIS NO DOUBT PARTIALLY DESTROYS THE PRIVILEGE, ...nothing better is available.

(See *United States v. Weisman*, 111 F.2d 260, 262 (1947) (emphasis added).)

22. The Constitution is the Supreme Law of the Land.

23. The American people do not have to tolerate an income tax system in which the federal government requires a citizen to give up any constitutional rights.

**FIFTH BELIEF:
PERSONAL INCOME TAXES POLARIZE AND DIVIDE AN OTHERWISE
UNITED NATION AND PROMOTE CLAS WARFARE AND
MISTRUST OF OUR GOVERNMENT.**

1. The second plank in the Communist Manifesto calls for a heavy, progressive (graduated) income tax not unlike what we have now with the IRS form 1040, which punishes the rich so that wealth may be redistributed to the poor.
2. The U.S. Constitution requires that all income taxes must be uniform as follows, from in Article 1, Section 8, clause 1 of the U.S. Constitution, which says:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;"

3. To be uniform, a tax must apply equally to all persons similarly situated and all property of the same type or class being taxed must be taxed at the same percentage rate, no matter where people live, where the property is, or how much taxable income the person makes. Otherwise, the tax discriminates against the rich.

4. The Supreme Court stated in the case of *Pollack v. Farmer's Loan and Trust Company*, 157 U.S. 429, 158 U.S. 601 (1895) that:

"Congress has the exclusive power of selecting the class. It has regulated that particular branch of commerce which concerns the bringing of alien passengers, and that taxes shall be levied upon such property as shall be prescribed by law. **The object of this provision was to prevent unjust discriminations. It prevents property from being classified, and taxed as classed, by different rules.** All kinds of property must be taxed uniformly or be entirely exempt. The uniformity must be coextensive with the territory to which the tax applies.

Mr. Justice Miller, in his lectures on the constitution, 1889-1890 (pages 240, 241), said of taxes levied by congress: '**The tax must be uniform on the particular article; and it is uniform, within the meaning of the constitutional requirement, if it is made to bear the same percentage over all the United States.** That is manifestly the meaning of this word, as used in this clause. The framers of the constitution could not have meant to say that the government, in raising its revenues, should not be allowed to discriminate between the articles which it should tax.' In discussing generally the requirement of uniformity found in state constitutions, he said: 'The difficulties in the way of this construction have, however, been very largely obviated by the meaning of the word [157 U.S. 429, 595] 'uniform,' which has been adopted, holding that the uniformity must refer to articles of the same class; that is, different articles may be taxed at different amounts, provided the rate is uniform on the same class everywhere, with all people, and at all times.'

One of the learned counsel puts it very clearly when he says that the correct meaning of the provisions requiring duties, imposts, and excises to be 'uniform throughout the United States' is that the law imposing them should 'have an equal and uniform application in every part of the Union.'

If there were any doubt as to the intention of the states to make the grant of the right to impose indirect taxes subject to the condition that such taxes shall be in all respects uniform and impartial, that doubt, as said by counsel, should be resolved in the interest of justice, in favor of the taxpayer."

5. The article being taxed in the case of Subtitle A income taxes is dollar bills, or "income" as constitutionally defined.
6. In order to meet the uniformity requirement, every dollar bill (the article being taxed) taxed must be taxed at the same rate and not in a way that is based on the income of the person receiving it, because this would amount to discrimination according to the Supreme Court as listed above.
7. Because graduated income taxes violate the uniformity requirement of the Constitution, they must be voluntary, because the government cannot by legislation compel its citizens to violate the Constitution.
8. The Supreme Court stated the following about the nature of income taxes in general, and that neither of these two cases has ever been overruled:

"To lay with one hand the power of government on the property of the citizen, and with the other to bestow it on favored individuals.. is none the less robbery because it is.. called taxation."

Loan Association v. Topeka, 20 Wall. 655 (1874)

"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote

the expropriation of money from one group for the benefit of another." **U.S. v. Butler**, 297 U.S. 1 (1936)

9. All entitlement programs, including Welfare, Social Security, FICA, etc, fall into the class of taxes identified in **U.S. v. Butler** that are "expropriations of money from one group for the benefit of another."
10. Using income taxes to redistribute income or property between social classes or persons within society makes the U.S. into a socialist country:

"socialism 1. : any of various economic political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods. **2. a:** a system of society or group living in which there is no private property b: a system or condition of society in which the means of production are owned and controlled [partially or wholly] by the state **3: a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done."**

[Webster's Ninth New Collegiate Dictionary, 1983, Merriam-Webster, p. 1118]

11. The Supreme Court, in *Pollock v. Farmers Loan and Trust*, 157 U.S. 429 (1895), stated about the very first income tax instituted by Congress that:

"The present **assault upon capital** is but the beginning. **It will be but the stepping stone to others larger and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing intensity and bitterness.

...

The legislation, in the discrimination it makes, is class legislation. **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and abuses, and to general unrest and disturbance in society."**

12. The payment of social benefits to persons not associated with the government under entitlement programs such as Social Security and Welfare invites and encourages the kind of class warfare described above in *Pollock v. Farmers Loan and Trust*, 157 U.S. 429 (1895).
13. Compelled charity is not charity at all, but slavery disguised as charity.
14. Social Security is not insurance and is not a contract as ruled by the Supreme Court in *Helvering v. Davis*, 301 U.S. 619 (1937) and *Fleming v. Nestor*, 363 U.S. 603 (1960).
15. Social Security is Socialism, and that socialism must be voluntary at all times in a free country if liberty is to be preserved.
16. For the Social Security program to be called voluntary, a participant should be able or at least know how to quit a program at all times and that the agency should not constrain or restrict those who quit or refuse to provide information about how to quit.
17. The Social Security Administration has no documented means to quit the Social Security program on their website or in any of their publications, and that they will not tell you how to do so if you call their 800 number.
18. Absent an ability to leave the Social Security program at any time, the program constructively becomes a compulsory/involuntary program for those joined because they are not allowed to quit.

19. The application for joining Social Security does not indicate that the choice to join is *irrevocable*.
20. Most persons who allegedly joined the Social Security program did so when they were not competent adults, and joining was done by the parents and without the consent or assent of the child joining.
21. Persons whose parents applied for Social Security on their behalf are not offered a choice, upon reaching adulthood, to rescind the application so that their participation is entirely voluntary.
22. The Enumeration at Birth Program of the Social Security Administration creates the impression at hospitals where babies are born that the obtaining of Social Security numbers for their children is mandatory, and that they make it inconvenient and awkward to refuse receiving a number for their child.
23. Even though income tax returns require listing social security numbers for children who are dependents in order to claim them as deductions, parents may provide other proof such as a birth certificate in lieu of a social(ist) security number to claim the deduction.
24. A majority of employers will insist that their employees obtain a Social Security Number as a precondition of employment, and that this makes joining the program compulsory and not mandatory for all practical purposes.
25. Using the government to plunder the assets of the rich to support the poor using the force of the law is no less extortion or theft because it is called "taxation".

SIXTH BELIEF:

THE 16TH AMEND. DID NOT COME CLOSE TO BEING RATIFIED BY 3/4THS OF THE STATE LEGISLATURES AS REQUIRED BY ARTICLE 5; THE INCOME TAX IS, THEREFORE, VIOLATIVE OF ART. I, SEC. 9, CL 4

1. The IRS says it is the 16th Amendment that gives it the authority to impose the income tax directly on the working people of America. (See IRS Publication No. 1918 (July, 96), Cat. No. 22524B ; "The sixteenth amendment to the Constitution states that citizens are required to file tax returns and pay taxes.")
2. The New York Times says the 16th Amendment is the government's authority to impose the income tax directly on the working people of America. (See The New York Times Almanac, 2001, The World's Most Comprehensive and Authoritative Almanac, page 161: "Congress's right to levy taxes on the income of individuals and corporations was contested throughout the 19th century, but that authority was written into the Constitution with the passage of the 16th Amendment in 1913.")
3. The federal courts have said the 16th Amendment is the government's authority to impose the income tax directly on the working people of America. (See United States of America vs. Jerome David Pederson, (1985) Case No. CR-84-57-GF: Judge Paul G. Hatfield (United States District Court For The District of Montana) wrote: "The income tax laws of the United States of America are constitutional, having been validly enacted under authority of the Sixteenth Amendment to the United States Constitution.") (See United States v. Lawson, 670 F.2d 923, 927 (10th Cir. 1982): the court declared: "The Sixteenth Amendment removed any need to apportion income taxes among the states that otherwise would have been required by Article I, Section 9, clause 4.")
4. Findings, published in "The Law That Never Was," make a compelling case that the 16th Amendment (the "income tax amendment") was not legally ratified and that Secretary of State

Philander Knox was not merely in error, but committed fraud when he declared it ratified in February 1913. (See "The Law That Never Was," by Bill Benson and Red Beckman.)

5. The U.S. Court of Appeals, in *U.S. v. Stahl* (1986), 792 F2d 1438, ruled that the claim that ratification of the 16th Amendment was a fraudulently certified was a political question for Congress to decide because the court could not reach the merits of the claim without expressing a lack of respect due the Congress and the Executive branches of the government. (See *U.S. v. Stahl*, 792 F2d 1438)
6. In 1985, the Congressional Research Service issued a Report, at the request of Congressmen, to address the claim by Bill Benson that the 16th Amendment was a fraud. (See "Ratification of the Sixteenth Amendment," by John Ripy, Esq, CRS 1985, the "Ripy Report").
7. The Ripy Report was very specific in its declaration that it was not going to address the specific factual allegations detailed in Benson's book, "The Law That Never Was."
8. The Ripy Report then went on to assert that the actions of a government official must be presumed to be correct and cannot be judged or overturned by the courts.
9. When it comes to amending the Constitution the government appears to do whatever it wants to do, making up the rules regarding the ratification process as it goes along, while ignoring the spirit, if not the letter, of Article V of the Constitution.
10. The 27th Amendment was proposed by Congress on September 25, 1789 and that the states were allowed 202 years within which to have 3/4th of the states ratify it, with Maryland ratifying it on December 19, 1789 and New Jersey on 1992 (See 57 FR 21187.) (See Annotations, 27th Amendment.)
11. In 1921, in the case of *Dillon v. Gloss*, 256 U.S. 368, 374-375, the Supreme Court concluded:

We do not find anything in the article which suggests that an amendment once proposed is to be open to ratification for all time, or that ratification in some of the states may be separated from that in others by many years and yet be effective. We do find that which strongly suggests the contrary. First, proposal and ratification are not treated as unrelated acts, but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time. Secondly, it is only when there is deemed to be a necessity therefore that amendments are to be proposed, the reasonable implication being that when proposed they are to be considered and disposed of presently. Thirdly, as ratification is but the expression of the approbation of the people and is to be effective when had in three-fourths of the states, there is a fair implication that it must be sufficiently contemporaneous in that number of states to reflect the will of the people in all sections at relatively the same period, which of course ratification scattered through a long series of years would not do. These considerations and the general purport and spirit of the article lead to the conclusion expressed by Judge Jameson 'that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that, if not ratified early while that sentiment may fairly be supposed to exist, it ought to be regarded as waived, and not again to be voted upon, unless a second time proposed by Congress.' That this is the better conclusion becomes even more manifest when what is comprehended in the other view is considered; for, according to it, four amendments proposed long ago-two in 1789, one in 1810 and one in 1861-are still pending and in a situation where their ratification in some of the states many years since by representatives of generations now largely forgotten may be effectively supplemented in enough more states to make three-fourths by representatives of the present or some future generation. To that view few would be able to subscribe, and in our opinion it is quite untenable. We conclude that the fair inference or implication from article 5 is that the ratification must be within some reasonable time after the proposal.

12. The date of September 25, 1789, when the 27th Amendment was first proposed, is "widely separated in time" from the date of March 6, 1978, when Wyoming ratified this amendment. (See Annotations, 27th Amendment.)
13. Pursuant to the United States Constitution, Congress is authorized to impose two different types of taxes: direct taxes and indirect taxes. (See U.S. Const. Art. 1, Section 2, clause 3; U.S. Const. Art. 1, Section 8, clause 1; U.S. Const. Art. 1, Section 9, clause 4.)
14. The constitutionality of the 1894 income tax act was in question in the case of *Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895), and that in this case, the Supreme Court found that Congress could tax real and personal property only by means of an apportioned, direct tax. Finding that the income from real and personal property was part of the property itself, the Court concluded in this case that a federal income tax could tax such income only by means of an apportioned tax. Further finding that as this particular tax was not apportioned, it was unconstitutional. (See *Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895).)
15. For Congress to tax today real or personal property, the tax would have to be apportioned among the states. (See U.S. Const. Art. 1, Section 9, clause 4)
16. For Congress to tax income from real and personal property without the authority of the 16th Amendment, such taxes would have to be apportioned among the states. (See U.S. Const. Art. 1, Section 9, Clause 4)
17. In 1913, the following law, Revised Statutes 205, was in effect:

"Sec. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States."

(See R.S. Section 205.)

18. Revised Statutes Section 205 provided that "official notice" of a State's ratification of an amendment must be received at the State Department. (See R.S. Section 205)
19. On or about July 31, 1909, Senate Joint Resolution 40 proposing the ratification of the 16th Amendment was deposited with the Department of State and the same was published at 36 Stat. 184, and that this resolution read as follows:

SIXTY-FIRST CONGRESS OF THE UNITED STATES OF AMERICA AT THE FIRST SESSION

Begun and held at the City of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

JOINT RESOLUTION.

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution: "Article XVI. The Congress shall have

power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

J.C. CANNON,

Speaker of the House of

Representatives.

J.S. SHERMAN,

Vice-President of the United States,

and President of the Senate.

(See SJ 40, 36 Stat. 184.)

20. On July 27, 1909, the same Congress adopted Senate Concurrent Resolution 6, which read as follows:

CONCURRENT RESOLUTION

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to transmit forthwith to the executives of the several States of the United States copies of the article of amendment proposed by Congress to the State legislatures to amend the Constitution of the United States, passed July twelfth, nineteen hundred and nine, respecting the power of Congress to lay and collect taxes on incomes, to the end that the said States may proceed to act upon the said article of amendment; and that he request the executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification.

Attest: Charles G. Bennett

Secretary of the Senate

A. McDowell

Clerk of the House of

Representatives

(See Concurrent Resolution)

21. Not only did this resolution request that certified copies of favorable State ratification resolutions be sent to Washington, D.C., the States were expressly informed to do so by Secretary of State Philander Knox, who sent the following "form" letter to the governors of the 48 States then in the Union:

"Sir:

"I have the honor to enclose a certified copy of a Resolution of Congress, entitled 'Joint Resolution Proposing an Amendment to the Constitution of the United States,' with the request that you cause the same to be submitted to the Legislature of your State for such action as may be had, and that a certified copy of such action be communicated to the Secretary of State, as required by Section 205, Revised Statutes of the United States. (See overleaf.)

An acknowledgment of the receipt of this communication is requested.

I have the honor to be, Sir,

Your obedient servant,

P.C. Knox"

(See copy of "form" letter)

22. In 1909, there were 48 states and that three-fourths, or 36, of them were required to give their approval in order for it to be ratified. (See Knox's Proclamation)
23. Philander Knox declared the 16th amendment ratified on February 25, 1913, naming the following 38 states as having approved it: Alabama, Kentucky, South Carolina, Illinois, Mississippi, Oklahoma, Maryland, Georgia, Texas, Ohio, Idaho, Oregon, Washington, California, Montana, Indiana, Nevada, North Carolina, Nebraska, Kansas, Colorado, North Dakota, Michigan, Iowa, Missouri, Maine, Tennessee, Arkansas, Wisconsin, New York, South Dakota, Arizona, Minnesota, Louisiana, Delaware, Wyoming, New Jersey and New Mexico. (See Knox's Proclamation)
24. When California provided uncertified copies of its resolution to Secretary of State Philander Knox, Knox wrote the following to California Secretary of State Frank Jordan: "I have the honor to acknowledge the receipt of your letter of the 27th ultimo, transmitting a copy of the Joint Resolution of the California Legislature ratifying the proposed Amendment to the Constitution of the United States, and in reply thereto I have to request that you furnish a certified copy of the Resolution under the seal of the State, which is necessary in order to carry out the provisions of Section 205 of the Revised Statutes of the United States". (See Letter from Knox to Jordan.)
25. When Wyoming Governor Joseph Carey telegraphed Philander Knox news that the Wyoming legislature had ratified the 16th Amendment on February 3, 1913, Philander Knox telegraphed in return as follows: "Replying to your telegram of 3rd you are requested to furnish a certified copy of Wyoming's ratification of Income Tax Amendment so there may be no question as to the compliance with Section 205 of Revised Statutes." (See Letter from Knox to Carey)
26. On February 15, 1913, a State department attorney, J. Rueben Clarke, informed Secretary of State Philander Knox, in reference to the State of Minnesota, "the secretary of the Governor merely informed the Department that the state legislature had ratified the proposed amendment." (See Rueben Clarke Memo)
27. In the official records deposited in the Archives of the United States, there is no certified copy of the resolution of the Minnesota legislature ratifying the 16th Amendment. (See National Book of state ratification documents: Minnesota)
28. In the documents possessed by the Archives of the United States, there are no certified copies of the resolutions ratifying the 16th Amendment by California and Kentucky. (See National Book of state ratification documents: California and Kentucky)
29. The Kentucky Senate voted 22 to 9 against ratification of the 16th Amendment. (See Kentucky Senate Journal)
30. Mr. John Ashcroft is currently the Attorney General of the United States.
31. When Mr. Ashcroft was Governor of Missouri, the Missouri Supreme Court rendered the following decision in a case involving Mr. Ashcroft, that case being *Ashcroft v. Blunt* 696 S.W.2d 329 (Mo. banc 1985), where the Missouri Supreme Court held:

The senate and the house must agree on the exact text of any bill before they may send it to the governor. There may not be the slightest variance. The exact bill passed by the houses must be presented to and signed by the governor before it may become law (laying aside as not presently material alternative procedure by which a bill may become law without the governor's signature.) The governor has no authority to sign into law a bill which varies in any respect from the bill passed by the houses.

[See *Ashcroft v. Blunt*, 696 S.W.2d 329 (Mo. banc 1985)]

32. During hearings regarding the ratification of the 16th Amendment in Massachusetts, Mr. Robert Luce made the following statement to the Massachusetts Committee on Federal Relations: "Question by the committee: Are we able to change it? Mr. Luce: No, you must either accept or reject it." (See "The Law That Never Was," by Bill Benson: Statement by Luce to Committee of Federal Relations.)
33. On February 11, 1910, Kentucky Governor Augustus Wilson wrote a letter to the Kentucky House of Representatives wherein he stated as follows:

This resolution was adopted without jurisdiction of the joint resolution of the Congress of the United States which had not been transmitted to and was not before the General Assembly, and in this resolution the words "on incomes" were left out of the resolution of the Congress, and if transmitted in this form would be void and would subject the Commonwealth to unpleasant comment and for these reasons and because a later resolution correcting the omission is reported to have passed both Houses, this resolution is returned to the House of Representatives without my approval.

(See Letter from Kentucky Governor Wilson to Kentucky House of Rep.)
34. No State may change the wording of an amendment proposed by Congress. (See "How Our Laws Are Made") (See Letter from Senator Hollings)
35. On February 15, 1913, J. Reuben Clarke, an attorney employed by the Department of State, drafted a memorandum to Secretary Knox wherein the following statements were made: "The resolutions passed by twenty-two states contain errors only of capitalization or punctuation, while those of eleven states contain errors in the wording" (page 7). "Furthermore, under the provisions of the Constitution a legislature is not authorized to alter in any way the amendment proposed by Congress, the function of the legislature consisting merely in the right to approve or disapprove the proposed amendment." (See Rueben Clarke Memo.)
36. The Sixteenth Amendment reads as follows:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." (See U.S. Const. amend XVI.)
37. The Sixteenth Amendment does not read as follows:

"Article 16: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and from any census or enumeration." (See Oklahoma's Resolution)
38. The Sixteenth Amendment does not read as follows:

"Article XVI. Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several states, and without regard to census enumeration." (See California's Resolution)
39. The Sixteenth Amendment does not read as follows:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or reenumeration." (See Illinois' Resolution)

40. The Sixteenth Amendment does not read as follows:

"Article XVI. The Congress shall have power to lay and collect taxes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." (See National Book of State Ratification Documents: Kentucky)

41. The Sixteenth Amendment does not read as follows:

"The Congress shall have power to levy and collect taxes on income from whatever sources derived without apportionment among the several States, and without regard to any census or enumeration, which amendment was approved on the ---- day of July, 1909." (See Georgia's Resolution)

42. The Sixteenth Amendment does not read as follows:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several states, and without regard to any census of enumeration." (See Mississippi's Resolution)

43. The Sixteenth Amendment does not read as follows:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, with-out apportionment among the several states, and without regard to any census of enumeration:" (See Idaho's Resolution)

44. The Sixteenth Amendment does not read as follows:

"Article XVI. The congress shall have power to levy and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration, and did submit the same to the legislatures of the several states for ratification;" (See Missouri's Resolution)

45. State officials who prepare and send "official notice" of ratification of constitutional amendments to federal officials in Washington, D.C., do not have any authority to change the wording of the ratification resolution actually adopted by the State legislature.(See"How Our Laws Are Made.")

46. The following states were included on Knox's list of 38 states: Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, New Jersey, New Mexico, North Dakota, Tennessee, Texas, Washington, and Wyoming. (See Knox's Proclamation)

47. The proposed 16th (income tax) Amendment was never properly and legally approved by the Georgia State Senate. (See The Law That Never Was, Volume I, pages 81-88)

48. The actions taken by the state legislatures of Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, New Jersey, New Mexico, North Dakota, Tennessee, Texas, Washington, and Wyoming, in acting on the proposed 16th Amendment, were violative of certain provisions of their state constitutions, which were in effect AND CONTROLLING at the time those states purportedly ratified the 16th Amendment. (See The Law That Never Was, Volume 1)

49. The state of Tennessee violated Article II, Section 32 of the Tennessee Constitution by denying the people an opportunity to vote for their state legislators between the time the proposed 16th

(income tax) Amendment to the U.S. Constitution was submitted to the Tennessee legislature and the time the legislature voted to approve the amendment. (See The Law That Never Was, Volume I, pages 213-217)

50. The state legislature of Tennessee violated Article II, Section 18 of the Tennessee Constitution by failing to read (and pass), on three different days, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 213-217)

51. In voting to approve the income tax Amendment the Tennessee state legislature violated Article II, Sections 28 and 29 of the Tennessee Constitution, which prohibited the legislature from voting to impose an income tax on the people of Tennessee. (See The Law That Never Was, Volume I, pages 213-217)

52. In voting to approve the income tax Amendment the Arizona state legislature violated Article IX, Section 9 of the State Constitution, which prohibited the legislature from voting to pass any bill, which imposed a tax on the people of Arizona unless the amount of the tax was fixed in the bill. (See The Law That Never Was, Volume I, pages 243-250)

53. The state Senate of Arizona violated Article IV, Part 2, Section 12 of the State Constitution by failing to read, on three different days, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 243-250)

54. The presiding officer of the state Senate of Arizona violated Article IV, Part 2, Section 15 of the State Constitution by failing to sign, in open session, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 243-250)

55. In voting to approve the income tax Amendment the Arkansas state legislature violated Article XVI, Section 11 of the State Constitution, which prohibited the legislature from voting to pass any bill, which imposed a tax on the people of Arkansas, unless the bill specified the specific purpose to which the tax to be imposed under that bill would be applied. (See The Law That Never Was, Volume I, pages 219-225) (Ex. 048I).

56. The state Senate of Arkansas violated Article V, Section 22 of the State Constitution by failing to read, on three different days, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 219-225)

57. After the Governor vetoed the bill approving the proposed 16th (income tax) Amendment the Arkansas state legislature did not take the matter up again. (See The Law That Never Was, Volume I, pages 219-225)

58. The state Senate of California violated Article 4, Section 15 of the State Constitution by failing to read, on three different days, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 119-123)

59. The state Assembly of California violated Article 4, Section 15 of the State Constitution by failing to record the Yeas and Nays on the vote on the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Vol. I, pages 119-123)

60. The Senate and the House of the Colorado legislature violated Article V, Section 22 of the State Constitution by failing to read, on three different days, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 167-172)

61. The state Senate of Idaho violated Article III, Section 15 of the State Constitution by failing to read, section by section, just prior to the vote, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 101-105)
62. The state legislature of Idaho violated Article VI, Section 10 of the State Constitution by failing to send to the Governor the "approved" bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 101-105)
63. In voting to approve the 16th (income tax) Amendment the Illinois state Senate violated Article IV, Section 13 of the State Constitution, by failing to print the bill containing the proposed 16th (income tax) Amendment before the final vote was taken and by failing to read the bill on three different days. (See The Law That Never Was, Volume I, pages 51-53) (Ex. 048p)
64. In voting to approve the income tax Amendment the Kansas state legislature violated Article 11, Section 205 of the State Constitution, which prohibited the legislature from voting to pass any bill, which imposed a tax on the people of Kansas, unless the bill specified the specific purpose to which the tax to be imposed under that bill would be applied. (See The Law That Never Was, Volume I, pages 161-166)
65. In voting to approve the income tax Amendment the Kansas state Senate violated Article 2, Section 128 of the State Constitution, by failing to record the vote on the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 161-166)
66. In voting to approve the income tax Amendment the Kansas state House of Representatives violated Article 2, Section 133 of the State Constitution, by failing to read, section by section, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 161-166)
67. In voting to approve the income tax Amendment the Louisiana state legislature violated Articles 224 and 227 of the Louisiana Constitution, which prohibited the legislature from voting to impose a federal income tax on the people of Louisiana (See The Law That Never Was, Volume I, pages 257-260)
68. In voting to approve the income tax Amendment the Michigan state legislature violated Article X, Section 6 of the State Constitution, which prohibited the legislature from voting to pass any bill, which imposed a tax on the people of Michigan unless the bill specified the specific purpose to which the tax to be imposed under that bill would be applied. (See The Law That Never Was, Volume I, pages 179-183)
69. In voting to approve the 16th (income tax) Amendment the Mississippi state House of Representatives violated Article IV, Section 59 of the State Constitution, by failing to read, three times on three different days, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 55-60)
70. In voting to approve the 16th (income tax) Amendment the Mississippi state Senate violated Article IV, Section 59 of the State Constitution, by failing to read the bill, in full, immediately before the vote on its final passage. (See The Law That Never Was, Volume I, pages 55-60)
71. In voting to approve the income tax Amendment the Missouri state legislature violated Article X, Section 1 of the Missouri Constitution, which prohibited the legislature from voting to impose a federal income tax on the people of Missouri (See The Law That Never Was, Volume I, pages 191-194)
72. The Missouri state legislature violated Article V, Section 14 of the Missouri Constitution, which required the legislature to submit to the governor, the bill "approving" the proposed 16th (income tax) Amendment. (See The Law That Never Was, Volume I, pages 191-194)

73. In voting to approve the 16th (income tax) Amendment the Montana state House of Representatives violated Article V, Section 22 of the State Constitution by failing to print the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution, prior to the vote on its passage. (See The Law That Never Was, Volume I, pages 125-131)
74. In voting to approve the 16th (income tax) Amendment the presiding officer of the Montana state Senate violated Article V, Section 27 of the State Constitution by failing to publicly read, in open session, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution, just prior to signing the bill. (See The Law That Never Was, Volume I, pages 125-131)
75. In voting to approve the 16th (income tax) Amendment the New Mexico state legislature (both the Senate and the House), violated Article IV, Section 20 of the State Constitution requiring enrollment and engrossment, public reading in full, signing by the presiding officers and the recording of all those acts in the journals. (See The Law That Never Was, Volume I, pages 279-282)
76. In voting to approve the 16th (income tax) Amendment the New Mexico state House of Representatives violated Article IV, Section 15 of the State Constitution, by failing to read, three times on three different days, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution. (See The Law That Never Was, Volume I, pages 279-282)
77. In voting to approve the 16th (income tax) Amendment the North Dakota state legislature (both the Senate and the House), violated the Article II, Section 64 of the State Constitution, which required re-enactment and publication of amendments . (See The Law That Never Was, Volume I, pages 173-178)
78. In voting to approve the 16th (income tax) Amendment the North Dakota state legislature (both the Senate and the House), violated the Article II, Section 63 of the State Constitution, which required three readings of the bill, at length, on three separate days, (See The Law That Never Was, Volume I, pages 173-178)
79. In voting to approve the 16th (income tax) Amendment the Texas House of Representatives violated Article III, Section 37 of the State Constitution by voting on the bill before the bill was reported out of a Committee. (See The Law That Never Was, Volume I, pages 89-96)
80. In voting to approve the income tax Amendment the Texas state legislature violated Article III, Section 48 of the Texas Constitution, which prohibited the legislature from voting to impose a federal income tax on the people of Texas (See The Law That Never Was, Volume I, pages 89-96)
81. In voting to approve the 16th (income tax) Amendment the presiding officer of the Texas Senate violated Article III, Section 38 of the State Constitution by failing to publicly read, in open session, the bill containing the proposed 16th (income tax) Amendment to the U.S. Constitution, just prior to signing the bill. (See The Law That Never Was, Volume I, pages 89-96)
82. In voting to approve the 16th (income tax) Amendment the Texas state legislature violated Article III, Section 33 of the State Constitution, which required the House to act first on all money bills. (See The Law That Never Was, Volume I, pages 89-96)
83. In voting to approve the 16th (income tax) Amendment the Washington state legislature violated Article VII, Section 2 of the State Constitution, which prohibited the legislature from imposing a tax upon the people of the state unless the tax was a uniform and equal rate of taxation. (See The Law That Never Was, Volume I, pages 113-118)
84. The Washington state legislature violated Articles III, Section 12 of the Washington Constitution, which required the legislature to submit to the governor, the bill "approving" the proposed 16th (income tax) Amendment. (See The Law That Never Was, Volume I, pages 113-118)

85. In voting to approve the 16th (income tax) Amendment the Wyoming state legislature violated Article XV, Section 13 of the State Constitution, which prohibited the legislature from voting to pass any bill, which imposed a tax on the people of Wyoming unless the bill specified the specific purpose to which the tax to be imposed under that bill would be applied. (See *The Law That Never Was*, Volume I, pages 265-271)
86. In voting to approve the 16th (income tax) Amendment the Wyoming state legislature violated Article III, Section 20 of the State Constitution, by voting only on the title of the bill. (See *The Law That Never Was*, Volume I, pages 265-271)
87. The "income" tax at subtitle A of the Internal Revenue Code cannot be lawfully and constitutionally collected if the 16th Amendment is not a valid amendment to the Constitution of the United States. [See *Parker v. C.I.R.*, 724 F 2d 469 (5th Cir. 1984)]
88. The income taxes imposed by Subtitle A are not apportioned, so if the 16th Amendment was not ratified, the taxes imposed by Subtitle A are not constitutional under *Pollock v. Farmers Loan & Trust*, 158 U.S. 601 (1895).
89. In 1913, Congress passed the following income tax act:
- A. Subdivision 1. That there shall be levied, assessed, collected and paid annually upon the entire net income arising or accruing from all sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad, and to every person residing in the United States, though not a citizen thereof, a tax of 1 per centum . . . and a like tax shall be assessed, levied, collected, and paid annually upon the entire net income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.
- [See 38 Stat. 166 (Oct. 3, 1913)]
90. Mr. Brushaber challenged this income tax as being unconstitutional. [See *Brushaber v. Union Pacific R.R. Co.*, 240 U.S. 1 (1916)]
91. In the *Brushaber* decision, the United States Supreme Court held that the tax on income was an excise tax. [(See *Brushaber v. Union Pacific R.R. Co.*, 240 U.S. 1, 18-19 (1915); *Stanton v. Baltic Mining Co.*, 240 U.S. 103, 112 (1916)]
92. In the *Brushaber* decision, the United States Supreme Court held that the purpose of the 16th Amendment was to prevent the income tax from being taken out of the class of excise taxes where it rightly belonged. [See *Brushaber v. Union Pacific R.R. Co.*, 240 U.S. 1, 18-19 (1915)]
93. In the *Brushaber* decision, the United States Supreme Court discarded the notion that a direct tax could be relieved from apportionment, because to so hold would destroy the two great classifications of taxes. [See *Brushaber v. Union Pacific R.R. Co.*, 240 U.S. 1, 18-19 (1915)]
94. The Union Pacific Railroad was a United States Corporation located in the Utah Territory. [See *Brushaber v. Union Pacific R.R. Co.*, 240 U.S. 1, 18-19 (1915)]
95. The privilege of operating as a corporation can be taxed as an excise. (See *Flint v. Stone Tracy Co.*, 226 U.S. 107)
96. In *Eisner v. Macomber*, 252 U.S. 189, 205-206 (1920), the United States Supreme Court held a tax on income was a direct tax, but could be imposed without apportionment because the 16th Amendment gave Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration. [See *Eisner v. Macomber*, 252 U.S. 189, 205-206 (1920)]
97. The United States Supreme Court stated in *Eisner*:

- a. The Sixteenth Amendment must be construed in connection with the taxing clauses of the original Constitution and the effect attributed to them before the Amendment was adopted. In *Pollock v. Farmers' Loan and Trust Co.*, 158 U.S. 601, under the Act of August 27, 1894, c. 349, section 27, 28 Stat. 509, 553, it was held that taxes upon rents and profits of real property were in effect direct taxes upon the property from which such income arose, imposed by reason of ownership; and that Congress could not impose such taxes without apportioning them among the States according to population, as required by Art. I, section 2, c1.3, and section 9, cl.4, of the original Constitution.
- b. Afterwards, and evidently in recognition of the limitation upon the taxing power of Congress thus determined, the Sixteenth Amendment was adopted, in words lucidly expressing the object to be accomplished: "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." As repeatedly held, this did not extend the taxing power to new subjects, but merely removed the necessity which otherwise might exist for an apportionment among the States of taxes laid on income. (Citing *Brushaber v. Union Pacific R.R. Co.*, 240 U.S. at 17-19) (other citations omitted).
- c. A proper regard for its genesis, as well as its very clear language, requires also that this Amendment shall not be extended by loose construction, so as to repeal or modify, except as applied to income, those provisions of the Constitution that require an apportionment according to population for direct taxes upon property, real and personal. This limitation still has an appropriate and important function, and is not to be over ridden by Congress or disregarded by the courts.
- d. In order, therefore, that the clauses cited from Article I of the Constitution may have proper force and effect, save only as modified by the Amendment, and that the latter also may have proper effect, it becomes essential to distinguish between what is and what is not "income" as the term is there used; and to apply the distinction, as cases arise, according to truth and substance, without regard to form. Congress cannot by any definition it may adopt conclude the matter, since it cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone that power can be lawfully exercised.
- (See *Eisner v. Macomber*, 252 U.S. 189, 205-206 (1920).)
98. The U.S. Supreme Court, in the *Sims* case, declared that wages and salaries are property. (See *Sims v. U.S.*, 359 U.S. 108) (1959)
99. The last time the U.S. Supreme Court addressed the question of whether the income tax was a direct tax or an indirect tax was in the *Eisner* case.
100. The U.S. Supreme Court, in *Eisner*, declared the income tax to be a direct tax.
101. The 5th Circuit Court of Appeals, in the *Parker* case, ruled that, "The sixteenth Amendment merely eliminates the requirement that the direct income tax be apportioned among the states...The sixteenth amendment was enacted for the express purpose of providing for a direct income tax." (See *Parker v. Commissioner*, 724 F2d 469, 471) (5th Cir. 1984)
102. The 7th Circuit Court of Appeals, in the *Coleman* case, held that an argument that the income tax was an excise tax was frivolous on its face and that the court declared, " The power thus long predates the Sixteenth Amendment, which did no more than remove the apportionment requirement." (See *Coleman v. Commissioner*, 791 F2d 68, 70) 7th Cir. 1986)

103. The 8th Circuit Court of Appeals, in the Francisco case, held that, "The cases cited by Francisco clearly establish that the income tax is a direct tax...." (*See United States v. Francisco*, 614 F.2d 617, 619) (8th Cir. 1980)
104. The 10th Circuit Court of Appeals, in the Lawson case, ruled that, "The Sixteenth Amendment removed any need to apportion income taxes among the states that otherwise would have been required by Article I, Section 9, clause 4." (*See U.S. v. Lawson* (1982), 670 F.2d 923, 927.)
105. Judges in the Courts of Appeal for the Second Circuit take the position that the income tax is an indirect tax. [*See Ficalora v. C.I.R.*, 751 F.2d 85 (2nd Cir. 1984)]
106. Judges in the Courts of Appeal for the Fifth Circuit take the position that the income tax is a direct tax. [*See Lonsdale v. C.I.R.*, 661 F.2d 71 (5th Cir. 1984)]
107. When a law is ambiguous, it is unconstitutional and cannot be enforced under the "void for vagueness doctrine" because it violates due process protections guaranteed by the Fifth and Sixth Amendments as described by the Supreme Court in the following decisions:
- o Origin of the doctrine (*See Lanzetta v. New Jersey*, 306 U.S. 451)
 - o Development of the doctrine (*See Screws v. United States*, 325 U.S. 91, *Williams v. United States*, 341 U.S. 97, and *Jordan v. De George*, 341 U.S. 223).
108. The "void for vagueness doctrine" of the Supreme Court was described in *U.S. v. DeCadena* as follows:
- "The essential purpose** of the "void for vagueness doctrine" with respect to interpretation of a criminal statute, **is to warn individuals of the criminal consequences of their conduct.** ... Criminal statutes which fail to give due notice that an act has been made criminal before it is done are unconstitutional deprivations of due process of law."
- [*See U.S. v. De Cadena*, 105 F.Supp. 202, 204 (1952) (emphasis added)]
109. In 1894, the United States Constitution recognized two classes of taxes, direct taxes and indirect taxes. [*See Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895)]
110. In 1894, the United States Constitution, at Art. 1, Sec. 2, Clause 3 and Art. 1, Sec. 9, Clause 4, required apportionment of all direct taxes. [*See Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895)]
111. In 1894, the United States Constitution, at Art. 1, Sec. 8, Clause 1, required all indirect taxes to be uniform. [*See Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895)]
112. In 1894, no one doubted that an excise tax was an indirect tax as opposed to a direct tax. [*See Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895)]
113. In 1894 Congress passed the following income tax act:
- Sec. 27. That from and after the first day of January, eighteen hundred and ninety-five, and until the first day of January, nineteen hundred, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and every person residing therein, whether said gains, profits, or income be derived from any kind of property rents, interest, dividends, or salaries, or from any

profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax of two per centum on the amount so derived over and above four thousand dollars, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States. And the tax herein provided for shall be assessed, by the Commissioner of Internal Revenue and collected, and paid upon the gains, profits and income for the year ending the thirty-first day of December next preceding the time for levying, collecting, and paying said Tax.

[*See 28 Stat. 509, c 349, Section 27, p. 553 (August 27, 1894)*]

114. Mr. Pollock, a citizen of the State of Massachusetts, challenged the 1894 income tax on the grounds that the tax imposed was a direct tax that was not apportioned. [*See Pollock v. Farmers' Loan & Trust*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895)]
115. The majority of the justices of the United States Supreme Court found that the 1894 tax at Sec. 27 was a direct tax. [*See Pollock v. Farmers' Loan & Trust*, 158 U.S. 601, 618, 630-631 (1895)]
116. The minority of the justices of the United States Supreme Court in the *Pollock* case believed the 1894 tax at Sec. 27 was an indirect tax. [*See Pollock v. Farmers' Loan & Trust*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895)]
117. The United States Supreme Court held the 1894 income tax was unconstitutional as being in violation of the apportionment requirements for direct taxes. (*See Pollock v. Farmers' Loan & Trust*, 157 U.S. 429, aff. reh., 158 U.S. 601 (1895).)
118. In 1909, President Taft called a special session of Congress for the purpose of amending the apportionment requirement of income taxes. (*See Taft's message.*)
119. During the congressional debate on the income tax amendment, it was stated that the income tax would not touch one hair of a working man's head.

SEVENTH BELIEF: THE INTERNAL REVENUE CODE DOES NOT MAKE MOST AMERICANS LIABLE TO FILE A TAX RETURN AND PAY AN INCOME TAX.

1. The Internal Revenue Code is found at Title 26 of the United States Code.
2. Title 26 of the United States Code is broken down into Subtitles.
3. Income taxes are set forth in Subtitle A of Title 26.
4. Subtitle A contains Sections 1 through 1563.
5. Estate and gift taxes are set forth in Subtitle B of Title 26.
6. Subtitle B contains Sections 2001 through 2704.
7. Employment taxes are set forth in Subtitle C of Title 26.
8. Subtitle C contains Sections 3101 through 3510.
9. Miscellaneous excise taxes are set forth in Subtitle D of Title 26.
10. Subtitle D contains Sections 4001 through 5000.
11. Alcohol, tobacco, and certain other excise taxes are set forth in Subtitle E of Title 26.

12. Subtitle E contains Sections 5001 through 5882.
13. Procedures and administration to be followed with respect to the different taxes addressed in Subtitles A through E are set forth in Subtitle F of Title 26.
14. Subtitle F contains Sections 6001 through 7873.
15. Congress enacted the Privacy Act at 5 U.S.C. 552a(e)(3).
16. When the Internal Revenue Service requests information from an individual, the Privacy Act requires the IRS to inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—
- the authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;
 - the principal purpose or purposes for which the information is intended to be used;
 - the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and
 - the effects on him, if any, of not providing all or any part of the requested information.
- (See 5 U.S.C. 552a(e)(3); IRS Form 1040 U.S. Individual Income Tax Return Instruction Booklet, Privacy Act Notice set out therein.)
17. Congress enacted the Paperwork Reduction Act at 44 U.S.C. 3504(g)(2).
18. The Paperwork Reduction Act requires the Director of the Office of Management and Budget to include with any information requests, a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory. [See 44 U.S.C. 3504(c)(3)(C)]
19. The Internal Revenue Service complies with the Privacy Act and Paperwork Reduction Act by setting out the required statements on the IRS Form 1040 Instruction Booklet. (See IRS Form 1040 U.S. Individual Income Tax Return Instruction Booklet, Privacy Act Notice set out therein; 26 C.F.R. 602.101.)
20. The Privacy Act and Paperwork Reduction Act statements which the Internal Revenue Service currently uses with respect to the federal income tax state that: "Our legal right to ask for information is Internal Revenue Code Sections 6001, 6011, 6012(a) and their regulations. They say that you must file a return or statement with us for any tax you are liable for. Your response is mandatory under these sections." (IRS Form 1040 U.S. Individual Income Tax Return Instruction Booklet, Privacy Act Notice set out therein.)
21. Internal Revenue Code Section 6001 states: "Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary may from time to time prescribe. Whenever in the judgment of the Secretary it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records as the Secretary deems sufficient to show whether or not such person is liable for tax under this title. The only records which an employer shall be required to keep under this section in connection with charged tips shall be charge receipts, records necessary to comply with Section 6053(c) and copies of statements furnished by employees under Section 6053(a)." (See 26 U.S.C. 6001.)
22. Internal Revenue Code Section 6011 states:

"(a) General Rule. When required by regulations prescribed by the Secretary any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary. Every person required to make a return or statement shall include therein the information required by such forms or regulations . . . (g) Income, estate and gift taxes. For requirement that returns of income, estate, and gift taxes be made whether or not there is tax liability, see subparts B and C."

23. Subparts B and C referred to at Internal Revenue Code Section 6011(g) contain Internal Revenue Code Sections 6012 through 6017a. (See 26 U.S.C. 6011(g); Title 26, United States Code, index.)
24. Congress displayed its knowledge of how to make someone "liable for" a tax at 26 U.S.C. 5005, which states that: "(a) The distiller or importer of distilled spirits shall be liable for the taxes imposed thereon by section 5001(a)(1)."
25. Congress displayed its knowledge of how to make someone liable for a tax at 26 U.S.C. 5703, which states that: "(a)(1) The manufacturer or importer of tobacco products and cigarette papers and tubes shall be liable for the taxes imposed therein by section 5701."
26. The persons made liable at Internal Revenue Code Sections 5005 and 5703, for the taxes imposed at Internal Revenue Code Sections 5001(a)(1) and 5701, respectively, are the persons described at Sections 6001 and 6011 required to make returns and keep records. (See 26 U.S.C. Sections 5005, 5703, 5001(a)(1), 5701, 6001, and 6011.)
27. Section 1461 is the only place in Subtitle A of the Internal Revenue Code where Congress used the words: "liable for."
28. The person made liable by Congress at Section 1461 is a withholding agent for nonresident aliens.
29. There is a canon of statutory construction, "expressio unius est exclusio alterius", which means the express mention of one thing means the implied exclusion of another. (See Black's Law Dictionary, 6th Ed., West Publishing Co. 1990, p. 581.)
30. Congress could have, but did not, make anyone else other than the withholding agent referred to in Section 1461, "liable for" any income tax imposed in Subtitle A. (See 26 U.S.C. 1461; Title 26, United States Code, in its entirety.)
31. Up until 1986, the statement required by the Privacy and Paperwork Reduction Acts set out in the IRS Form 1040 instruction booklet, mentioned only Internal Revenue Code Sections 6001 and 6011 as the authority to request information. (See IRS Form 1040 instruction booklet, 1985 ed.; IRS Form 1040 U.S. Individual Income Tax Return Instruction Booklet, Privacy Act Notice set out therein, current ed.)
32. The United States Supreme Court has held in *C.I.R. v. Acker*, 361 U.S. 87, 89 (1959), and in *U.S. v. Calamaro*, 354 U.S. 351, 358-359 (1957), that a regulation that purports to create a legal requirement not imposed by Congress in the underlying statute is invalid.
33. 26 CFR 1.1-1 uses the following phrase:
- "...all citizens of the United States, wherever resident, and all resident alien individuals are liable to the income taxes imposed by the Code whether the income is received from sources within or without the United States."**
34. The statute the above regulation, 26 CFR 1.1-1 implements, which is 26 U.S.C. 1, nowhere uses the word "liable" to describe the taxes imposed in that section 1.

35. Because the corresponding statute in 26 U.S.C. 1 does not use the word "liable" or "liable to", then the implementing regulation for the section, 26 CFR 1.1-1 cannot, which makes the implementing regulation imposing the otherwise nonexistent liability invalid and unenforceable.

36. There is no statute anywhere in Subtitle A of the Internal Revenue Code which makes any person liable for the tax imposed in 26 U.S.C. 1 or 26 U.S.C. 871.

37. 26 CFR 1.1441-1 defines the term "individual" to mean the following:

26 CFR 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

(c) Definitions

(3) Individual.

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

(ii) Nonresident alien individual.

The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations there under.

38. There is no other place anywhere in the Internal Revenue Code or 26 CFR where the word "individual" is defined.

39. 26 CFR 1.1441-1 is the definition for the term "individual" that appears at the top of the IRS form 1040 in the phrase "U.S. Individual Income Tax Return". (See IRS Form 1040 U.S. Individual Income Tax Return.)

40. IRS form 1040NR is the form required to be used by nonresident aliens. (See IRS form 1040NR)

41. If Form 1040NR is used for nonresident aliens, the only thing left that an "individual" appearing in 26 U.S.C. §7701(a)(1) can be is an "alien" based on 26 CFR §1.1441-1.

42. The term "citizen of the United States" is defined as follows in 26 CFR 31.3121(e) State, United States, and citizen:

(b)...The term 'citizen of the United States' includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa

EIGHTH BELIEF: THE INTERNAL REVENUE CODE IS VOID FOR VAGUENESS

1. The word "includes" is defined in 26 U.S.C. §7701(c) as follows:

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.

Sec. 7701. - Definitions

(c) Includes and including

The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

2. The word "includes" is defined by the Treasury in the Federal Register as follows:

Treasury Definition 3980, Vol. 29, January-December, 1927, pgs. 64 and 65 defines the words includes and including as:

"(1) To comprise, comprehend, or embrace... (2) To enclose within; contain; confine... **But granting that the word 'including' is a term of enlargement, it is clear that it only performs that office by introducing the specific elements constituting the enlargement. It thus, and thus only, enlarges the otherwise more limited, preceding general language...**The word 'including' is obviously used in the sense of its synonyms, comprising; comprehending; embracing."

3. The definition of the word "includes" found in Black's Law Dictionary, Sixth Edition, page 763 is as follows:

"Include. (Lat. Includere, to shut in. keep within.) To confine within, hold as an inclosure. Take in, attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Term may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words theretofore used. "Including" within statute is interpreted as a word of enlargement or of illustrative application as well as a word of limitation. Premier Products Co. v. Cameron, 240 Or. 123, 400 P.2d 227, 228."

4. If the meaning of the word "includes" as used in the Internal Revenue Code is "and" or "in addition to" as described above, then the code cannot define or confine the precise meaning of the following words that use "include" in their definition:

▪ "State" found in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110

▪ "United States" found in 26 U.S.C. §7701(a)(9)

▪ "employee" found in 26 U.S.C. §3401(c) and 26 CFR §31.3401(c)-1

▪ "person" found in 26 CFR 301.6671-1 (which governs who is liable for penalties under Internal Revenue Code)

5. If the meaning of "includes" as used in the definitions above is "and" or "in addition to", then the code cannot define any of the words described, based on the definition of the word "definition" found in Black's Law Dictionary, Sixth Edition, page 423:

definition: (Black's Law Dictionary, Sixth Edition, page 423) A description of a thing by its properties; an explanation of the meaning of a word or term. **The process of stating the exact meaning of a word by means of other words.** Such a description of the thing

defined, including all essential elements and excluding all nonessential, as to distinguish it from all other things and classes."

6. Absent concrete definitions of the above critical words identified in question 417, the meaning of the words becomes ambiguous, unclear, and subjective.
7. When the interpretation of a statute or regulation is unclear or ambiguous, then the by the rules of statutory construction, the doubt should be resolved in favor of the taxpayer as indicated in the cite from the Supreme Court below:

"In view of other settled rules of statutory construction, which teach that a law is presumed, in the absence of clear expression to the contrary, to operate prospectively; that, **if doubt exists as to the construction of a taxing statute, the doubt should be resolved in favor of the taxpayer...**" *Hassett v. Welch.*, 303 US 303, pp. 314- 315, 82 L Ed 858. (1938) (emphasis added)

8. In the majority of cases, doubts about the interpretation of the tax code are resolved in favor of the taxpayer by any federal court as required by the Supreme Court above.
9. An ambiguous meaning for a word violates the requirement for due process of law by preventing a person of average intelligence from being able to clearly understand what the law requires and does not require of him, thus making it impossible at worst or very difficult at best to know if he is following the law.
10. Black's Law Dictionary, Sixth Edition, page 500, under the definition of "due process of law" states the following:

The concept of "due process of law" as it is embodied in Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought.

11. If the definition of the word "includes" means that it is used synonymously with the word "and" or "in addition to", then it violates the requirement for due process of law found in the Fifth Amendment.
12. The violation of due process of law created by the abuse of the word "includes" found in the preceding question creates uncertainty, mistrust, and fear of citizens towards their government because of their inability to comprehend what the law requires them to do.
13. The violation of due process caused by the abuse of the word "includes" (in this case, making it mean "and" or "in addition to) identified above could have the affect of extending the perceived jurisdiction and authority of the federal government to tax beyond its clear limits prescribed in the U.S. Constitution.
14. An abuse of the word includes to mean "and" or "in addition To" indicated above could have the affect of increasing and possibly even maximizing income tax revenues to the U.S. government through the violation of due process, confusion, and fear that it creates in the citizenry.
15. Fear and confusion on the part of the citizenry towards their government and violation of due process by the government are characterized by most rational individuals as evidence of tyranny and treason against citizens.
16. The U.S. Constitution provides the following definition for "treason" in Article III, Section 3, Clause 1:

"Treason against the United States shall consist only of levying war against them, or adhering to their enemies..."

17. Black's Law Dictionary, Sixth Edition, page 1583, provides the following definition for "war":

"Hostile contention by means of armed forces, carried on between nations, states, or rulers, or between citizens in the same nation or state."

18. Agents of the IRS involved in seizures of property use guns and arms against citizens, making the confrontation an armed confrontation.
19. IRS seizures can and do occur without court orders, warrants, or due process required by the Fourth Amendment and at the point of a gun.
20. Property seizures as described above amount to an act of war of the government against the citizens.
21. Acts of war against citizens, when not based on law, are treasonable offenses punishable by execution.
22. Violation of due process produces *injustice* in society, which is why the founding fathers required us to have a Fifth Amendment.
23. The purpose of the government is to write laws to prevent, rather than promote, injustice in society, and thereby protect the right to life, liberty, property, and pursuit of happiness of all citizens equally.

**NINTH BELIEF:
UNLESS ONE IS A FOREIGNER WORKING HERE OR A
CITIZEN OF THE U.S.A. EARNING HIS MONEY ABROAD
HE IS NOT LIABLE FOR THE INCOME TAX**

1. The term "from whatever source derived" as used in the Sixteenth Amendment does not mean that the source of income or the situs for taxation is *irrelevant or inconsequential in determining taxable income*.
2. Interpreting the phrase "from whatever source derived" to mean that the source or situs is irrelevant, makes the federal income tax applicable to any country or location in the world and renders 26 U.S.C. §861 and 26 U.S.C. §862 irrelevant and unnecessary, which clearly is an irrational and nonsensical conclusion to reach.
3. The federal income tax applies only to taxable income, which, generally speaking, is "gross income" minus allowable deductions.
4. The federal income tax regulations generally define "gross income" to mean "all income from whatever source derived, unless excluded by law." as follows:

26 CFR § 1.61-1(a):

(a) General definition. Gross income means all income from whatever source derived, unless excluded by law. Gross income includes income realized in any form, whether in money, property, or services. Income may be realized, therefore, in the form of services, meals, accommodations, stock, or other property, as well as in cash. Section 61 lists the more common items of gross income for purposes of illustration. For purposes of further illustration, Sec. 1.61-14 mentions several miscellaneous items of gross income not listed specifically in section 61. Gross income, however, is not limited to the items so enumerated.

5. There are certain types of income which Congress has exempted by statute as identified in 26 CFR §1.61-1(a).
6. There are other types of income not enumerated above which are not exempted by statute, but are nonetheless excluded by law, for income tax purposes, because they are excluded from taxation by the Constitution itself:

26 CFR § 39.21-1 (1956):

(a) The tax imposed by chapter 1 is upon income. Neither income exempted by statute or fundamental law, nor expenses incurred in connection therewith, other than interest, enter into the computation of net income as defined by section 21.

26 CFR § 39.22(b)-1 (1956):

Certain items of income specified in section 22(b) are exempt from tax and may be excluded from gross income. These items, however, are exempt only to the extent and in the amount specified. No other items may be excluded from gross income except (a) those items of income which are, under the Constitution, not taxable by the Federal Government; (b) those items of income which are exempt from tax on income under the provisions of any act of Congress still in effect; and (c) the income excluded under the provisions of the Internal Revenue Code (see particularly section 116).

7. The phrase "fundamental law" indicated above in the older regulations means the U.S. Constitution.
8. The above older regulation, 26 CFR §39.21-1 (1956) and 26 CFR 39.22(b)-1 (1956) has never been explicitly repealed or superceded by newer regulations and is still in force.
9. The regulations under 26 U.S.C. §863 state:

26 CFR § 1.863-1(c)

"Determination of taxable income. The taxpayer's taxable income from sources within or without the United States **will be determined under the rules of Secs. 1.861-8 through 1.861-14T** for determining taxable income from sources **within** the United States."

10. 26 USC § 61 lists some of the more common "items" of income which are taxable, such as compensation for services, interest, and dividends, among others. Section 1.861-8(d)(2) of the federal income tax regulations are to be consulted in determining in which situations these "items" of income are excluded for federal income tax purposes.

26 CFR § 1.861-8(d)(2)

(2) Allocation and apportionment to exempt, excluded, or eliminated income. [Reserved] For guidance, see Sec. 1.861-8T(d)(2).

11. 26 CFR § 1.861-8T(d)(2) of the regulations lists several types of income which are "not considered to be exempt, eliminated, or excluded income," as follows:

26 CFR § 1.861-8T(d)(2)(iii)

(iii.) Income that is not considered tax exempt. The following items are not considered to be exempt, eliminated, or excluded income and, thus, may have expenses, losses, or other deductions allocated and apportioned to them:

(A) In the case of a foreign taxpayer (including a foreign sales corporation (FSC)) computing its effectively connected income, gross income (whether domestic or foreign source) which is not effectively connected to the conduct of a United States trade or business;

(B) In computing the combined taxable income of a DISC or FSC and its related supplier, the gross income of a DISC or a FSC;

(C) For all purposes under subchapter N of the Code, including the computation of combined taxable income of a possessions corporation and its affiliates under section 936(h), the gross income of a possessions corporation for which a credit is allowed under section 936(a); and

(D) Foreign earned income as defined in section 911 and the regulations thereunder (however, the rules of Sec. 1.911-6 do not require the allocation and apportionment of certain deductions, including home mortgage interest, to foreign earned income for purposes of determining the deductions disallowed under section 911(d)(6)).

12. Only income derived from certain activities related to international or foreign commerce are included on that list of non-exempt types of income appearing in 26 CFR § 1.861-8T(d)(2)(iii) above.
13. The domestic income of most U.S. citizens is absent, and therefore excluded, from the list appearing in 26 CFR § 1.861-8T(d)(2)(iii).
14. 26 USC § 861(b), and the related regulations beginning at 26 CFR § 1.861-8, the sections to use to determine one's taxable income from sources within the United States, regardless of citizenship and residency.
15. For U.S. citizens living and working exclusively in the 50 states and receiving all income from within the 50 states, that 26 U.S.C. §861(b) and related regulations beginning at 26 CFR §1.861-8 do not show such income to be taxable.
16. "Items" of income are identified in 26 U.S.C. §61 while "sources" of income are identified in 26 U.S.C. §861 and 26 U.S.C. §862.

TENTH BELIEF:

PEOPLE ARE NOT REQUIRED TO FILE A FORM 1040 BECAUSE IT DOES NOT HAVE A VALID OMB CONTROL NUMBER AS REQUIRED BY THE PAPERWORK REDUCTION ACT and ADMINISTRATIVE PROCEDURES ACT REGULATIONS

1. The Paperwork Reduction Act, 44 U.S.C. 3501, et seq., mandates that forms and regulations of federal agencies that require the provision of information must bear and display OMB control numbers. (See 44 U.S.C. 3501, et seq.)
2. 1 C.F.R. 21.35 requires that OMB control numbers shall be placed parenthetically at the end of a regulation or displayed in a table or codified section. (See 1 C.F.R. 21.35.)
3. The following tax regulations contain OMB control numbers at the end of these regulations:

26 C.F.R. 1.860-2 (Exhibit 115)
 26 C.F.R. 1.860-4 (Exhibit 116)
 26 C.F.R. 1.897-1 (Exhibit 117)
 26 C.F.R. 1.901-2 (Exhibit 118)
 26 C.F.R. 1.1445-7 (Exhibit 119)
 26 C.F.R. 1.6046-1 (Exhibit 122)

26 C.F.R. 1.6151-1 (Exhibit 124)
 26 C.F.R. 1.6152-1 (Exhibit 125)
 26 C.F.R. 1.9200-2 (Exhibit 126)
 26 C.F.R. 31.3401(a)(8)(A)-1 (Exhibit 127)
 26 C.F.R. 31.3501(a)-1T (Exhibit 128)
 26 C.F.R. 301.6324A-1 (Exhibit 129)
 26 C.F.R. 301.7477-1 (Exhibit 130)

4. 26 U.S.C. 6012 does not specify where tax returns are to be filed. (See 26 U.S.C. 6012.)
5. 26 U.S.C. 6091 governs the matter of where tax returns are to be filed. (See 26 U.S.C. 6091.)
6. By the plain language of Section 6091, regulations must be promulgated to implement this statute. (See 26 U.S.C. 6091.)
7. In 5 U.S.C. 551, a "rule" is defined as:

"(4) 'rule' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency"
8. 5 U.S.C. 552 describes in particular detail various items which must be published by federal agencies in the Federal Register, as follows:

"(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public--

 - (A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;
 - (B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;
 - (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations;
 - (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and
 - (E) each amendment, revision or repeal of the foregoing."
9. The Department of the Treasury as well as the IRS acknowledge the publication requirements of the Administrative Procedure Act in 31 C.F.R. 1.3 and 26 C.F.R. 601.702. (See 31 C.F.R. 1.3; 26 C.F.R. 601.702.)
10. The Commissioner of Internal Revenue promulgated the Treasury Regulation set out at 26 C.F.R. 602.101 to collect and display the control numbers assigned to collections of information in Internal Revenue Service regulations by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. (See 26 C.F.R. 602.101.) (Ex. 006.)
11. The Internal Revenue Service intended that 26 C.F.R. 602.101 comply with the requirements of OMB regulations implementing the Paperwork Reduction Act of 1980, for the display of control numbers assigned by OMB to collections of information in Internal Revenue Service regulations.

12. 26 C.F.R. 602.101(c) displays a table (the "Table") which on the left side lists the CFR part or section where the information to be collected by the Internal Revenue Service is identified and described, and on the right side, lists the OMB control number assigned to the OMB-approved form to be used to collect the information so identified and described.
13. The Table displayed at 26 C.F.R. 602.101 in the 1994 version of the Code of Federal Regulations lists 1.1-1 as a CFR part or section that identifies and describes information to be collected by the Internal Revenue Service. [See 26 C.F.R. 602.101 (1994)]
14. 26 C.F.R. 1.1-1 relates to the income tax imposed on individuals by 26 U.S.C. 1.
15. The OMB control number assigned to the form to be used to collect the information identified and described at 26 C.F.R. 1.1-1 is 1545-0067. [See 26 C.F.R. 602.101(c)]
16. The OMB control number 1545-0067 is assigned to the IRS Form 2555.
17. The IRS Form 2555 is titled "Foreign Earned Income".
18. The IRS Form 2555 is used to collect information regarding foreign earned income. (See IRS Form 2555.)
19. The OMB control number assigned to the IRS Form 1040 Individual Income Tax Return is 1545-0074.
20. The Table set out at 26 C.F.R. 602.101 has never displayed the OMB control number 1545-0074 as being assigned to the collection of individual income tax information identified and described by 26 C.F.R. 1.1-1. (See 26 C.F.R. 602.101(c), current and all historical versions.)
21. The OMB has not approved the IRS Form 1040 U.S. Individual Income Tax Return as the proper form on which to make the return of individual income tax information identified and described at 26 C.F.R. 1.1-1. [(See 26 C.F.R. 602.101(c)]
22. The Table displayed at 26 C.F.R. 602.101 in the 1995 version of the Code of Federal Regulations does not list 1.1-1 as a CFR part or section that identifies and describes information to be collected by the Internal Revenue Service. (See 26 C.F.R. 602.101(c) (1995).)
23. The Internal Revenue Service caused the entry for 1.1-1 to be deleted from 26 C.F.R. 602.101, by publishing the deletion at 59 FR 27235, on May 26, 1994. (See 26 C.F.R. 602.101; 59 FR 27235.)
24. The published deletion was accomplished under the supervision of Internal Revenue Service employee Cynthia E. Grigsby, Chief, Regulations Unit, Assistant Chief Counsel (Corporate). (See 26 C.F.R. 602.101; 59 FR 27235.)

**ELEVENTH BELIEF:
 THE IRS ROUTINELY VIOLATES 4TH AMENDMENT DUE PROCESS
 PROTECTIONS OF AMERICANS BY SEIZING ASSETS
 WITHOUT LAWFUL AUTHORITY OR A COURT ORDER**

1. 26 U.S.C. 6331 is the alleged authority by which distraint in the collection of Subtitle A income taxes against individuals is instituted.
2. 26 U.S.C. 6331(a) identifies the only entities against whom distraint may be instituted.
3. 26 U.S.C. 6331(a) identifies that levy may be made against only the following individuals:

(a)...Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer, employee, or elected official.

4. 26 CFR §31.3401(c) identifies the definition of "employee" as:

"...the term [employee] *includes* officers and employees, *whether elected or appointed, of the United States, a [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.* The term 'employee' also includes an *officer of a corporation.*"

5. IRS Form 668-A(c)(DO) is the Notice of Levy form routinely delivered to private, non-governmental employers by the IRS to institute distraint against their employees. [See IRS Form 668-A(c)(DO)]
6. The reverse side of IRS Form 668-A(c)(DO) shows 26 U.S.C. §6331 but has paragraph (a) removed. [See IRS Form 668-A(c)(DO)]
7. The removal of 26 U.S.C. §6331(a) from the reverse side of IRS Form 668-A(c)(DO) could lead private employers who do not employ federal "employees" to incorrectly honor a Notice of Levy.
8. Inclusion of 26 U.S.C. §6331(a) on the reverse side of the IRS Form 668-A(c)(DO) would make it less likely to cause private employers to misinterpret or misapply the law in processing an IRS Notice of Levy.
9. The Fourth Amendment requires that all seizures of property by the U.S. government must be preceded by service of a warrant upon the party whose property is to be seized.
10. The Fourth Amendment requires that the person who signs or issues the warrant authorizing seizure must be a neutral magistrate as indicated in the annotated Fourth Amendment:

Issuance by Neutral Magistrate --In numerous cases, the Court has referred to the necessity that warrants be issued by a "judicial officer" or a "magistrate."^[1] "The point of the Fourth Amendment, which often is not grasped by zealous officers, is not that it denies law enforcement the support of the usual inferences which reasonable men draw from evidence. Its protection consists in requiring that those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime. Any assumption that evidence sufficient to support a magistrate's disinterested determination to issue a search warrant will justify the officers in making a search without a warrant would reduce the Amendment to a nullity and leave the people's homes secure only in the discretion of police officers."^[2] These cases do not mean that only a judge or an official who is a lawyer may issue warrants, but they do stand for two tests of the validity of the power of the issuing party to so act. "He must be neutral and detached, and he must be capable of determining whether probable cause exists for the requested arrest or search."^[3] The first test cannot be met when the issuing party is himself engaged in law enforcement activities,^[4] but the Court has not required that an issuing party have that independence of tenure and guarantee of salary which characterizes federal judges.^[5] And in passing on the second test, the Court has been essentially pragmatic in assessing whether the issuing party possesses the capacity to determine probable cause.^[6]

(See <http://caselaw.lp.findlaw.com/data/constitution/amendment04/02.html>)

11. The IRS routinely seizes property from citizens without first litigating to obtain a warrant from a neutral magistrate.
12. The Supreme Court said that persons are entitled to a due process hearing prior to the seizing of property as follows:

"The right to a prior hearing has long been recognized by this Court [Supreme Court] under the Fourteenth and Fifth Amendments...[T]he court has traditionally insisted that, whatever its form, opportunity for that hearing must be provided before the deprivation at issue takes place."

See *Bell v. Burson*, 402 U.S. 535, 542, *Wisconsin v. Constantineau*, 400 U.S. 433, *Goldberg v. Kelly*, 397 U.S. 254, *Armstrong v. Manzo*, 380 U.S. 551, United States v. Illinois Central R. Co.

13. The due process hearing prior to seizure must occur at the point where the seizure of property can be prevented as follows:

"If the right to notice and a hearing is to serve its full purpose, it is clear that it must be granted at a time when the deprivation can still be prevented. At a later hearing, an individual's possessions can be returned to him if they were unfairly or mistakenly taken in the first place. Damages may even be awarded him for wrongful deprivation. But no later hearing and no damage award can undo the fact that the arbitrary taking that was subject to the right of due process has already occurred. This Court [the Supreme Court] has not embraced the general proposition that a wrong may be done if it can be undone."

(See *Stanley v. Illinois*, 405 U.S. 645, 647, 31 L.Ed.2d 551, 556, Ct. 1208 (1972))

14. 26 U.S.C. §7805(a) authorizes and empowers the Secretary of the Treasury as follows:

Sec. 7805. - Rules and regulations

(a) Authorization

Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, **the Secretary shall prescribe all needful rules and regulations for the enforcement of this title**, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

15. There are no implementing regulations applicable to Part 1 of Title 26 of the Code of Federal Regulations which authorize assessment of the tax imposed under 26 U.S.C. §1 or 26 U.S.C. §871 by other than the taxpayer filling out the form.
16. There are no implementing regulations applicable to Part 1 of Title 26 of the Code of Federal Regulations which require record keeping for the tax imposed under 26 U.S.C. §1 or 26 U.S.C. §871 by other than the taxpayer filling out the form.
17. There are no implementing regulations applicable to Part 1 of Title 26 of the Code of Federal Regulations which authorize IRS collection of the tax imposed under 26 U.S.C. §1 or 26 U.S.C. §871.
18. There are no implementing regulations applicable to Part 1 of Title 26 of the Code of Federal Regulations which authorize imposition by the government of penalties or interest for nonpayment of the tax imposed under 26 U.S.C. §1 or 26 U.S.C. §871.

**TWELFTH BELIEF:
THE IRS ROUTINELY VIOLATES CITIZENS' DUE PROCESS RIGHTS BY
WILLFULLY AND INTENTIONALLY MANIPULATING TAXPAYERS'
INDIVIDUAL MASTER FILES FOR THE PURPOSE OF CREATING
TIME-BARRED ASSESSMENTS, CREATING AND PROVIDING FRAUDULENT
CERTIFICATES OF OFFICIAL RECORDS TO THE COURT TO SUPPORT
ILLEGAL ASSESSMENTS, MANIPULATING MASTER FILES TO SHORT PAY
TAXPAYERS LEGAL INTEREST OWED BY THE GOVERNMENT, COLLECTING
SOCIAL SECURITY FROM TAXPAYERS VIA LEVY IN DIRECT VIOLATION
OF THE LAW, WILLFULLY AND INTENTIONALLY CREATING
FRAUDULENT PENALTY AND INTEREST AGAINST TAXPAYERS**

1. The IRS is placing levies on taxpayers federal social security benefits in direct violation of the law. (See 42 U.S.C. Section 407)
2. The IRS is exceeding the 15% lawful restriction on collection of continuing levies. (See 26 U.S.C. Section 6331.)
3. The IRS is making illegal time barred assessments and concealing those assessments by placing fraudulent information on taxpayer master files. (See Statutory requirements for a valid assessment)
4. The IRS is submitting fraudulent CERTIFICATES OF OFFICIAL RECORDS to the courts to substantiate lawful assessments. (See Certificate of official record data)
5. Admit that the IRS illegally transfers taxpayer payments from their master file to an account called "excess collections" for the purpose of creating fraudulent penalty and interest charges against the taxpayer.
6. The IRS illegally transfers taxpayer payments from their master file to an account called "excess collections" for the purpose of creating fraudulent penalty and interest charges against the taxpayer.
7. IRS collection division agents put accounting hold codes on taxpayers' accounting modules which forces all entry of data to be inputted manually by the agents and prevents the computer from performing the taxpayers' accounting according to its programming.
8. The IRS is short-paying taxpayers' lawful interest owed to them by placing wrongful dates and codes on taxpayers' master files (See interest owed to taxpayer) (See date of advance payment)

**THIRTEENTH BELIEF:
THE IRS ROUTINELY VIOLATES INDIVIDUALS' ADMINISTRATIVE, STATUTORY
DUE PROCESS RIGHTS**

1. If an individual required to make a return under Section 6012(a) of the Internal Revenue Code fails to make the required return, the statutory procedure authorized by Congress for the determination of the amount of tax due is the "deficiency" procedure set forth at subchapter B of Chapter 63 of the Internal Revenue Code, commencing at Section 6211. (See 26 U.S.C. Sections 63, 6012(a), and 6211.)
2. After IRS has audited a taxpayer, and there is disagreement, the Code of Federal Regulations requires IRS to take certain procedural steps to ensure the TAXPAYER administrative level action for hearings on those disagreements, including an examination of the audit with the agent, followed by a meeting with the IRS' agent's supervisor, followed by a 30 day letter which sets out

the IRS's disputed items with the TAXPAYER and an administrative appeal of the IRS' decision on the audit. (See 26 C.R.F. 601.105 and 601.106)

3. The purpose of these administrative steps is to afford the TAXPAYER an opportunity to have his disputed audit resolved at the administrative level? In other words, that these are pre-court or pre-litigation steps, which are designed to help the People avoid the expensive procedure known as Tax Court?
4. If the dispute is not resolved at the administrative level, the taxpayer is forced into Tax Court.
5. IRS Publication 1, IRS Publication 5 and IRS Publication 556, are all given to the taxpayer during the audit through appeals procedure and that these publications state that these administrative, procedural (due process) steps are available to the TAXPAYER.
6. Tax Court is an extremely expensive remedy for the individual TAXPAYER.
7. The IRS is the only party that benefits as taxpayers are forced into Tax Court.
8. The Tax Court, in Minahan v Commissioner 88 T.C. 492, found that the taxpayer's right to attorney's fees on favorable outcome is jeopardized if the administrative procedures are not exhausted.
9. The Reform and Restructuring Act of 1998 requires the TAXPAYER to go through these administrative, procedural (due process) steps in order to prove his "cooperativeness" with IRS, and to shift the burden of proof to the IRS during the administrative hearing and at trial. (See Reform and Restructuring Act of 1998, Section 3001) (See 26 USC Section 7491)
10. The IRS routinely ignores the Peoples' demands for their procedural, due process, statutory rights, ignoring IRS Publications 1, 5, and 556, the regulations they are supposed to use in making their determination and the underlying statutes.
11. There is no penalty for the IRS agents if they violate the income tax statutes by denying the People their due process rights, but the statutes contain a multitude of penalties for the People if they violate the income tax statutes, and those penalties are almost always imposed. (See Index of IRS Tax Code, Penalties)
12. The IRS will often deny a person his administrative, statutory, due process rights because the statute of limitation (26 I.R.C. 6501 *et. seq.*) is running out for them to get the statutory Notice of Deficiency (26 I.R.C. 6212) out and they are in fear of losing the whole year of taxation from that person.
13. The IRS races to issue a statutory Notice of Deficiency under 26 I. R. C. 6212, rather than give the People their due process rights to administrative level resolution under 26 C.F.R. 601.605, 601.606, because the IRS has greater resources and power in TAX COURT.
14. A Notice of Deficiency is, in most cases, completely erroneous, and always greatly in favor of the IRS.
15. Many people default on their Notice of Deficiency because they don't have the money to get to Tax Court.
16. IRS often uses erroneous figures for Income when they send out a Notice of Deficiency.
17. There are other ways that the IRS uses figures that it knows are false on its Notice of Deficiencies under 26 I.R.C. 6212.
18. The result of this the fact that the TAXPAYER is often sent an entirely false Notice of Deficiency.

19. 26 I.R.C. 6211 is used to determine how a deficiency is made and it does not allow for "0" deductions when the TAXPAYER has claimed deductions.
20. The Tax Court has, however, ruled that the use of "0" line deduction in IRS issued Notices of Deficiency is permissible, even if the taxpayer has claimed deductions.
21. The law (26 I.R.C. 6211 Definition of Deficiency) does not permit the "bank deposit analysis" method of determining gross income of a person.
22. The IRS routinely issues Notices of Deficiency that are based on assessments that the IRS makes without following its own procedures and manuals.
23. The issuance of a Notice of Deficiency or "90 day Notice" letter is the triggering event and a person so receiving such a letter must file his case in Tax Court within 90 days or forever be held to the often totally false liability assessed in the grossly false Notice of Deficiency. (See 26 USC 2613)
24. This is why the administrative, statutory due process steps are so important.
25. The federal district court has refused to reach the merits of a claim that Tax Court lacks subject matter jurisdiction in those cases where the IRS has issued Notices of Deficiency after denying the taxpayers their administrative, statutory due process rights.
26. The IRS Handbook for Examination of Returns reads in part, "Examiners are responsible for determining the correct tax liability as prescribed by the Internal Revenue Code. It is imperative that examiners can identify the applicable law, correctly interpret its meaning in light of congressional intent, and, in a fair and impartial manner, correctly apply the law based on the facts and circumstances of the case. (See IRS' Handbook 4.2 Examination of Returns Handbook, [4.2] 7.1)
27. The IRS Handbook for Examination of Returns also reads in part, "Conclusions reached by examiners must reflect correct application of the law, regulations, court cases, revenue rulings, etc. Examiners must correctly determine the meaning of statutory provisions and not adopt strained interpretation."
28. When a taxpayer requests what regulations and statutes the examiner used in making his determination of tax liability, the IRS refuses to cite the law.
29. Without an assessment there can be no liability.
30. The IRS disclosure officers are making the assessments.
31. There is no law in which a disclosure officer is authorized to make an assessment.
32. An assessment made by a disclosure officer is invalid as a matter of law.
33. There are over 100 regulations that apply to Form 1040 cross referenced by OMB #1545-0074, and that the IRS refuses to identify which ones they use in making determinations that a citizen is liable to file a Form 1040 and is liable to pay the tax.
34. A lien arises at the time an assessment is made. (See 26 USC 6322)
35. The evidence underlying the entries on the Certificate of Assessments and Payments is relevant to the issue of whether an assessment was made. (See *Beall v US, Civil Action 89 C 6500 (N.D. Ill. Eastern Div.*), which relies upon *Psaty v US, 442 F2d. 1154 (3rd. Cir. 1971)*, and *US v Hart, 89-1 USTC para. 9255 (C D Ill, 1989)*).

36. Without an assessment there is no liability. (See *US v Nipper No. 00-5057 (D.C. No. 98-CV-526-K)(N.D. Okla.) (10th. Cir. 2001)*)

Note: On appeal the government did not provide underlying evidence in support of its tax assessments and the case was remanded back to the district court for the government to prove its tax assessments.

37. The TAXPAYER is helpless as he tries to exercise his statutory (due process) rights to these lower level administrative remedies to resolve his audit difference without going to tax court.
38. The tax imposed upon individuals required to make a return under Section 6012(a) of the Internal Revenue Code is imposed upon the individual's "taxable income."
39. The Section 6020(b) requirement for the Secretary to make the required Section 6012(a) return is to require the Secretary to compute the taxpayers taxable income so the correct amount of tax owed can be calculated.
40. When an individual required to make a return under Section 6012(a) of the Internal Revenue Code fails to make the required return, and the Internal Revenue Service issues a notice of deficiency, the amount of tax claimed as due by the Secretary is not based upon the taxable income, but is computed without regard to the requirements of Sections 62 and 63 of the Internal Revenue Code from which adjusted gross income and taxable income are computed from gross income.
41. The IRS attempts to obtain assessments of more tax than would otherwise be required by law as an unauthorized additional penalty on those who are required to, but do not, make federal income tax returns. (See Turner Affidavit)
42. The word "shall" as contained in Section 6001 of the Internal Revenue Code imposes a mandatory duty on those to whom the statute applies to keep records, render statements, make returns and to comply with rules and regulations promulgated by the Secretary of the Treasury.
43. The word "shall" as contained in Section 6011 of the Internal Revenue Code imposes a mandatory duty on those to whom the statute applies to make a return or statement according to the forms and regulations prescribed by the Secretary of the Treasury.
44. The word "shall" as contained in Section 6012 of the Internal Revenue Code imposes a mandatory duty on those to whom the statute applies to make returns.
45. The word "shall" as contained in Section 6020(b) of the Internal Revenue Code imposes a mandatory duty on those to whom the statute applies to make returns.
46. Section 6020(b) of the Internal Revenue Code states:

If any person fails to make any return required by an internal revenue law or regulation made there under at the time prescribed therefore, or makes, willfully or otherwise, a false or fraudulent return, the Secretary shall make such return from his own knowledge and from such information as he can obtain through testimony or otherwise.
47. Nowhere in the Internal Revenue Code has Congress indicated that the word "shall" as used in Section 6020(b) of the Internal Revenue Code has a different meaning than as used in Sections 6001, 6011 and/or 6012 of the Internal Revenue Code. (See Title 26, United States Code, in its entirety.)
48. In the absence of a Congressionally declared distinction for a word used in the same Code (here the Internal Revenue Code), in the same subtitle (here Subtitle F), in the same Chapter (here Chapter 61) and in the same Subchapter (here subchapter A) to be given a different meaning, the same word is to be given the same meaning.

49. If an individual required to make a return under Section 6012(a) of the Internal Revenue Code fails to make the required return, the Secretary of the Treasury does not make the return mandated by Section 6020(b) of the Internal Revenue Code.
50. The IRS computer system, the IDRS (Integrated Data Retrieval Systems) was programmed to require a tax return to be filed in order to create a tax module for each taxable year.
51. If an individual required to make and file a return under Section 6012(a) fails to file such a return, that the Secretary creates a "dummy return" showing zero tax due and owing. (See *Blair v. C.I.R.*, 57 T.C.M. (CCH) 1396 (1989); *Phillips v. C.I.R.*, 851 F.2d 1492 (D.C. Cir. 1988); *Schiff v. United States*, 71A A.F.T.R.2d 9303271 (1989).
52. This "dummy return" sets forth no financial data from which the gross income, adjusted gross income or taxable income can be computed. (See *Blair v. C.I.R.*, 57 T.C.M. (CCH) 1396 (1989); *Phillips v. C.I.R.*, 851 F.2d 1492 (D.C. Cir. 1988); *Schiff v. United States*, 71A A.F.T.R.2d 9303271 (1989).
53. This "dummy return" is not signed. (See *Blair v. C.I.R.*, 57 T.C.M. (CCH) 1396 (1989); *Phillips v. C.I.R.*, 851 F.2d 1492 (D.C. Cir. 1988); *Schiff v. United States*, 71A A.F.T.R.2d 9303271 (1989).
54. A "dummy return" is physically created on the IRS Form 1040. (See *Blair v. C.I.R.*, 57 T.C.M. (CCH) 1396 (1989); *Phillips v. C.I.R.*, 851 F.2d 1492 (D.C. Cir. 1988); *Schiff v. United States*, 71A A.F.T.R.2d 9303271 (1989).
55. Congress has not authorized the Internal Revenue Code or Treasury Regulations that authorizes the creation of "dummy returns". (See Title 26, United States Code, in its entirety.)
56. If an individual required to make a return under Section 6012(a) files a return that does not contain the financial information necessary to allow the IRS to compute gross income, adjusted gross income and/or taxable income, the IRS calls such a return a "zero return." (See *Hopkins v. United States*, 56 A.F.T.R.2d 85-5940 (1985); *Nichols v. United States*, 575 F. Supp. 320 (D.C. Minn 1983); *Tornichio v. United States*, 81 A.F.T.R.2d 98-1377 (1988).
57. If an individual required to make a return under Section 6012(a) files a return that does not contain the financial information necessary to allow the IRS to compute gross income, adjusted gross income and/or taxable income, the IRS takes the position that no return has been filed. (See *Hopkins v. United States*, 56 A.F.T.R.2d 85-5940 (1985); *Nichols v. United States*, 575 F. Supp. 320 (D.C. Minn 1983); *Tornichio v. United States*, 81 A.F.T.R.2d 98-1377 (1988).
58. If an individual required to make a return under Section 6012(a) files a return that does not contain the financial information necessary to allow the IRS to compute gross income, adjusted gross income and/or taxable income, the IRS takes the position that the return is "frivolous" and imposes a \$500 penalty. (See *Hopkins v. United States*, 56 A.F.T.R.2d 85-5940 (1985); *Nichols v. United States*, 575 F. Supp. 320 (D.C. Minn 1983); *Tornichio v. United States*, 81 A.F.T.R.2d 98-1377 (1988).
59. If an individual required to make a return under Section 6012(a) files a return that does not contain a signature made under penalty of perjury, the IRS takes the position that no return has been filed. (See 26 U.S.C. 6065). (See *Doll v. C.I.R.*, 358 F.2d 713 (3rd Cir. 1966); *Elliott v. C.I.R.*, 113 T.C. 125 (1999); *Richardson v. C.I.R.*, 72 T.C. 818 (1979).
60. If an individual required to make a return under Section 6012(a) files a return that does not contain a signature under penalties of perjury, the IRS takes the position that the return is "frivolous" and imposes a \$500 penalty. (See *Green v. United States*, 593 F. Supp. 1341 (D.C. Ind. 1984); *McNally v. United States* 56 A.F.T.R.2d 85-5757 (1985).

61. An IMF record bearing the code "SFR 150" indicates that a fully paid IRS Form 1040a was filed. (See LEM III 3(27)(68)0-34)

**FOURTEENTH BELIEF:
THE IRS ROUTINELY VIOLATES THE DUE PROCESS RIGHTS OF
PEOPLE BY PREPARING A "DUMMY" TAX RETURN FOR PEOPLE
IF THOSE PEOPLE DO NOT FILE A TAX RETURN**

1. During IRS Revenue Officer Phase One training, the recruits study Lesson 23 Section IRC 6020(b). The next 16 statements of fact arise from an inspection of this lesson.
2. On page 23-1, under REFERENCES, "Circular E" is listed. Besides the Circular E, there are no other reference materials listed.
3. "Circular E", more fully known as Circular E, Employer's Tax Guide, is also designated by IRS as Publication 15. "Circular E" deals essentially with employer withholding requirements and Form 941, Employer's Quarterly Federal Tax Return.
4. In Lesson 23 page 23-1, under CONTENTS, three types of tax returns are listed: Employment Tax Returns, The Partnership Return, and Excise Tax Returns. Income Tax Returns are not included.
5. In Lesson 23 page 23-1, under INTRODUCTION, the purpose of this Lesson 23 is to instruct the revenue officer trainee about how to deal with situations involving the occasional taxpayer who refuses to voluntarily file returns, using an important administrative tool referred to as 6020(b) procedure.
6. In Lesson 23, Figure 23-1 on page 23-2 is a reprint of Internal Revenue Code Section 6020(b) and the Regulation at Section 301.6020-1.
7. Lesson 23, Figure 23-2, page 23-3, contains a reprint of Delegation Order 182. The Order lists revenue agents and revenue officers as having delegated authority to execute returns under the authority of 6020(b).
8. The Internal Revenue Manual restricts the broad delegation of Delegation Order No.182 to employment, excise, and partnership taxes.
9. The Secretary has recognized that the delegation authority of D.O. No. 182 is restricted to employment, excise, and partnership taxes because of constitutional issues.
10. The Internal Revenue Manual lists the following tax returns **Form 940**, Employer's Annual Federal Unemployment Tax Return; **Form 941**, Employer's Quarterly Federal Tax Return; **Form 942**, Employer's Quarterly Tax Return for Household Employees; **Form 943**, Employer's Annual Tax Return for Agricultural Employees; **Form 720**, Quarterly Federal Excise Tax Return; **Form 2290**, Federal Use Tax Return on Highway Motor Vehicles; **Form CT-1**, Employer's Annual Railroad Retirement Tax Return; **Form 1065**, U.S. Partnership Return of Income - as being appropriate for action under 6020(b). (page 23-3 and 23-4; IRM 5.18.2.3)
11. Form 1040, U.S. Individual Income Tax Return is NOT included in IRM 5.18.2.3 as a return appropriate for action under 6020(b).
12. When recommending assessments under 6020(b) the revenue officer will prepare all the necessary returns.
13. The balance of Lesson 23 IRC SECTION 6020(b) for Revenue Officer Phase One training explains the 6020(b) procedures for computing the tax for Employment, Excise, and Partnership returns.

14. Lesson 23 IRC SECTION 6020(b) does not contain any references to preparing income tax returns under 6020(b).
15. Lesson 23 IRC SECTION 6020(B) makes the statement to the revenue officer trainee, "You have already studied audit referrals as a means to enforce compliance on income tax returns."
16. The trainee is told that by the end of the lesson he will be able to identify situations when action under IRC section 6020(b) is appropriate.
17. If the revenue officer is expected to identify situations when action under IRC 6020(b) is appropriate, logic then, would hold that this necessarily implies that the revenue officer would also be expected to identify situations when action under IRC 6020(b) would not be appropriate. Lesson 23 IRC SECTION 6020(b) made it clear that it is not appropriate to use 6020(b) for income tax, Form 1040 non-filers.
18. There are no training instructions within Lesson 23 that pertain to using 6020(b) to prepare and assess Form 1040, U.S. Individual Income Tax Return.
19. Lesson 23 points to Lesson 25 REFERRALS for instructions on dealing with income tax non-filers. Page 23-3, "You have already studied audit referrals as a means to enforce compliance on income tax returns."
20. The language of IRC 6020(b)(1) is very broad, "...if any person fails to make any return..." The IRS purports that there are ways (plural) to resolve cases for nonfilers with different situations, different types of taxes and different types of tax returns. (Under WHY THIS LESSON IS IMPORTANT, page 25-1)
21. IRS makes a distinction in the procedures for dealing with non filers of income tax returns as opposed to employment, partnership and excise tax returns. (Under WHY THIS LESSON IS IMPORTANT, page 25-1)
22. IRS uses "6020(b) procedures" to enforce compliance of non filers of employment, excise, and partnership returns, and uses "Referral to Exam" procedures to enforce compliance of income tax nonfilers. (Under WHY THIS LESSON IS IMPORTANT, page 25-1)
23. The stated focus of Lesson 25 REFERRALS is *the referral process*. (Second paragraph under WHY THIS LESSON IS IMPORTANT, page 25-1)
24. An objective of Lesson 25 is for the trainee to be able to select which cases should be referred to the Examination Division. (Under LESSON OBJECTIVES, page 25-1)
25. Lesson 23 IRC SECTION 6020(b) made it clear that the revenue officer is not to use 6020(b) for enforcing compliance of income tax non filers, but instead is to use the referral process in. (page 23-3)
26. In Lesson 25, the reference materials to be used for the lesson are listed under REFERENCES, and the lone item listed is IRM 52(10) 0. There is no reference to any statute or any internal revenue code section.(page 25-2)
27. In Lesson 25, page 25-3, under OBJECTIVES, the trainee is told that after completing this lesson he will be able to select those cases which should be referred to the Examination Division. (page 25-3)
28. Lesson 25 pages 25-4 through 25-9 contain instructions, with examples, showing the trainee how to complete referral forms. This section of the lesson on the subject of making referrals to Exam for income tax non-filers concluded with the statement, "Remember: Refusal to file cases involving Forms 940, 941, 942, 943, 720, 1065, 2290, or CT-1 will not be referred to Exam. These returns should be prepared under authority of IRC Section 6020(b)." Clearly, IRC section 6020(b)

is to be utilized to enforce compliance of specified business master file returns. In this lesson, there is no mention anywhere of the statute that authorizes IRS preparation of Form 1040 U.S. Individual Income Tax Returns. (Lesson 25 in its entirety)

29. IRC 6020(b)(1) is written in very broad language and if taken literally it seems to give authorization to IRS to make any return for any person who fails to make one. However, we have seen how the statute is, in fact restricted in its application. Revenue officers, and specified other IRS employees do have delegated authority to make returns under 6020(b). But, we have seen that the delegated authority limits the types of returns that can be prepared under 6020(b).

We have seen that the exclusion includes income tax returns, corporate or individual. Since 6020(b) does not permit preparation of income tax returns, and, since the SFR program is merely a program, with no basis in law, There is no authority for IRS to make an income tax return when a citizen fails to make his own. (See **Lesson 23 and Lesson 25**)

(See also **IRM Part 5, Chapter 11 Delinquent Return Accounts; IRM Part 5, Chapter 18 Liability Determination; IRM Part 4 Chapter 23 Section 11; IRM Part 4, Sect. 9 Delinquent & Substitute Return Processing; Handbook 4.3.20 Frivolous Non filers; Title 26 and its regulations**).

30. It is well settled in law that government employees need proper delegated authority to operate in their capacities. IRS employees have no delegated authority to make "Substitute for Returns." (See **IRS letter dated November 2, 1993**)
31. Phase One Revenue Officer training material, Lesson 23 IRC SECTION 6020(b) clearly demonstrates how and why 6020(b), in spite of its language, is not able to allow IRS to make proper, legally valid, 1040 income tax returns for non filers. Yet, another IRM claims that IRS does have authority for income tax returns under 6020(b). IRM 5480, states, "SCCB prepares Forms 1040 under authority of Internal Revenue Code 6020(b)..." Since both manuals cannot both be correct, how can this be rectified? A. It cannot be rectified. For BMF returns under 6020(b), IRS employees complete the return with all necessary data. The returns include an employee's signature where the taxpayer would normally sign. 6020(b) returns also disclose the computed tax liability. With IMF returns (income tax) done via SFR procedures, income information is never disclosed on the return, tax liability is not disclosed on the return, and there is never a signature by an employee on a 1040 return. What this means is that "constitutional issues" are involved with the income tax, so IRS cannot use the same procedures as they do with BMF returns.

FIFTEENTH BELIEF: THE COURTS ARE BIASED AGAINST THOSE THAT QUESTION THE VALIDITY OF THE FEDERAL TAX LAWS

1. 26 U.S.C. 7203 purportedly imposes a penalty for the crime of willful failure to file a tax return.
2. Congress enacted 26 U.S.C. 7203 in August, 1954. (See 26 U.S.C. 7203, credits and historical notes.)
3. The United States Supreme Court in *South Dakota v. Yankton Sioux Tribe*, 522 U.S. 329 (1998) stated: "[w]e assume that Congress is aware of existing law when it passes legislation."
4. Congress enacted 44 U.S.C. 3512 in 1980. (See 44 U.S.C. 3512, credits and historical notes.)
5. 44 U.S.C. 3512 states that:
 - (a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this subchapter if--

(1) the collection of information does not display a valid control number assigned by the Director in accordance with this subchapter; or

(2) the agency fails to inform the person who is to respond to the collection of information that such person is not required to respond to the collection of information unless it displays a valid control number.

(b) The protection provided by this section may be raised in the form of a complete defense, bar, or otherwise at any time during the agency administrative process or judicial action applicable thereto.

6. United States Supreme Court Chief Judge Taney in 1863 protested the constitutionality of the income tax as applied to him. [See *Evans v. Gore*, 253 U.S. 245, 257 (1920)]
7. United States District Court Judge Walter Evans, in 1919 protested the constitutionality of the income tax as applied to him. [See *Evans v. Gore*, 253 U.S. 245 (1920)]
8. United States Circuit Court Judge Joseph W. Woodrough in 1936 protested the constitutionality of the income tax as applied to him. [See *O'Malley v. Woodrough*, 307 U.S. 277 (1939)]
9. United States District Court Judge Terry J. Hatter and other federal court judges in the 1980s protested the constitutionality of taxes as applied to them. [See *United States v. Hatter*, 121 S. Ct. 1782 (2001)]
10. Even in criminal cases where a loss of freedom can be the result, American citizens who are not judges are precluded by the federal judiciary, and with the express approval and consent of the Department of Justice and U.S. Attorney, from arguing the constitutionality of the income tax as applied to them. (See *U.S. v. Farber*, 630 F2d 569, 573, 8th Cir. 1980)
11. The Executive and Judicial branches of the federal government label Americans who challenge the legality of the federal income tax as "tax protesters." (Department of Justice Criminal Tax Manual, "Tax Protestor" section.)
12. United States Supreme Court Chief Judge Taney submitted his protest in a letter to the Secretary of the Treasury. [See *Evans v. Gore*, 253 U.S. 245, 257 (1920)]
13. Letters of protest written to the Secretary of the Treasury by American Citizens are used by the Executive branch of government, and accepted by the Judicial branch of government, as proof of income tax evasion and conspiracy against those who write the letters.