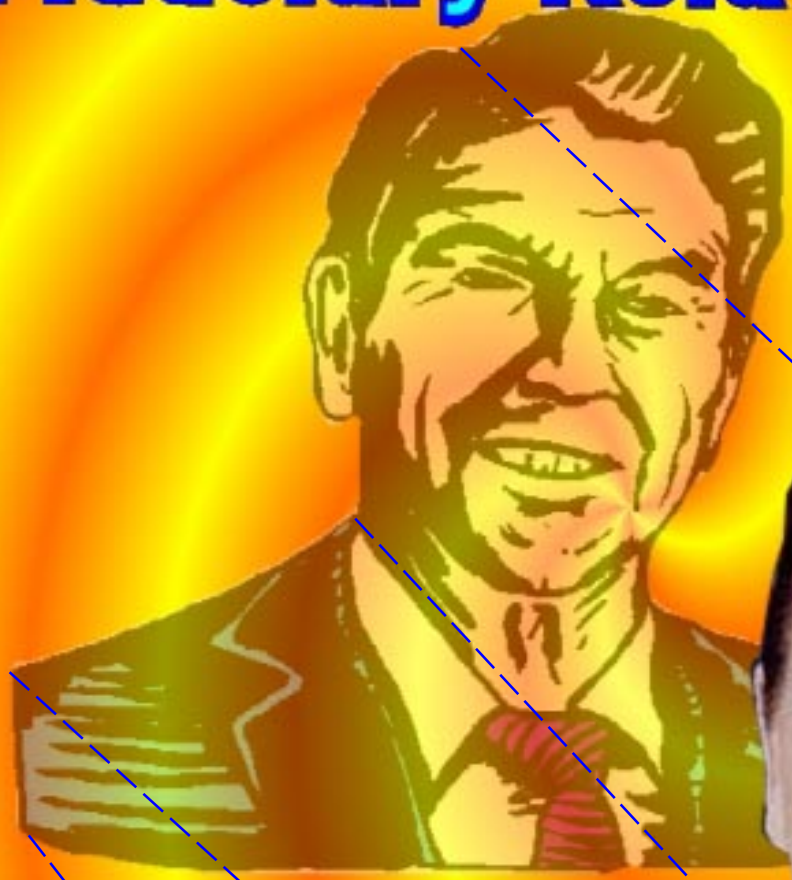
Vol. 10 No. 3

AntiShyster

Fiduciary Relationships



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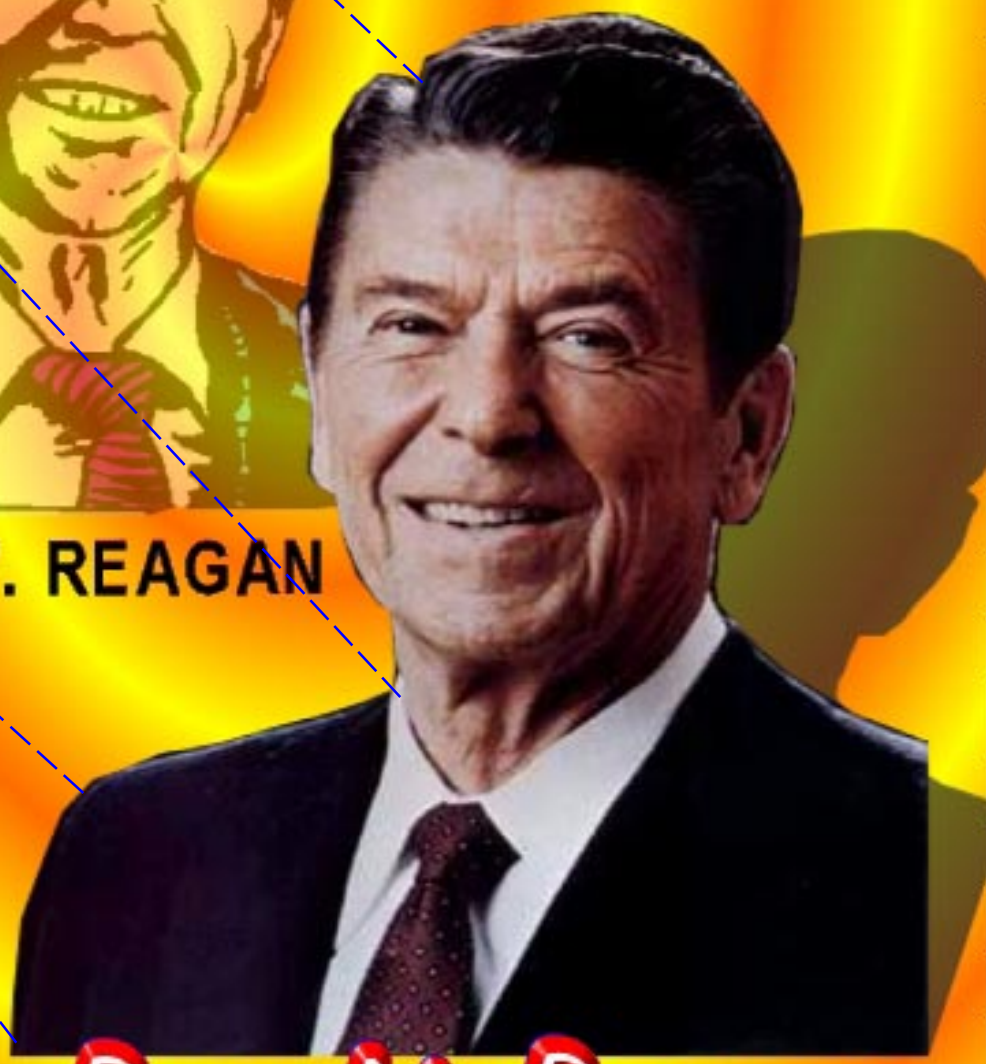

Ronald Reagan

ANTISHYSTER
NEWS MAGAZINE
Anno Domini 2000
Volume 10, No. 3

Creator, Proprietor &
Christian Publisher
Alfred Adask

adask@gte.net 972-418-8993

POB 540786 Dallas, Texas 75354-0786
The United States of America

More Half-Baked Ideas

I like to stick my neck out in the AntiShyster. That is, I like to present ideas and opinions that are not only potentially powerful but also untested, unproven, and based more on conjecture than solid evidence.

In other words, I like to take risks in writing. I like to present ideas "early" – before they are accepted or ridiculed by the majority of people – and while they are still "half-baked".

And I'm not embarassed to publish "half baked" ideas. After all, just because an idea is "half-baked" (somehow incomplete), doesn't mean that that idea will not one day become "fully-baked" – complete, proven and widely accepted.

In fact, I prefer "half baked" ideas because they are inherently dangerous – mostly for me. Every time I publish an unproven theory, I expose myself to ridicule and that exposure, that sense of danger adds an element of excitement to these ideas, makes them alive in a way that's impossible for commonly known and accepted ideas.

I want my readers to know that when they open an AntiShyster, they won't know if you're getting a box full of puppies or snakes, but whatever it is – something's moving in there!

This issue focuses on one of the most "half baked" ideas I've ever presented: Fiduciary Relationships. I may be making a real ass out of myself with this one, but – Damn! – it's exciting.

"AntiShyster" defined:

Black's Law Dictionary defines "shyster" as "one who carries on any business, especially a legal business, in a dishonest way. An unscrupulous practitioner who disgraces his profession by doing mean work, and resorts to sharp practice to do it." Webster's Ninth New Collegiate Dictionary defines "shyster" as "one who is professionally unscrupulous esp. in the practice of law or politics." For the purposes of this publication, a "shyster" is a dishonest attorney or politician, i.e., one who lies. An "AntiShyster", therefore, is a person, an institution, or in this case, a news magazine that stands in sharp opposition to lies and to professional liars, especially in the arenas of law and politics.

Legal Advice

The ONLY legal advice this publication offers is this: Any attempt to cope with our modern judicial system must be tempered with the sure and certain knowledge that "law" is always a crapshoot. That is, nothing (not even brown paper bags filled with hundred dollar bills and handed to the judge) will absolutely guarantee your victory in a judicial trial or administrative hearing. The most you can hope for is to improve the probability that you may win. Therefore, DO NOT DEPEND ON THE ARTICLES OR ADVERTISEMENTS IN THIS PUBLICATION to illustrate anything more than the opinions or experiences of others trying to escape, survive, attack or even make sense of "the best judicial system in the world". But don't be discouraged; there's not another foolproof publication on law in the entire USA – except the Bible.

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The honeymoon is over

IRS Budget Increases Promise Renewed Enforcement

by Daniel J. Pilla

Eddie Kahn (American Rights Litigators) reports receiving a letter from IRS Commissioner Rossotti's office which admits that in 1998, there were 63 million non-filers. That is, out of a total population of 300 million, and a total workforce of perhaps 180 million, 63 million people (about one-third of the workforce) who might be expected to file their 1040s "just said No".

If the 63 million non-filer figure is accurate, the IRS is facing a tidal wave of noncompliance that they can't possibly resist. In recent years, the IRS has actually prosecuted only about 500 criminal cases per year through the entire U.S.. There may be several thousand additional criminal cases in which the IRS intimidates defendants into accepting plea bargains which impose a comparatively minor penalties rather than risk courtroom convictions and extensive imprisonment.

Nevertheless, even if the IRS could criminally indict 100,000 non-filers per year, it would still take approximately 630 years to prosecute each of the 63 million non-filers from 1998.

Of course, to avoid charges of selective prosecution and due process violations, the IRS would have to first prosecute the 40 million or more who didn't file in 1997. And then there's the 30 million from 1996 . . . and so on back to the oldest living American who is identified as the earliest "non-filer".

The number of non-filers is so enormous, that the IRS has no hope of prosecuting everyone who has "just said No" to filing 1040s. In fact, it has no hope of even prosecuting one in every thousand non-filers who is refuses to "volunteer".

As a result, the IRS has two options: 1) quit, or 2) prosecute the hell out of a handful of non-filers and abuse them so badly that their sentences literally terrify millions of other "non-filers" into "voluntarily" complying with income tax laws.

In the long run, the IRS seems destined to fail and finally quit. But in the following article, author Dan Pilla Jr. warns that the IRS is about to give judicial terrorism one more "go" to see if the American people can be cowed into "voluntary" submission.

In 1999, IRS enforced collection action dropped nearly 90 percent. Undoubtedly, this "honeymoon" in IRS/ citizen relations was created by the Senate's 1998 attack on illegal and abusive IRS actions.

After the Senate hearings and in the wake of the IRS Restructuring Act, morale among IRS troops dropped substantially. As morale dropped, so did enforcement actions. For example, tax liens dropped from 382,613 in 1998 to just 167,867 in 1999. Wage and bank levies dropped from 2.5 million 1998 to 504,403 in 1999. And property seizures went from 10,090 in 1997 to just 161 in 1999.

As a result, many people believed problems of the renegade agency were solved forever.

However, IRS abuse has been out of the spotlight during its eighteen-month slumber. As a result, the stage is now set to resurrect the IRS enforcement machine and those who hoped their previous tax problems had miraculously "disappeared" may soon be shocked by the resounding clash of the IRS' collection machine.

The bitch is back

This warning is justified, first, by the fact that President Clinton authorized a $769 million increase in the IRS' operating budget for fiscal year 2001. This pushes the IRS' annual budget to a total of $8.8 billion — the largest in IRS history. This 8.7% rise is the largest single-year budget increase for the IRS in thirteen years.

Key components of the budget include:

- $1.584 billion for computer systems, up $89 million from the prior budget;
- $3.439 billion for tax law enforcement up $202 million from the prior budget; and
- $3.699 billion for processing, assistance and management, an increase of $359 million from the prior budget.

Second, the IRS conducted "The New IRS Stands Up" symposium concerning the IRS' future. In his keynote speech, IRS Commissioner Rossotti addressed the nagging question of compliance and the drop in enforcement action. He warned that the IRS does not intend to abandon enforcement and compliance action. Instead, the IRS "will deal promptly and effectively with taxpayers who don't or won't pay their taxes that are due."

While he insisted the agency will try to respect taxpayers' rights, he emphasized that "we must ensure that the taxes that are due are paid." He added that the agency must "measure its success in terms of its effect on the people it services as well as the taxes it collects."

A congressman's prerogative

Perhaps the most compelling evidence that vigorous tax enforcement is about to resume is the fact that the same congressmen involved with the IRS restructuring process in 1998 are now expressing concern over reduced IRS' enforcement. This changing attitude among legislators is illustrated in a letter from Congressman Robert Matsui of California to IRS Commissioner Rossotti. Matsui believes that the IRS is going too far with all this "customer service" nonsense. He maintains that the soft-hearted customer service approach encourages tax cheating which undermines the system. According to Matsui,

"Tax cheats breed disrespect for our tax laws and encourage the public perception that the rich and powerful are somehow above the law; they force others to shoulder their tax payments necessary for the provision of essential government services. The IRS cannot allow the perception to exist among the public and, more importantly, among IRS employees that tax compliance has somehow been subsumed at the 'new' IRS to the goal of 'customer service'."

Clearly, no one in power—not Congress or upper IRS management—is going to tolerate a permanent drop in collections.

Increased criminal prosecution

As a result of reduced public interest, budget increases, and Congressional pressure, the "new" IRS may soon undertake a major push for increased criminal prosecutions. My review of internal IRS documents relating to the restructuring of the Criminal Investigation Division (CID) confirms that the IRS is aggressively redirecting its efforts towards more traditional tax cases.

As part of the agency's massive restructuring, IRS Commissioner Rossotti appointed William Webster, former head of the FBI, to review, evaluate and make recommendations on restructuring CID. One of Webster's key conclusions is that the IRS spends far too much time on cases which have only incidental tax aspects, and too little time on cases relating specifically to the enforcement of the tax laws.

For years, the IRS has been heavily involved with the investigation and prosecution of narcotics, money laundering and organized crime cases. While many of these cases possess elements of tax law violations, they are not primarily tax cases. Webster concluded that the IRS must direct its attention away from non-tax cases and toward cases that bear upon tax law enforcement. The Webster report advises that the IRS Criminal Investigation Department (CID),

". . . should focus its caseload more specifically on cases that will *promote voluntary compliance* with the tax laws. These should be cases that are within known areas of significant non-compliance, both nationally and locally. Furthermore, these should be cases within sectors of the population that will respond positively to the criminal

prosecution of similarly situated taxpayers and thereby will be deterred from cheating on their own taxes."[1]

One IRS phrase that always creates controversy is "voluntary compliance." At best, the phrase constitutes Orwellean doublespeak since it implies two mutually exclusive concepts. For tax resistors, "voluntary compliance" implies that somehow one enjoys the luxury of *opting out* of the tax system should he longer wish to "volunteer".

However, the IRS reads voluntary compliance to mean: The difference between what is properly owed in taxes and what is paid by the citizen *without* the IRS resorting to enforcement action to collect it. Webster reports,

"Each year every qualifying income earner is required to file a tax return and pay taxes to the federal government. The willful failure to do so constitutes a criminal offense within CID's jurisdiction. Consequently, most citizens in this country are required to take affirmative action, i.e., filing a tax return, in order to comply with the law. * * * In order to encourage voluntary compliance, CID must target enforcement to stop not only identified wrongdoers but also to discourage other potential evaders from cheating.[2]

Webster's chief observation is that the IRS spends so much time on non-tax related criminal offenses, that it can't concentrate on what he believes should be its chief goal: "encouraging voluntary compliance." Thus, the IRS must target and prosecute selected citizens—not drug dealers or Mafia kingpins—for garden variety tax related offenses—not drug smuggling or international money laundering—so that the mass of average taxpayers are intimidated into turning out their pockets.

Based on Webster's recommendations, CID designed a compliance strategy to identify the principal areas of noncompliance and to target and prosecute ordinary citizens whenever the prosecution will have a favorable, *widely-publicized* impact on voluntary compliance. In this way, the IRS will figuratively "hang" citizens in the public media so that all prospective "taxpayers" can witness the consequences of failing to "volunteer".

Kinder, gentler "cruel and unusual punishment"

What the IRS calls "encouraging" voluntary compliance is not new. What is new are the harsh extremes to which the agency intends to go to impose its will upon the public.

The IRS spent the entirety of 1999 reorganizing itself in conformity with Congress' 1998 Restructuring and Reform Act as well as the massive administrative realignment brought about by Commissioner Rossotti. Virtually all the pieces of the puzzle are now in place, including the newly redesigned and outfitted Criminal Investigation Division (CID). Now that it's once again "politically correct" to enforce the tax laws, expect the IRS to charge ahead—led by CID.

Under the new plan, CID is to "reinvigorate its fraud referral program". This program is seen as the key to stepping up criminal investigations, targeting potential fraud prosecutions and *selectively* enforcing criminal tax statutes in terms of the *type* of case and the *location* of the prosecution.

Under the fraud referral program, agents within the IRS's *civil* functions, such as tax auditors and revenue officers, refer qualified cases to CID for potential *criminal* investigation and prosecution. For example, a revenue agent group charged with the duty of auditing tax returns will regularly review cases with the group's "fraud coordinator" to discuss potential fraud referrals in their caseload. The fraud coordinator then acts as a direct liaison between the referring civil group and CID. In this way, the referred cases receive more direct and timely attention.

As explained in the Webster report, the *civil* IRS officers' newfound interest in criminal prosecution is justified since most *criminal* cases begin "as civil tax cases investigated by a Revenue Agent or Revenue Officer [who are] . . . in an ideal position to identify those cases that warrant criminal prosecution." [3]

[However, insofar as *civil* IRS officers now also serving as de facto *criminal* IRS investigators, the 5th Amendment defense against cooperating with "civil" IRS officers should be strengthened since whatever you tell civil officers can now be used against you criminally.]

What kind of cases is CID looking for?

Note: Unless otherwise indicated, all of the following quotations are from the IRS' Criminal Investigation Manual, IRM part 9.1, April 7, 1999.

Under its new "operational strategies," CID has developed three primary strategies for its enforcement activities:

1) The "money laundering strategy" which is intended to identify significant tax, currency and money laundering cases and "pursuing the assets of the offenders."

2) The "international strategy" which will focuses on offshore cases; and,

3) The "tax gap strategy" to investigate legal industries and citizens engaged who underreport their income and tax obligations.

The IRS states that the vast majority of its future cases will come through the "tax gap strategy" since these cases are likely to have "the most impact on voluntary compliance." Therefore, the balance of this article will focus on that strategy.

Tax gap strategy

The IRS has identified twelve categories of "tax gap" cases: bankruptcy, excise tax, financial institutions, foreign and domestic trusts, gaming, general tax fraud/evasion schemes, health care, insurance, public corruption, questionable refunds, return preparers and telemarketing.

CID has created a project for each of these twelve categories. These projects are in effect and being actively worked at this time. Of the twelve programs, six are primary:

Bankruptcy. Over the years, the frequency of tax-related bankruptcy cases has grown substantially. As a result, the IRS frequently finds itself on the short end of a bankruptcy discharge. Although the IRS is greatly limited in what it can do vis-à-vis the bankruptcy itself, it intends to fight back to "protect its interests" using CID as weapon.

The IRS will concentrate on cases "where the bankruptcy is an intrinsic part of a tax fraud scheme and operates as an instrument of the evasion . . . ." Result? Citizens relying on bankruptcy laws for relief from oppressive tax assessments or unreasonable collection officers may face a new hurdle: CID.

Excise tax violations. These cases involve businesses with the duty to pay various kinds of excise taxes like those on telephone toll services, liquor, firearms, fuels and transportation property, sporting goods, etc.

For example, the IRS traditionally used prompt and vigorous *civil* enforcement against employers who did not pay employment taxes. Now, the IRS has targeted these case for *criminal* action where the employer is "pyramiding payroll and withholding taxes."

Foreign and domestic trusts. There are numerous organizations that market trusts as a means of reducing or eliminating income taxes. However, the vast majority of these organizations make claims regarding the legal efficacy of their trusts which simply aren't true. Throughout the 1990s, the IRS approached these trusts from a purely civil standpoint, auditing the trusts and assessing taxes and civil penalties against those who use them. Now, however, expect CID to be far more active in investigating trusts they regard as "nothing more than elaborate tax evasion schemes set up to give the appearance of legitimacy."

General fraud and evasion schemes. This is the *single largest* program and encompasses many types of investigations. The emphasis is on tax offenses

in otherwise legal industries, businesses and occupations — especially schemes that involve the deliberate nonpayment or underpayment of taxes or the non-filing of tax returns. The IRS warns:

"All citizens have the right to express criticism of the tax system and government policies related to it as well as to join groups which express such criticisms. However, once an individual or a group moves from expressing dissatisfaction to employing schemes with the intention of evading taxes, the Service should take action to insure that the tax laws are enforced and the tax system preserved." [4]

The IRS has created a "repeat non-filer initiative" which targets repeat tax return non-filers for criminal prosecution. An integral part of the program is an elaborate research project designed to identify the "most flagrant non-filers" and to prosecute a representative sample throughout the nation.

Questionable refunds. The IRS is concerned by the number of refunds issued based on fraud – especially those cases involving the Earned Income Tax Credit. In the past, the IRS used civil "revenue protection" strategies designed to intercept the fraudulent refunds. But that defensive posture will give way to a more aggressive attempt to identify and prosecute individuals and tax return preparers actively involved in refund fraud.

Return preparers. The IRS also promises to "enhance compliance among [income tax] preparers by engaging in enforcement actions and asserting appropriate civil penalties against unscrupulous and incompetent paid return preparers."

Preparers will be targeted who "orchestrate the preparation and filing of false federal income tax returns or who claim excessive expenses, deductions, credits, or exemptions on returns prepared for clients."

Get right or get ready

Apparently, CID is planning to greatly intensify its investigative and prosecutorial actions. IRS will be spending much less time on the areas of law enforcement that have, for the past ten years, consumed most of its criminal resources. These areas—drug cases, organized crime, non-tax related money laundering and the like—will now take a back seat to the CID's primary focus—the investigation and prosecution of traditional tax cases. If you have an outstanding problem with the IRS, now is the time to get it resolved—before you are contacted by CID.

[1] William H. Webster, "Review of the Internal Revenue Service's Criminal Investigation Division," April 1999, page 14; emphasis added.

[2] Ibid.

[3] Ibid, page 19.

[4] IRM 9.5.3.2.6(2), April 9, 1999.

Daniel J. Pilla is a nationally known Tax Litigation Consultant and author of ten IRS self-help defense books. To learn more about Dan's services, call 800-346-6829.

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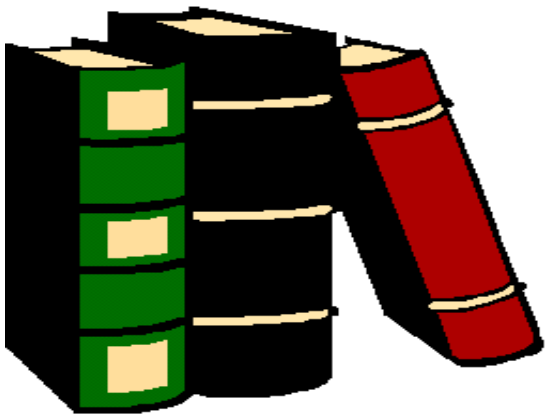

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Patriotic Disagreements

Every constitutionalist agrees that government imposes the income tax through laws and presumptions that are deceptive and seemingly unconstitutional. Likewise, virtually all agree that the Internal Revenue Code is intentionally massive to conceal needles of truth in a haystack of incomprehensible rules and regulations. Constitutionalists know the IRS is "up to something" and, collectively, we've made great strides toward understanding and exposing the IRS deception.

However, there is still disagreement among constitutionalists concerning fundamental understanding of IRS issues.

But more than disagreeing over which strategy is technically correct, there is a fundamental disagreement over how quickly to implement new strategies. On one hand, we have the "cowboys" who want to ride any theory, anytime, just as quick as it becomes available. On the other hand, we have the prudent patriot "scholars" who decry using (or even publicizing) any strategy until it's been "perfected".

Who's right? The cowboys or the scholars?

Both.

And neither.

There's a question of balance. Clearly, we shouldn't fire until we see the whites of their eyes. But likewise, we shouldn't wait to fire until we can count the pores on their noses.

But most importantly, we mustn't confuse our allies with our adversaries. While cowboys and scholars may disagree about tactics, the truth is that they both need each other and should never allow their disagreements to obscure the fact that they're both working for the same objective.

The following are excerpts from an e-mail exchange between two strong constitutional activists: David DeRiemer and Dan Meador. Their exchange illustrates a number of patriot "strategies" that are currently "hot" as well as a fundamental disagreement over whether we should move quickly or cautiously.

The exchange begins with a brief, semi-critical comment from David DeRiemer:

I.R.S. code does NOT apply to real live People. Only to those enjoying a "Revenue Taxable Activity" such as a government job, (corporate fiction "persons" subject).

We have NOT seen any data from you (to your "secret list" recipients) that the Courts "Presume" everyone to be the (fictitious) DEBTOR (so that they "Lose"), - and that the live real People can "Reverse" the "Presumption" so that THEY "Win," and government (I.R.S., etc.) "Lose", – WHY is that? (notaxman@peoples-rights.com)

You can tell from David's comments that he's a bit of a "cowboy". He wants to attack the IRS hard and fast and with as many people and strategies as possible. And he wants to do it right now.

Dan Meador is more of a "scholar". He wants patiently study the law, hone his strategies until they are virtually irrefutable, and then publicize them for public use.

David DeRiemer's approach is comparatively risky and invites a certain number of patriot casualties. In other words, those patriots who use strategies that aren't adequately tested and proven run a very serious risk of being wrong and suffering serious repurcussions for their errors.

Dan Meador's more cautious approach is justified in large measure by his desire to minimize or (hopefully) completely avoid patriot casualities. In other words, how can you be hurt if you only use "perfected" strategies?

Dan replies to David's comments as follows:

Hi David – I've posted most of our discovery letters, and have kept people reasonably well informed about basic research. However, the overall approach we're using in administrative forums isn't being circulated as we're using trial and error to perfect the process. In other words, we don't want people jumping into deep water until we know how IRS is going to respond, what we can do to counter responses, etc. Additionally, we don't want loose canons screwing up what we're doing before we are reasonably certain what we're doing will reliably work.

At least some will recall that from spring 1995 through 1997, I privately published and marketed a book titled, "By the IRS Book: Meador's Legal Warfare Manual".

Between May 1995 and March 1997 the book went through eight revisions and eventually had a supplement. I constantly updated with what was at the time the most current research I had available. However, while we were successful at holding IRS at arm's length, we didn't ultimately and finally resolve IRS difficulties for people. Consequently, when I was released from prison in October 1998, I withdrew the book from the market even though it was producing revenue that was important to the household, and subsequently spent most of two years surveying the range of available research, adding to it, and putting together a reasonably comprehensive "plan of action" that incorporates elements of various approaches that were already somewhat successful.

Reasonably early on I did a reasonably comprehensive survey of the "redemption" approach (I even used a modified "notice of nonappearance" in late 1998), and also tracked down the source of the "straw man" (ALL CAPS NAME). The "juristic" straw man is predicated on the notion that we are respectively government employees. See definitions at 15 U.S.C. § 1127.

Unfortunately, while the redemption program appeared to work in some jurisdictions, it didn't in others, and as anticipated, the "it ain't me" pleadings are seemingly ignored in most jurisdictions today.

Some of what has governed my focus has been the notion, "I want hair of the dog that bit me."

In other words, I believe that I and others are entitled to recover some if not all of what we have respectively lost, and short of the "Sight Draft" and other such speculative devices (people are going to prison for sight drafts just as they did for credit money orders and comptroller warrants), the redemption program doesn't provide for redress.

In the meantime, there are a few people, many of whom remain reasonably inconspicuous, who have unearthed some critical finds, particularly with respect to procedure. And most of them don't want their work published for general consumption to the point it is perfected because they don't want it screwed up.

I recently posted the letter we began using in early September to secure assessment certificates and support documents from regional service center assessment officers. The form and all authorities were included. More recently, I posted the "Request for Notification and Access" that was developed about two weeks ago to secure copies of original liens (which I am convinced don't exist), and proof that there is no suit behind notices of lien and levy. I believe these are "discovery" instruments everyone in the tax reform movement should have available.

Some time ago I posted a model affidavit on the Dan Meador e-mail list and possibly

some of the others. Over a period of several days I presented and elaborated on the affidavit as "testimony" and what the IRS or any other adverse party must do to overcome it: The adverse party must (1) disprove stated facts or prove alternative facts, then (2) prove application of law to stated or alternative facts.

I explained in laborious detail that an affidavit (1) cannot be argumentative, and (2) cannot draw conclusions of law.

I've written in detail concerning IRS operations: There is a routine presumption that people are subject to social welfare taxes in Chapter 21, which are legitimately imposed only in U.S. territories and insular possessions, and the government personnel tax in Chapter 24 of the Internal Revenue Code.

However, when IRS is challenged, at some point most people subjected to administrative and/or judicial reprisal are re-classified as drug dealers in the vicinity of the Virgin Islands. The key exit from the Internal Revenue Code to import duties is 26 U.S.C. §§ 7302 & 7327 via IRS regulation 26 CFR § 403. In nearly all cases there is an underlying presumption of one of the commercial crimes listed in the regulation. The crimes are not "debtor" in nature, they include prostitution, burglary, etc., and even addiction. All are presumably drug-related.

Via the regulation that governs securing documents in certain IRS systems of records (31 CFR, Part 1, Appendix B of Subpart C), we found that IRS personnel must bring evidence to the table when demanded. This supports and confirms our use of the affidavit and basically forces IRS into what amounts to a chess fool's mate. This, too, has been discussed at length.

Other than posting actual administrative letters we're using, most raw research is either on the Law Research & Registry web site, or particularly since the last week of April, in the DanMeador list archives.

Pat Patton and I are in agreement on one matter in particular: Before we see significant change in IRS conduct, a few renegade revenue agents and CID agents will probably have to be criminally prosecuted. But again, particulars of initiatives intended to accomplish that end aren't being generally published because at this juncture we don't know what will or won't work.

It is easy enough to make blanket statements such as, "I.R.S. code does NOT apply to real live People. Only to those enjoying a "Revenue Taxable Activity" such as a government job, (corporate fiction "persons" subject)."

But developing process that shifts the burden of proof and offers the opportunity to recover losses is a different matter. To date we don't know anyone who is consistently accomplishing those objectives even though increasing numbers are deploying effective defensive strategies and there have been a few instances where people have recovered sums erroneously paid in the past. David Bosset, using Thurston Bell strategy, is one example of the latter.

As much as anything, I'm confused by critical attacks such as the one by David Deriemer. As time permits, I attempt to post what seems to be the most important research breakthroughs, and in some cases share actual documents that others might want to incorporate into their dealings with IRS.

Yes, there is a "research loop" where there are private discussions and even mutual assistance with cases and strategy. But the intent isn't so much to be secretive as to minimize flack. And anything significant that happens there, if and when it proves to have merit, is eventu-

ally posted to research and discussion lists.

Dan Meador

You can subscribe to Dan Meador's newsletter at: DanMeador-subscribe@egroups.com

Although we don't yet know how to stop the IRS, we *know* their system is based, at least, on deception and, arguably, on fraud. For example, those of us who have seen IRS "Individual Master Files" have seen with our own eyes that the alleged "taxpayer" is routinely and falsely listed as a resident of the Virgin Islands or is engaged in regulated occupations like international insurance sales or the manufacture of pistols. These lies clutter our Individual Master Files and prove that the sneaky s.o.b.s are up to something. If the income tax were imposed legitimately and without trickery, there could be no honorable reason for the IRS computer records to contain repeated examples of intentionally false or deceptive information. Because that false information is there, it's undeniable that the income tax is imposed through fraud.

Nevertheless, legal reform is populated by more opinions than facts. And for the moment, no one knows for sure who, if anyone is on the right track to avoid or dismantle the non-constitutional income tax. Still, virtually everyone involved in legal reform is making some kind of contribution to tearing the IRS down – if only by discovering what doesn't work.

As various researchers come up with "new-and-improved" strategies, activists with more enthusiasm than discretion attempt to apply those strategies. Sometimes the applications work (at least for a while) and seem to validate the strategy. Sometimes the applications fail, the activist loses or is jailed, and the strategy is discredited. But in every case, close analysis of our victories – and especially our defeats – gives us additional clues as to how the "system" really works and thus, how it can be dismembered.

The unfortunate reality is that some of the "patriots" who try these strategies before they are "perfected" wind up paying extremely serious penalties. Their numbers aren't great, but some lose their homes, their families and are sometimes jailed. A few lose their lives.

As a result, some patriot researchers are reluctant to release "unperfected" strategies to "masses" for fear of being held responsible for inspiring some naive activist to apply a strategy that ultimately causes him great grief. In other words, some researchers don't want to accept personal responsibility for "patriot" casualties.

Other researchers argue that the "ordinary activists" shouldn't be made aware of new strategies because their attempt to apply those "brilliant" new strategies will be so inept that they will allow government to write new case law that cripples the entire strategy before it can be properly implemented by those who are sufficiently gifted to litigate effectively.

Both of those arguments (reluctance to cause casualties and fear of losing good strategies to inept litigators) may be correct, but I reject them. I'm not saying my approach is better than anyone else's; I'm simply saying I have my own values and goals, and as a result, a different philsophy.

I believe we should instantly inform as many people as possible of the various "new-and-improved" strategies that may be available to confront any abusive government agency. I don't care if the strategies are half-baked and the activists using them go off "half cocked". I don't care if some of the patriots wind up as casualties.

That attitude may seem callous or indifferent, but it seems correct to me for three reasons: there are no "perfected" legal strategies; those new strategies that work well only do so for a limted period of time; this is a political (not legal) confrantation; and, finally, this is a spiritual battle which will not tolerate "watchmen" who fail to sound the alarm.

1) No "perfected" legal strategies

In seventeen years as a legal reform student, activist and publisher, I've yet to see a "perfected" legal strategy that stops government cold. Therefore, I believe that those researchers who want to withhold their strategies until

they are "perfected" are fooling themselves. There isn't going to be a perfect strategy – at least not before Christ returns – and therefore hopes based on that perfection are vain.

2) Limited "window of opportunity"

Over the ten years I've published the AntiShyster, I've seen several legal reform strategies that did work for as much as twenty-four months. For example, commercial liens, first popularized by the *AntiShyster* in 1991, worked pretty well for about two years. Then government circled its wagons, and squelched that strategy by ordering county recorders to refuse to file the liens.

IRS opponent Eddie Kahn (American Rights Litigators) developed a strategy of demanding a meeting with the IRS to challenge their legal authority and show they had no lawful foundation to impose an income tax. That strategy worked well for about eighteen months before the IRS adjusted by generally refusing to hold more meetings demanded by "taxpayers".

These are two of perhaps a half dozen strategies whereby patriots briefly kicked government butt. But always, government adjusted and devised a way to defeat the patriot strategy.

This constant competition and evolution of strategies tells us something fundamental. Legal reform is not really an issue about law. It is a confrontation between a rogue government that is determined to rule over us and those Americans who believe the government should instead serve under us as our public servant. This confrontation will not end simply because some clever *pro se* researcher devises a brilliant legal strategy to defeat the IRS and corporate governance.

Individually, such brilliant strategies are no more meaningful that devising a new-and-improved technology to prevent burglars from breaking into your home. A new security technology doesn't mean burglars will stop trying to rob you, it only means that they'll be briefly stopped while they develope a more sophisticated strategy to overcome your new security system. But they still intend to break into your home and steal your VCR. So long as that intention remains, the war goes on.

The conflict between the sovereignty of corporate government and sovereignty of the American people is morally similar to the conflict between burglars and home owners. It's simple. The bad guys want your money. They want your VCR. Get it? There's no question of moral right and wrong here. It's simple greed. Or perhaps complex greed. Or maybe it's not greed at all, but truly treason. I don't know their motives.

But I do know that government does not purely enforce the law in the sense of a moral authority seeking to support "right" and suppress "wrong". Instead, government routinely *uses* the law as a device to justify exorting rights, power and money from the American people. This extortion is absolutely contrary to any principles intended or even imagined under the organic Constitution.

Further, this extortion will not end until the people in power in our alleged "government" are completely replaced by individuals who are willing to serve rather than rule the American people. That replacement will not take place until a large percentage of the American people 1) learn the truth of our government's activities; and 2) become motivated to demand a change.

That level of political activism is not yet visible on the immediate political horizon. Nevertheless, over 60 million Americans reportedly did not file their income tax returns in 1998, over 40% of Americans

admit distrusting government, over half won't even vote in most elections, Ross Perot's Reform party struck a chord in 1990 that cost George Bush Sr. the election and Ralph Nader had a similar effect in 2000. These examples of widespread public discontent illustrate that massive resistance to government could break out under the right circumstances.

While the public believes life in America is as stable and unchanging as the law of gravity, anyone with a little discernment knows that political climates can experience dramatic, even revolutionary changes in the wink of an eye. For example, a year ago, Israel was a trivial political issue. Everything was peaceful and "laid back". There was no obvious threat or potential for violence. Yet, within the last three months Israel has exploded into the public consciousness with a force sufficient to threaten *world* peace. Although the American people don't think so, a similar potential for radical change is also latent in the USA.

Government doesn't want to risk precipitating that radical change because – although the American people are currently docile – they are not loyal to government. Thus, in the midst of serious domestic change, it's unclear that our current government could even survive.

While some elements of government would happily kill every tax resistor in North America, they know from the bitter experiences of Waco and Ruby Ridge that they can't kill us without generating more adverse public opinion than they can endure. Therefore, government continues to use the law "creatively" to quietly extort rights, power and money from the American people.

Government knows it can't afford to alienate the masses of Americans with an noisy, violent assault on patriots and constitutionalists who "resist" government. Therefore, this war is conducted "quietly" in the courts. Instead of firing bullets which would be widely reported in the press, the government passes laws and issues writs and finds folks guilty in cases that the public doesn't care about or hear about. But don't mistake the seeming silence for peace. A war is taking place and government is using the law as its weapon of conquest.

Patriots and constitutionalists, on the other hand, are using the law to throw sand in the gears of big government to resist the conquest.

Note that both sides use the law as a weapon. Government uses law as weapon of quiet extortion; the constituitonalists use law as a weapon to impede and noisily expose the extortion. But the law is simply the means by which the two sides fight a silent revolution.

That's right. Revolution. That's not a recommendation or wishful thinking. A revolution is taking place in this country. Now. We're in the early stages, somewhat akin to where this country was back in the 1760's and early 1770's. Activists are making speeches. Information is being assembled. Education is on the rise. People are returning to God.

For the moment, this revolution seems peaceful. And if government peacefully concedes power, this revolution could easily die stillborn without even being recognized by the majority of American people.

But the fact remains that energy is accumulating within the body politic which may be so slowly dissipated as to be unnoticed – or may yet erupt suddenly into overt confrontation and wrenching change.

Government's capacity to devise effective (even if non-constitutional) counter-strategies to constitutionalist strategies has grown more responsive over the past ten years. In 1991, it took them two years to devise a counter strategy for commercial liens. Today, they'll have a counter-strategy up and running within six to twelve months, tops to deal with the "redemption strategy".

This means the "window of opportunity" to use a particularly effective legal reform strategy is relatively brief. If a handful of clever researchers discover a tactic the IRS can't instantly refute, those researchers will probably escape the IRS's clutches. But if the researchers refuse to publicize their strategy until its "perfected," government will quickly nevertheless devise an effective counter-strategy to close the "window of opportunity" and defeat all future applications of the patriot strategy. As a result, a whole bunch of patriots who

might've been able to quickly use the imperfect strategy and squeeze through the "window of opportunity" will be denied their chance, and condemned to defeat by the IRS.

Given that "perfect" legal strategies seem impossible, the real danger to a strategy's effectiveness won't be found in incompetent litigants who misuse the strategy and create bad case law. After all, history tells us that, one way or another, with case law or administrative procedure, government will stop new strategies within twenty-four months. If you're going to sit on your brilliant new strategy for two years (until it's perfected), government will have devised a counter-strategy before you "perfect" and release yours to the public.

Thus, the key to a strategy's effectiveness is not its perfection, but its *window of opportunity*. If you see a legitimate opening in governmental defenses, no matter how small or incomplete, the trick is to send as many patriots diving through that hole as humanly possible before government spots and closes that opening. The essence of a strategy's effectiveness is not legal perfection, but quick and widespread publication and application – before government devises a counter-strategy.

3) This struggle is a political – not legal

Government concedes nothing. No perfect, brilliant strategy will destroy the IRS with a single court case. This is a *political* struggle. Remember? They want your money and your rights. Right, wrong and law have little to do with this struggle. This is not an exercise in morality but in political power. That means *numbers* of people are finally more important than legal genius.

The patriot community is in a political position analogous to that of Mexicans trying to illegally enter the USA. If just one or two brilliant Mexicans try to cross the Rio Grande every night, the INS will catch them and return them to Mexico (if they're lucky). But even if they get through into the USA, what difference do one or two illegal aliens make?

On the other hand, if thousands of not-so-smart Mexicans try to cross the river each night, the INS will catch some, but most will evade capture and enter the "land of the free". Those thousands and millions of illegal aliens will one day collesce into political parties that will have a massive impact on American society and laws.

Similarly, in the end, patriots won't win by outsmarting the government, we'll win by overwhelming government's ability to resist. Just as some elements of government want to grant an "amnesty" to all illegal aliens – if there are enough constitutionalists, government will also grant us an "amnesty".

The classic example of this political reality is the 63 million non-filers. I'll guarantee that 62 million of those non-filers couldn't tell you the number (26) of the Title in the U.S. Code that deals with the income tax. They aren't that smart. But. Their numbers are overwhelming the IRS and forcing government to devise an alternate tax system.

4) This is a spiritual battle

Finally, I regard this confrontation with corporate government as a spiritual battle. I may be misguided, but I see my role as that of a watchman as described in *Ezekiel* 3:17-21 and 33:6-9. I.e., if the watchman fails to warn others of approaching danger, the others will pay and perhaps even die, but the watchman will be held accountable for their blood. On the other hand, if the watchman screams and shouts his warning but the others ignore him, they

will still pay and perhaps die, but the watchman will not be held accountable. By screaming and shouting, the watchman will have saved himself.

I have failed to sound some warnings in the past, but I don't think I'll fail again. I will scream and shout every time I see a puff of smoke on the horizon or a strangely shaped cloud in the sky. I may come to be disregarded as the little boy who's constantly crying "Wolf!" I may be dismissed as just another one of those fool patriots espousing half-baked strategies and "rabbit trails" that get people into trouble. But I guarantee that if I even smell a possibly valid patriot strategy or government threat, you'll read about it in the *AntiShyster* just as quick as I can cobble another article together.

I won't wait until the stategy is "pefected" nor will I wait to ascertain if the threat consists of a government patrol or a battalion. I'll publish my warnings as fast as I see any evidence that the strategies or the threats may be valid. After that, it's up to you. Save yourself or not. That's not my business. My job is to scream and shout – and that's just what I intend to do.

I believe that "watchman's obligation" also applies to patriot researchers. If so, those researchers who withhold information on emerging strategies are not only dangerous to the patriot community, they are even dangerous to themselves. If anyone discovers a truly brilliant strategy sufficient to topple abusive government – and government gets wind of that discovery before it's publicized – that researcher just might become suddenly and mysteriously "incapacitated". Information is only dangerous when you're the only one who has it. Once it's widely publicized and the genii is out of the bottle, everyone is safe.

Of course, we need some discernment. We can't really "sream and shout" about every puff of smoke on the horizon or misshappen cloud. We have an obligation to report the near truth, but not the near hysteria or complete illusion. There is a line. But better to err on the side of making reports that are premature and incomplete than wait until our intelligence is "pefected" and the adversary is pounding our gate with a battering ram.

Therefore *AntiShyster* is an early warning system. We report ideas and strategy when they are still half-baked and possibly wrong. But we try to give folks a chance to use them during what may be a limited "window of opportunity".

This next article on "Revoking Fiduciary Relationships" is another example of the *AntiShyster* "early warning system". The ideas and implications may be mistaken, but I think they offer such intriguing insight and potentially powerful application, that they must be reported *now*.

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Revoking Fiduciary Relationships

by Richard E. Clark and Alfred Adask

Dick Clark and I are not attorneys and we don't provide legal advice. However, Mr. Clark has had a serious confrontation with the IRS, done considerable research into the tax laws and written a book called "Never Fear The IRS Again." Our opinions on the legal system are only those of laymen. As such, our opinions will hopefully be considered and even criticized, but not automatically believed.

Dick and I talk over the phone from time to time and, as with the infinite number of monkeys, it was inevitable that we might one day say something that made some sense. During a recent conversation, we stumbled onto an hypothesis that we think might — just might — break the IRS's back.

This hypothesis was largely precipitated by Dick's discovery of IRS Form 56 — "Notice Concerning Fiduciary Relationship". A close reading of this form, it's instructions, and background law suggests that our obligation to pay income tax may be based on "fiduciary relationships" which virtually no one recognizes or understands. However, we suspect that IRS Form 56 may be surprisingly powerful because the instructions on that form include, "Completing this part will relieve you of *any further duty or liability as a fiduciary*." [Emph. add.]

Thus, if our unexpected "fiduciary relationships" obligate us to pay income tax, we hypothesize that we might be able to terminate that obligation by terminating some of our fiduciary relationships.

This is a long, long article. And there are two more behind it that also deal with IRS Form 56 and fiduciary relationships. We hope you'll take the time to read all three articles – we believe they're worth the trouble.

Our hypothesis hangs on six relatively simple premises:

1) Every natural, living, flesh and blood person is identified by a capitalized, proper name like "Alfred Adask".

2) Government has created an artificial entity (an "evil twin" or "strawman") for virtually every flesh and blood person. This artificial entity is identified by the all upper case name that usually includes the middle initial ("ALFRED N. ADASK");

3) While government is prohibited by the Constitution from imposing income taxes on natural persons ("Alfred"), they have every right to impose income taxes on their creations ("ALFRED").

4) The foundation for our obligation to pay income tax is a *fiduciary relationship* between natural persons ("Alfred") and artificial entities ("ALFRED"). That is, government has managed to trick the natural person "Alfred" into assuming the role of "fiduciary" (representing and acting for) the artificial entity "ALFRED".

5) The fiduciary relationship between natural and artificial persons can be established through deception, clever laws, and, primarily, our own ignorance.

6) Proper use of IRS Form 56 may allow us to break the fiduciary relationship between the natural person ("Alfred") and the artificial entity ("ALFRED").

If the six premises in our hypothesis are correct, it follows that using IRS Form 56 (or the principles it reveals) may enable ordinary Americans to lawfully *terminate their obligation to file and pay income tax*.

If our hypothesis is correct, we just might break the IRS. But even if we're right, it's certain that our understanding is incomplete, probably flawed, and in need of much testing before anyone can safely implement the withdrawal procedure our hypothesis suggests. So don't get excited and try to apply this hypothesis without doing much more research.

And even if our hypothesis is completely wrong, I'll still guarantee it's interesting. The insight into fiduciary relationships opens a new perspective for understanding income tax.

What's in a name?

The cornerstone of corporate government's attempt to supplant the constitutional government is a fantastic scheme whereby ordinary Americans are tricked into believing that the names "Alfred Adask" and "ALFRED N. ADASK" identify the same person.

However, the flesh and blood "Alfred" is created by God while the artificial entity "ALFRED" is created by government. By the law of creation, each entity is absolutely subject to whatever laws are imposed by his *creator*. For example, "Alfred" is obligated by his God to tithe, but not normally liable to pay income tax. "ALFRED," on the other hand, is freed from the obligation to tithe, but is absolutely liable to pay the income tax imposed by his creator – the corporate government.

The corporate government's trick is to get "Alfred" (the natural born Citizen) to voluntarily assume the duties and liabilities that corporate government imposed on his "evil twin" – the citizen-subject/ artificial entity named "ALFRED". This scheme is so fantastic that it seems unbelievable – and that's precisely why it's worked so well.

Grade school grammar

If you check the rules of English grammar, it's undeniable that for centuries, the proper names of natural, living, flesh and blood persons have been spelled in the "capitalized" format like "Alfred Adask".

But if you examine your drivers license, social security card, bank account, and credit cards, you'll see that they are all issued to an entity identified by an all upper case name like "ALFRED N. ADASK". Under the centuries-old rules of grammar, these upper-case names are not proper names and thus cannot properly identify a natural person.

We can suppose that there may be some harmless reason to justify violating ancient rules of grammar by using of all upper case names in our "official" documents. (Perhaps government computers can't type in lower case?)

But whatever that "harmless" reason for using all upper case names may be, it doesn't seem to apply to credit card applications. The same bank that keeps my bank account and issued my debit card in the name "ALFRED N. ADASK," regularly sends me credit card applications which are addressed to "Alfred Adask" (my proper name).

Check the name on your bank account and the name on the credit card *applications* and I'll bet you find the same thing: Your bank account and credit cards are issued to an entity identified by all upper case name ("ALFRED"); your credit card *applications* are sent to a natural person identified by a capitalized, proper name ("Alfred").

Can you think of a "harmless" reason why your bank account and credit cards are issued to an

all upper case name, and yet your credit card *applications* from the very same bank are mailed to a proper name?

I can't.

This evidence is flimsy, but it's commonplace and it's consistent with the idea that the proper, capitalized name ("Alfred Adask") identifies one person while the upper case name ("ALFRED") identifies another.

Thus, it appears that the bank is asking "Alfred" (the natural person) to apply for a credit card that will be issued to "ALFRED" (the artificial, juristic person). If so, this is exactly the same kind of subtle deception that we believe government practices every day when it tricks natural persons (like "Alfred") into accepting the benefits and associated obligations intended for the artificial entity "ALFRED".

OK, the banks send some letters addressed to "Alfred" and others to "ALFRED". Big deal, hmm? It's probably just some programming oversight.

But last year, the Social Security Administration sent a document listing the sums I'd paid into So-So Security, and the number of quarters I'd paid. The letter was sent in a "window" envelope so the mailman could read the name and address printed on the letter inside the envelope. That name and address were printed in the all upper case format ("ALFRED N. ADASK, etc.) on the upper left hand corner of the first page of the letter.

But below, near the lower right hand corner of that same first page in the letter, the Social Security Administration (SSA) wrote: "YOUR NAME: Alfred Adask"

Why would the SSA address the letter to "ALFRED" and yet, on the *same* side of the very *same* piece of paper also write, "YOUR NAME: Alfred Adask" . . . ?

We can imagine innocent explanations for this dual format. But we can also say this evidence (however flimsy) is also consistent with the suspicion that "Alfred" and "ALFRED" are two entirely different persons.

An absurd idea whose time has come?

Even though we have anecdotal "evidence" to support the theory that "Alfred" and "ALFRED" identity two entirely different persons, the idea that government is tricking "Alfred" into assuming liability for duties imposed on "ALFRED" still seems incredible.

It's like saying the government is tricking John Smith (who lives at 44 S. Oak St. in Crystal Lake, Illinois) into assuming liability for the debts of the John Smith who lives at 66 Aspen Court in Aspen, Colorado. They're two entirely different people! How could government force one Smith in Illinois to accept responsibility for the debts of another Smith in Colorado? The whole idea seems absurd.

Well, just because an idea seems absurd doesn't mean the idea is false.

In fact, government doesn't *force* us to assume the liabilities that are imposed on another person. Such force would be unconstitutional. Instead, government *deceives* us into voluntarily assuming the liabilities of another person through the use of *applications* (just like the bank's credit card application) and *notices*.

OK, for the sake of argument, let's say this "multiple persona" scheme (getting "Alfred" to assume the liabilities imposed on "ALFRED") is legally plausible. Even so, how could our government have implemented such an incredible . . . dastardly . . . diabolical(?) . . . scheme on the *entire* American people? There are not words to describe the magnitude of this alleged fraud.

Are we to believe that 300 million Americans are being simultaneously tricked into assuming liabilities for a whole class of artificial entities? Are we to believe that this massive fraud has been secretly perpetrated for most of three generations? Are we to believe that not one government official in sixty years has made any attempt to expose this monstrosity?

I have to admit that faced with these questions, the whole idea of some "parallel political universe" populated by artificial entities with names virtually identical to our own is not just laughable, it's absurd. As if anyone would be dumb enough to believe this malarky.

And although I write about these theories, I can't help looking at them and shaking my head in disbelief. *Surely*, I've made some gross, fundamental mistake. My thinking is distorted by some fundamental premise I've unwittingly embraced. *Surely*, after I write enough articles like this one, someone smart will write to me to explain how I'm making a fool of myself.

But instead of getting letters to tell me that I'm wrong, I get letters and documents that tend to support this dual-name, parallel-political-universe hypothesis.

Even so, the whole idea is too bizarre to be believed by anyone who wasn't already crazy or almost mystical. For this theory of a "parallel political universe" to be valid, only a virtual handful of people can actually recognize and understand it. If the theory is valid, I doubt that it's understood and ultimately enforced by more than 10,000 people in the whole country. The President should know. Most of his cabinet. Many of the Senators. Some of the Congress. Key bureaucrats running the major agencies like FBI, DOJ, DOD, etc. should know. Federal Reserve, of course. Most longtime governors. Most state Secretaries of State. Big time bankers. Some of the mightiest corporate giants.

But the lawyers don't know. Virtually no state politicians know. Cops certainly don't understand. The clerks and administrators who populate all government agencies don't have a clue.

If this "conspiracy theory" were valid, only a handful could know. Because if more knew, inevitably someone would tell, the whole world would find out and the system would collapse. The idea that such an incredible secret could be conceived, perpetrated and sustained for three generations is simply too improbable to be believed.

But probabilities are just numbers. This conspiracy scenario is far more disturbing than any mere study of mathematics for in the end, it could only exist if the conspirators had managed to somehow alter our very capacity to perceive reality. This dual-name scheme can't be explained as the work of handful of greedy or ambitious politicians or bankers who want more money, power or sex. This scheme is nothing like a bank heist where the conspirators break in, steal the money, and jet off to the "good life" in Brazil. Instead, this is a conspiracy where you break in, steal the money, and not only convince the bank that no money's been stolen, but you convince all the bank stockholders to appoint you president of the bank and thank God for your services.

For this dual-name scheme to be true, we have to live in a society almost identical to Aldous Huxley's *Brave New World* in which we have been collectively "brainwashed" to the point where hundreds of millions of people are not only intellectually incapable of *seeing* the truth, we are psychologically incapable of *be-*

lieving the truth, even if we should accidently discover it.

Thus, I have to admit that this dual-name theory is based on such incredible premises, that it can be safely dismissed as more ranting of the lunatic fringe. I don't believe it. More, I don't want to believe it. I am embarrassed to even mention this theory in my magazine. I feel like an idiot.

And yet, as hard as it is for me to be believe the dual-name theory and the massive, seamless conspiracy it implies, I can't seem to find any evidence to the contrary. In fact, all the evidence I'm able to see persistently implies that no other explanation is possible.

"Voluntary" income tax system?

For example, we are repeatedly reminded that we have a "voluntary" income tax system? And as you'll read, it appears that our obligation to pay income tax is truly based on our own "voluntary" acts wherein we (proper persons like "Alfred") first "volunteered" to administer the records and pay the income tax *on behalf of* an artificial entity like "ALFRED".

But who would be crazy enough to "volunteer" to pay income tax? Nobody. And surely, I don't remember ever signing a paper where I "volunteered" to pay income tax. And I don't know anyone else who ever did, either.

The whole idea that anyone would volunteer to pay income tax is simply stupid.

Agreed.

But what if – instead of volunteering to *pay* income tax – you volunteered to *receive* a tax refund?

Better to give or to receive?

Take a trip back in time. Remember your first 1040? Why did you file? To *pay* income tax? Did you owe money to Uncle Sam from your first paper route or job making fries at McDonalds? I doubt it.

If you're like the vast majority of kids and working adults, you filed your first 1040 to receive a tax *refund* for some portion of the withholding tax that had been taken out of your paychecks and sent to Washington. You filed because your employer paid you $5 an hour but withheld $1.50 an hour to send to Washington. You filed your 1040 at the first of the next year so you could get a fat chunk of the income tax that had been withheld from your paychecks.

If you were lucky, you might've received a check back from gov-co for $200, $400, maybe even $500! Boy, remember the fun you had with that first refund? You could buy a new bicycle or maybe some clothes to impress the girls.

Now, let's suppose that the system has been set up whereby:

1) you (the boy, "Alfred") can't get a job without a Social Security Number (so you applied for one); and

2) the SSN was issued to the artificial entity "ALFRED". (Look at your SS card. I guarantee it's issued to the entity having the all upper case name.)

OK, now you go to your prospective employer, show him your brand new Social Security card, and he hires you. But who (or what) did the boss actually hire? *You*, the flesh and blood "Alfred"? Or *it*, the artificial entity created by government, named "ALFRED" and identified by a SSN?

As you'll read below, IRS Form 56 strongly implies that "taxpayers" are exclusively the artificial entities identified by uppercase names ("ALFRED") and SSNs. On the other hand, natural persons identified primarily by proper, capitalized names ("Alfred") don't even *have* SSNs and are not liable to file and pay

income tax. The evidence is implicit but inconclusive. Still, this implication offers is more support for the idea that "Alfred" and "ALFRED" are not only two different "persons," they are two entirely different *kinds* of persons.

At this point, I suspect that (unbeknownst to you and your employer) your employer didn't precisely hire you (the natural person), he hired the artificial entity identified by the all upper case name and SSN. Alternatively, perhaps your employer actually did hire you (the natural person) but – through the Social Security application and/or W-2 or various other forms – you ("Alfred") agreed to do the actual work while "donating" your pay to the artificial entity "ALFRED".

But whatever the explanation, I suspect that through the employment agreement and Social Security relationship, the money you ("Alfred") earned was credited to the artificial entity "ALFRED".

So who did they write your paychecks to? "ALFRED". And when you opened a bank account with those checks, whose name is on the bank account? "ALFRED". And when government sent that refund check, who was it made out to? "ALFRED".

If all of that's true, you ("Alfred") have a serious problem. How can you, the natural person, cash checks made out to an entirely different person – the artificial entity "ALFRED"? Wouldn't it be against the law for you to cash checks made out to some other person?

Normally, Yes.

But there are legal provisos for persons to represent other persons and act in their behalf. If you established a legal capacity for you ("Alfred") to represent and act on behalf of "ALFRED," you could cash "ALFRED's" checks all day, all week, all year.

Fiduciary relationships

For several years, I've understood intuitively that although "Alfred" and "ALFRED" are two different persons, nevertheless, they are bound together in some sort of legal relationship. For various reasons, I've suggested that the two must be bound in a trust relationship wherein "Alfred" served as a trustee for the beneficiary "ALFRED". I'm still not convinced that "trustee" precisely defines the relationship between "Alfred" and "ALFRED," but I have no doubt that a legal, "trustee-like" relationship exists.

However, with Dick Clark's discovery of IRS Form 56, I now have a much better understanding of that relationship. Whether that relationship can be described as "trustee" or not remains to be seen, but the bond between "Alfred" and "ALFRED" can absolutely be described as a "*fiduciary* relationship".

The instructions on the back of IRS Form 56 define "Fiduciary" as:

"A fiduciary is any person *acting* in a fiduciary capacity for *any* other *person* (or terminating entity), such as an administrator, conservator, designee, executor, guardian, receiver, trustee of a trust, trustee in bankruptcy, personal representative, person in possession of property of a decedent's estate, or debtor in possession of assets in *any* bankruptcy proceeding by order of the court." [Emph. add.]

This definition lists eleven kinds of fiduciary. Every one of those eleven "fiduciaries" needs to be fully understood before we can safely embrace this article's implications. However, for now, note that each of the eleven kinds of fiduciary can act as a fiduciary for *any* "person".

Form 56 instructions also define "person":

"A person is any individual, trust, estate, partnership, association, company or corporation."

Simply put, the term "person" is not confined to natural, flesh and blood people, but also includes artificial entities like trusts and corporations.

Thus, it is entirely possible for a natural person ("Alfred") to serve as a *fiduciary* for an artificial entity named "ALFRED".

IRS code compliance

The top of IRS Form 56 specifically references Section 6903 of the Internal Revenue Code. That section reads:

SEC. 6903. NOTICE OF FIDUCIARY RELATIONSHIP.

(a) RIGHTS AND OBLIGATIONS OF FIDUCIARY. – Upon *notice* to the Secretary that any person is acting for another person in a fiduciary capacity, such fiduciary shall assume the powers, rights, *duties*, and privileges of such other person in respect of a tax imposed by this title (except as otherwise specifically provided

and except that the tax shall be collected from the estate of such other person), until *notice* given that the fiduciary capacity has terminated. [Emph. add.]

First, note that (so far as the IRS is concerned) the only requirement to establish a fiduciary relationship is to send some sort of "notice" to the "Secretary". Judging from Section 6903, there is no requirement that the "notice" be notarized by the sender or officially approved. Apparently, if you simply send a "notice" that you are *"acting"* as a fiduciary for some other person, that notice will be accepted as fact based entirely on your say-so.

Second, note that if you were to become the fiduciary for another person, you would "assume the powers, rights, *duties*, and privileges of such other person in respect of a tax . . . ."

Soooo . . . let's suppose government had no constitutional authority to impose an income tax on natural persons (like "Alfred") – but *could* impose a tax on artificial entities like corporations and trusts. And let's suppose that government created an artificial entity entitled "ALFRED N. ADASK" identified by a SSN . . . could government impose an income tax on that artificial entity?

Absolutely.

In fact, government could impose virtually any tax, duty, or obligation on that artificial entity ("ALFRED") without ever once violating the Constitution.

And let's suppose that government could devise a procedure to cause me ("Alfred") to unwittingly send a "notice" to the IRS that I was now a *fiduciary* for "ALFRED" (the "taxpayer" identified with a SSN). If I ("Alfred") sent such notice of fiduciary relationship, whether I knew it or not, I would've "volunteered" to be a "taxpayer" on behalf of "ALFRED".

Once the IRS received my "voluntary" notice of fiduciary relationship to "ALFRED," the IRS could hound me, harass me, kick in my doors and jail me in order to compel me to honor my notice that I would serve as fiduciary for "ALFRED".

Givin' d' Devil his due

Do you see the beauty of this scheme? Although prevented by the Constitution from imposing an income tax on natural persons (like "Alfred"), government could lawfully impose any tax they like on their creature "ALFRED". Then, if "Alfred" could be "dumbed down" (perhaps through public education) to the point where he didn't understand the rules of grammar, punctuation and capitalization, "Alfred" would never dream that he and "ALFRED" weren't one in the same.

Then . . . if government could trick "Alfred" into voluntarily sending a "notice" that he was the fiduciary for "ALFRED," government would've degraded a sovereign, free Citizen from the status of government's master to the status of government's subject and slave.

Did you notice?

If this scenario sounds like science fiction, bear in mind that the only detail that keeps it from being real is the question of "notice".

And all IRC 6903 says about "notice" is:

"(b) MANNER OF NOTICE. – Notice under this section shall be given in accordance with regulations prescribed by the Secretary."

Hmph. That's not too helpful. But Dick Clark dug into the Code of Federal Regulations (CFRs) and found "26 CFR 301.6093-1 Notice of Fiduciary Relationship." (Note that "26 CFR" identifies the collection of Federal Regulations that apply to title 26 of the U.S. Code (income tax). The "301" identifies the section dealing administrative and procedural regulations; the "6903" in that CFR cite corresponds to Section 6903 in the IRS code; and the "-1" refers to individual income tax.)

"26 CFR 301.6903-1. Notice of Fiduciary Relationship.

"(a) Rights and obligations of fiduciary. Every person *acting* for another person in a fiduciary capacity shall give notice thereof to the *district director* in *writing*. As soon as such notice is *filed* with the district director, such fiduciary *must*, except as otherwise specifically provided, assume the powers, rights, *duties*, and privileges of the *taxpayer* with respect to taxes imposed by the code. If the person is acting as a fiduciary for a transferee, or other person subject to the liability specified in section 6901, such fiduciary is required to assume the powers, rights, duties, and privileges of transferee or other person under that

section. The amount of the tax or liability is ordinarily not collectable from the estate of the fiduciary but is collectable from the estate of the taxpayer or from the estate of the transferee or other person subject to the liability specified in section 6901." [Emph. add.]

OK. So far, we know that a proper notice of fiduciary capacity must be:

1) in writing,

2) sent to an IRS district director, and

3) filed by the IRS.

Again, that description is not too helpful, but it does make clear that whatever such notice is, it *must be a written document filed with a district director of the IRS.*

Further, once that notice is written, received by the IRS district director and filed, the fiduciary *must* assume all the duties of the "taxpayer". Thus, while sending the first notice seems to be a voluntary act, once you do send that first notice, a permanent *duty* to file and pay income tax attaches and becomes mandatory. Screw up an they'll toss you in jail.

Note also that although the fiduciary represents the "taxpayer," the two entities are entirely separate persons. This doesn't prove that fiduciaries can't also be taxpayers in their own right. However, the possibility remains that no fiduciary is, in and of himself, a "taxpayer".

26 CFR 301.6903-1 continues with subsection:

"(b). Manner of Notice.- The notice shall be *signed by the fiduciary*, and shall be *filed* with the district director for the district for the *return* of the person for whom the fiduciary is acting is required to be filed. The Notice must state the *name and address* of the person for whom the fiduciary is acting, and the *nature of the liability* of such person, that is, whether it is a liability for tax, and, if so, the *type of tax*, the *year or years* involved, or a liability at law or in equity of a transferee of property of a taxpayer, or a liability of a fiduciary under section 3467 of the Revised Statutes, as amended (31 U.S.C. 192), in respect of the payment of any tax from the estate of the taxpayer." [Emph. add.]

Now we know that a proper notice must:

1) Include the signature of the *fiduciary* (but, curiously, not that of the original "taxpayer").

2) Be filed with the district director in the same district where the *taxpayer* would normally file his income tax *return*.

3) State the "name and address" of the person (*taxpayer*) for whom the fiduciary is acting (but curiously, there's no need to specify the *fiduciary's* name and address).

4) Identify the "nature of the liability" – i.e. the "type" of tax.

5) The "year or years involved" for the tax type.

And optionally,

6) ". . . or a liability at law or in equity of a transferee of property of a taxpayer."

(I don't know what "transferee of property of a taxpayer" means. So, although that meaning might be vital to our understanding, I won't analyze it here.)

It probably seems impossible that you could ever have sent a complex, six-part notice to the IRS in which you "volunteered" to become a fiduciary. Surely, you would've remembered, No?

Maybe not.

We'll explore this possibility later in this article, but for now let me give you a hint: Can you say "1040," boys and girls? Have you ever filed a 1040? Each of the five elements required to provide a proper notice of fiduciary relationship is technically present on a properly filed 1040.

Is it possible that the 1040 constitutes proper notice of a natural person's (Alfred's) fiduciary relationship to an artificial entity/ taxpayer (ALFRED)? We suspect the answer may be Yes.

Failure to identify

Curiously, the six elements required by 26 CFR 301.6903-1 to constitute a proper notice do not include a requirement to identify the "name and address" of the *fiduciary*. The IRS doesn't even ask for the fiduciaries Social Security Number (SSN). Instead, the fiduciary is only required to provide his *signature*.

The failure to require the fiduciary's name, address and SSN would seem to invite a great deal of confusion. For example, what if the taxpayer lived in Wisconsin and the fiduciary lived in Florida? What if the fiduciary's name was "Bob Jones" – without a printed name, address and SSN, how could the IRS tell if the fiduciary "Bob Jones" was the "Bob Jones" in Kansas or another "Bob

Jones" in Kentucky?

Further, the failure to require precise identification for the fiduciary not only invites confusion, it invites absolute incomprehension. For example, I like to think of my signature as stylish and unique, but in truth it's just a scrawl that's so incomprehensible no one could even guess my name from my signature. So if I were to sign a document as a fiduciary, without any additional information (name, address, SSN, etc.), I don't believe anyone could possibly identify me as the fiduciary from only my signature alone.

The failure to require precise identification of the fiduciary seems inexplicable since the fiduciary is the person actually liable for *filing* and *paying* the income tax. Are we to believe the IRS has no interest in the precise name, address and SSN of the fiduciary actually responsible for filing and paying the income tax?

This omission is incomprehensible – *unless* by requiring the fiduciary's precise name, address and SSN (or lack thereof) the government would necessarily reveal that the fiduciary and the taxpayer were two separate persons having similar but distinctly different names ("Alfred" and "ALFRED") who "lived" at the same address.

See my point? Suppose your 1040 had two identification sections: one at the top of the 1040 form for the name and address of the "taxpayer" (the artificial entity "ALFRED" identified with SSN) – and another at the bottom of the 1040 for the name and address of the fiduciary ("Alfred," the natural man who apparently does not have a SSN) who signed the 1040 and thereby assumed personal liability for paying the tax. Even people who dropped out of public schools would have sense enough to see that "ALFRED" the taxpayer was not "Alfred" the fiduciary. Once that recognition was made, no one would "volunteer" to become a fiduciary responsible for another person's ("ALFRED's) taxes, and the whole income tax system would collapse.

Of course, the idea that our income tax system may be based on dual-name, fiduciary scheme seems too fantastic to believe. And yet, if that scheme is only a fantastic delusion, can you think of a reason (other than intentional deception and desire to conceal the dual-name scam) why the IRS would not want to know the precise name, address and SSN of the fiduciary *responsible for paying the income tax*?

I cannot.

Section (b) "Manner of Notice," continues:

"Satisfactory evidence of the authority of the fiduciary to act for any other person in a fiduciary capacity must be filed with and made a part of the notice. If the fiduciary capacity exists by order of court, a certified copy of the order may be regarded as satisfactory evidence."

I'm not sure what constitutes "satisfactory evidence" for this "authority". Evidence of a fiduciary's authority might be found in other documents like a W-2, W-4 etc., that may be submitted with a 1040. Judging by the notice requirements specified in the instructions for IRS Form 56, "satisfactory evidence" might even consist of no more than the fiduciary's say-so. His signed statement (especially if given under penalty of perjury) may be sufficient.

However, we strongly suspect that the original "authority" to act as a fiduciary for an artificial entity like "ALFRED" may be the original Social Security Application and subsequent SS Number. If so, the presence of a SSN on any document might function as "proof" of "authority" for the natural person ("Alfred") to act in a fiduciary capacity for an artificial entity like "ALFRED".

More Section (b) "Manner of Notice":

"*When the fiduciary capacity has terminated*, the fiduciary in order *to be relieved* of any further duty or liability as such, *must file* with the district director with whom the *notice* of fiduciary relationship was filed written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of the fiduciary capacity.

This text makes clear that 1) when the fiduciary capacity has *terminated*, 2) the fiduciary must file a *notice* of that termination with the IRS district director, and 3) that notice must include *evidence* of the termination of fiduciary capacity.

These "Manner of Notice" instructions may be the most important procedural elements in

successfully terminating the fiduciary relationship that we believe obligates us to pay income tax. The questions are:

1) *How* do you terminate a fiduciary capacity? and,

2) What constitutes *evidence* of that termination?

We don't know.

However, if our previous conjecture is correct (that the SS Application and SSN comprise the "*authority*" for one person to act as a fiduciary for another), then it follows that in order to terminate "Alfred's" fiduciary relationship to "ALFRED" relative to income tax, Alfred must:

1) Somehow termination his SSN and/or his relationship to that number; and

2) Send evidence of that termination to the IRS.

A number of strategies have been advanced on "how to" end your relationship to Social Security. However, until recently, I was unaware of any strategy that absolutely worked. However, Dick Clark uncovered Social Security Administration (SSA) Form 521, "Withdrawal of Application" – and we believe this is the proper form for ending your relationship to Social Security. We'll provide more information on SSA Form 521 (and the Social Security Administration's strange reluctance to make that form available) at the end of this article under the "More formalities" subheading.

In the meantime, here's more text from Section (b) "Manner of Notice":

The notice of termination *should* state the *name and address* of the person, if any, who has been *substituted* as fiduciary. Any written notice disclosing a fiduciary relationship which has been filed with the Commissioner under the Internal Revenue Code of 1939 or any prior revenue law shall be considered as sufficient notice within the meaning of section 6903. Any satisfactory evidence of the authority of the fiduciary to act for another person already filed with the Commissioner or district director need not be resubmitted." [Emph. add.]

This is the only section we've seen that requires a fiduciary's name and address be revealed. But that request appears optional. I.e., while you "should" provide that information, it's unclear that you "must". But even if you "must" provide the fiduciary's name and address, that request only applies to new, "substituted" fiduciaries. So far, we've still seen no mandatory requirement for a fiduciary to provide more than his *signature* on the documents he signs for the "taxpayer".

"(c) When notice is not filed. If the notice of the fiduciary capacity described in paragraph (b) of this section is not filed with the district director before the sending of notice of a deficiency by registered mail or certified mail to the last known address of the taxpayer (see section 6212), or the last known address of the transferee or other person subject to liability (see section 6901(g)), *no notice of deficiency will be sent to the fiduciary*." [Emph. add.]

This segment is still open to interpretation, but for the most part, it seems to say that in the event the income tax is not properly filed or paid by the fiduciary, the IRS will not send notice to the fiduciary ("Alfred"), but will instead send notice the last known address of the taxpayer ("ALFRED").

OK – but why would the IRS rather send a notice of deficiency to the taxpayer ("ALFRED") than to the fiduciary ("Alfred") who is actually responsible for filing and paying the tax?

Probable answer? Again – to avoid revealing the dual-name, fi-

duciary scheme by specifically identifying the fiduciary. I.e., if the IRS were forced to send the notice of deficiency to the *fiduciary*, it would have address its mail to the fiduciary's name ("Alfred") rather than the taxpayer's ("ALFRED"). Further, seeing that the IRS never specifically asked for the fiduciary's address or SSN, how could they know where the fiduciary lived?

On the other hand, by sending the notice of deficiency etc., to the taxpayer's "last know address," the IRS can be confident the fiduciary will receive their notice. Why? Because the IRS secretly knows that the taxpayer ("ALFRED") and its fiduciary ("Alfred") always "live" at the very same address.

"Tax Court of the United States" or "United States Tax Court"?

Section (c) continues:

"In such a case the sending of the notice [of deficiency] to the last known address of the *taxpayer*, transferee, or other person, as the case may be, will be sufficient compliance with the requirements of the code, even though such taxpayer, transferee, or other person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence. Under such circumstances, if no petition is filed with the *Tax Court of the United States* within *90 days* after the mailing of the notice (or within *150 days* after mailing in the case of such a notice addressed to a person outside the States of the Union and the District of Columbia) to the taxpayer, transferee, or other person, the tax, or liability under section 6901, will be assessed immediately upon expiration of such 90-day or 150-day period, and demand for payment will be made. See paragraph (a) of Section 301.6213-1 with respect to the expiration of such 90-day or 150-day period." [Emph. add.]

Again, the notice will not be sent to the fiduciary (who is responsible for filing and paying the income tax), but to the *taxpayer's* "last known address".

Note also that the part of the legal remedy to an IRS notice of deficiency is to send a "petition" to the "Tax Court *of the United States*". We've written previously in the *AntiShyster* about the massive differences between "District Courts *of the United States"* (which are the Article III/ Judicial courts where most federal litigants think their cases are heard) and "United States District Courts" (which are administrative tribunals operating under Articles I, II or IV of the Constitution – are absolutely not Article III judicial courts – but are the courts where virtually all federal cases are heard). Compare the title of the court where you should file your petition ("Tax Court *of the United States*") with the title of the court created under 26 US 7441:

"There is hereby established, under *article I* of the Constitution of the United States, a court of record to be known as the *United States Tax Court*. The members of the Tax Court shall be the chief judge and judges of the Tax Court." [Emph. add.]

See the difference? I'll guarantee that virtually all income tax cases are taken to the article I "United States Tax Court" rather than the "Tax Court of the United States" (which I suspect may be an Article III, judicial court). If you file your "petition" in the first Article I court, you'll probably be squashed like a bug. On the other hand, if you file your petition with the "Tax Court *of the United States*," you just might have a positive result.

Note also that if you live *within* one of the "States of the Union and the District of Columbia," you'll have *90 days* to respond to a deficiency notice by

petition in the Tax Court of the United States. If you live outside the "States of the Union and the District of Columbia" you'll have *150 days* to respond by petition.

First, the number of days you're allowed (90 vs. 150) will indicate whether your are believed to be living within or outside the "de jure" USA.

Second, I suspect that living "outside" the "States of the Union and District of Columbia" may be synonymous with living within the *corporate* United States. Thus, if you take over 90 days to petition the "Tax Court *of the United States*," you may implicitly concede you are a citizen of the corporate United States rather than a Citizen of one of the organic States of the Union.

Equity jurisdiction

26 CFR 301.6903-1 continues with subsection:

"(d) Definition of fiduciary. The term "fiduciary" is defined in section 7701(a)(6) to mean a guardian, trustee, executor, administrator, receiver, conservator, or *any* person *acting* in *any* fiduciary capacity for *any* person." [Emph. add.]

Note that the controlling word in this definition is "acting". Thus, if you merely "act" like a fiduciary (on behalf of *any* other person), you *are* a fiduciary. There appears to be no absolute requirement for an official appointment or approval of your status as a fiduciary. Instead, *any* "act" on behalf of someone else can be construed as not only evidence, but also *notice* that you are that person's fiduciary. Thus, if "Alfred" merely signed a document on behalf of "ALFRED," he might be serving notice that "Alfred" is fiduciary for "ALFRED".

The idea that a mere signature can endow you with the duties of a fiduciary may seem farfetched. However, a maxim of equity is that "equity regards as done, that what ought to be done". In *Camp v. Boyd*, 229 U.S 530 (1913) this maxim was accepted as a general rule for Federal courts clothed with equity jurisdiction.

This maxim implies that there's no requirement for proof of fiduciary status. If you merely *act* like a fiduciary (sign a document for another "person"), courts of equity will presume that your act was done because it "ought to be done" (because you are, in fact, the fiduciary). No proof is required. Your *acts* alone are sufficient to warrant the presumption that you are a fiduciary.

This is more evidence of the danger of equity jurisdiction. Unlike law – where it must *proved* that a person *is* (not merely acting like) a fiduciary – equity courts can freely treat you like a fiduciary and compel you to fulfill the fiduciary's duties (pay income tax) if you simply "acted" like a fiduciary at some point.

If the natural person "Alfred" signed a document on behalf of

any other person ("ALFRED," for example) did he "act" like a fiduciary"?

Absolutely.

But it gets worse. "Acting in *any* fiduciary capacity" might even be construed to include opening the mail. For example, under this definition, it's possible that if "Alfred" merely opened (perhaps merely *received*) an envelope addressed to "ALFRED," he would implicitly serve notice that he is "ALFRED's" fiduciary. In other words, if "Alfred" didn't send that unopened letter right back to the sender (perhaps with another notice that he is not "ALFRED" nor is he the fiduciary for "ALFRED"), "Alfred" could be presumed to be the fiduciary and thus liable for paying "ALFRED's" taxes.

OK. Nice theory, but what is the relationship between fiduciaries and courts of equity?

According to Chapter XI, Volume 1 ("Common Law") of the *National Law Library* (1939), the relationship between fiduciaries and courts of equity is absolute and probably exclusive:

"**4. Obligations Arising from Fiduciary Relations.**

Whenever there is a *confidential* relation, such as principal and agent, partnership, executor or administrator and creditor next of kin or legatee, director and corporation, husband and wife, parent and child, guardian and ward, or medical or religious adviser and person relying on such adviser, courts of *equity* applied the analogy of an *express trust*, and held those in whom *confidence* was reposed in such cases to the standard of fairness, full disclosure, and entire good faith to which they held trustees. Also courts of equity applied by analogy their jurisdiction over fraud and treated any abuse of the confidence reposed, any failure to come up to the standard of fair conduct and good faith, and any use of the relation to obtain personal advantage at the expense of the person reposing confidence or entitled to the benefit of the relation, as a "constructive fraud" to be undone by the court or to be relieved by restitution or by requiring a full and entire accounting for profits or advantages inequitably obtained. Likewise they required specific performance of the duties involved in or attaching to the relations. Thus in *all* cases of fiduciary relations there are obligations *cognizable and enforceable in equity*." [Emph. add.]

Get it? If you unwittingly sign a document (or even receive mail) on behalf of another person, you have *acted* as a fiduciary. Based on that unwitting action, you will have established the *presumption* that your *are* a fiduciary and that you are subject to the jurisdiction of a court of equity.

I've written about the dangers of equity jurisdiction in the *AntiShyster* for several years, so I won't go into it in depth here. However, so far as I can tell, it's extremely difficult for modern Americans to access courts of *law* – instead, whether we (or even our attorneys) know it or not, virtually all of our cases are heard in courts of *equity*. But in courts of equity, litigants have virtually no unalienable Rights and the judge is not bound by law. Instead, the judge is expected to rule strictly according to his own conscience. Thus, if the equity court judge doesn't like the color of your eyes, he can rule against you. Defendants are at great jeopardy in courts of equity, especially if they are being prosecuted by the government. The judge will inevitably rule (in good conscience) against the defendant and for the government.

Thus, the presumption of a fiduciary relationship may be a principle device by which the

courts presume we are subject to the arbitrary decision of courts of equity.

26 CFR 301.6903-1 concludes:

"(e) Applicability of other provisions. This section, relating to the provisions of section 6903, shall not be taken to abridge in any way the powers and duties of fiduciaries provided for in other sections of the code."

In other words, *nothing* in section 6903 may be construed to diminish any fiduciary relations and duties imposed by other sections of the IRC. The government seems pretty determined to defend the duties imposed on fiduciaries against any possible conflicts that might be perceived within the code or CFRs.

The mutha of all notices

If you add all of the specified requirements for a proper notice of fiduciary capacity (written; signed by fiduciary; sent to the same district director where the taxpayer should send his income tax return; provides name and address of taxpayer, type of tax and tax years involved) the average person would quickly conclude that he's never sent any such notice to any IRS district director . . . except for . . . ahm, maybe his 1040 income tax return.

Yep, we're speculating – but nevertheless, every requirement listed in 26 CFR 301.6903-1 is technically satisfied when one fills out a Form 1040 for "U.S. Individual Income Tax Return" for "1999" and sends it to the IRS district director. Although it's possible that one or more additional documents (we attach our W-2s etc. to our tax returns) might also be necessary to constitute proper "notice" of a fiduciary relationship, the 1040 seems sufficient to serve that purpose.

Basically, we suspect the taxpayer's all upper case name ("ALFRED"), SSN and address are *printed* at the top of the 1040 and the natural person "Alfred" (fiduciary) *signs* his name at the bottom of the 1040. Although improbable, it seems that when "Alfred" first signed the 1040 for "ALFRED," "Alfred" inadvertently "acted" like a fiduciary and thereby sent notice to the IRS district director that "Alfred" had, in fact, become "ALFRED's" fiduciary.

(Incidentally, I know that the repeated use of "Alfred" and "ALFRED" is confusing. But that confusion may be part of the reason this dual-name scheme works.)

That speculation sounds farfetched to most (me, too). But section 3.403 of the Texas Business and Commerce Code tells us that anyone who signs any instrument on behalf of another entity, without identifying his representative capacity relative to that other entity, becomes personally liable for whatever debt or obligation is created on that instrument.

For example, if the president of a corporation signs a corporation check without identifying his representative capacity ("president") next to his signature, he becomes personally liable for whatever obligation is created on that check. If the check bounces, the *president*, not the corporation, becomes liable for the debt. Conversely, if the president identifies himself as such next to his signature, the corporation is liable for the bounced check.

This principle is not identical to the "fiduciary capacity" hypothesis we're exploring in this article, but it's sufficiently similar to confirm that by merely signing a document, you may unwittingly assume unexpected fiduciary obligations.

For example, suppose "Alfred" signed a 1040 on behalf of the taxpayer "ALFRED". If "ALFRED" is truly an artificial entity,

only a person acting in a fiduciary capacity could possibly have the legal capacity to sign that document. And if that signature was provided under penalty of perjury (as on a 1040), it might be fairly assumed in equity that the person signing ("Alfred") recognized the seriousness of the affixing his signature and could therefore be presumed to be the "fiduciary" for "ALFRED".

Thus, the fact that "Alfred" *acted* as a fiduciary by signing the document under penalty of perjury could constitute good evidence (a "notice") that he was the fiduciary for the taxpayer 'ALFRED".

I've heard the rumor for years that you create your obligation to pay income tax with the first 1040 you send to the IRS. Until now, I've never understood why that might be true.

However, it's no longer impossible to imagine that – in order to recover the withholding taxes imposed on "ALFRED" – the boy "Alfred" might've filed out his first 1040 and unwittingly "notified" the IRS that "Alfred" had just "voluntarily" become the fiduciary for "ALFRED" and thereby agreed to accept all "ALFRED's" future tax liabilities.

See the seduction? Government didn't "force" us to sign that first 1040 – it "rewarded" us, enticed us, with the promise of refunding some of *our own* money.

Easy "in" – easy "out"?

Does the previous scenario explain how we "voluntarily" became subject to paying income tax? I'm not sure.

But if that "notice" scenario explains how we unwittingly got into this mess, it also implies that it might not be too difficult to get out.

After all, everything we've seen so far indicates that the only requirements needed to assume the role of fiduciary is 1) *act* like a fiduciary; and/or 2) send a relatively simple *notice*.

Could it be that all you need to do to get out is to: 1) stop acting like a fiduciary; and 2) send a similarly simple notice?

Judging by IRS Form 56, the answer is . . . Ta-Da! . . . maybe.

This whole hypothesis hangs on two premises:

1) That "Alfred" and "ALFRED" identify two different legal entities; and,

2) "Alfred" has been deceived into unwittingly assuming the role of fiduciary for "ALFRED".

If either of those premises is false, I hope this entire article's been amusing because it is otherwise a waste of time.

But if both of those premises are correct – and I believe they are – then we are closing in on a "final solution" for corporate governance. Remember what it says in the instructions for Part IV on IRS Form 56?

"Completing this part will relieve you of *any further duty or liability* as a fiduciary if used as a notice of termination." [Emph. add.]

The potential power in that statement is extraordinary. If it's true that our obligation to pay income taxes on behalf of other artificial entities is based on a fiduciary relationship, *then all it takes to terminate that relationship and the attached obligations (like paying income tax) may be another simple Form 56 notice.*

No matter how it's happened, if "Alfred" has become a fiduciary for the taxpayer "ALFRED," it appears that he may be able to terminate that fiduciary relationship and associated tax liability by filing IRS Form 56.

Could it really be that easy? Maybe. Probably not.

More than likely, there are additional forms and notices necessary to fully terminate your relationship to the corporate government and all it's little artificial "friends".

Even so, if the two fundamental premises ("Alfred" and "ALFRED" are two entirely different persons; but "Alfred" is a fiduciary for "ALFRED") are true , then we're on the verge of busting this whole corporate system wide open.

Why? Because if those two premises provide the fundamental mechanism used to burden us with income tax, I'll bet they're also the foundation for the drivers license (issued to "ALFRED"), vehicle registration (issued to "ALFRED") and almost every other form of non-constitutional corporate government regulation and oppression. If we can stop 'em on income tax, we can stop 'em on anything.

More formalities

However, even if IRS Form 56 provides an exit from income tax liability, it's not necessarily the only form required to withdraw from the corporate system.

For example, Dick Clark has also discovered Form SSA-521 from Social Security Administration, entitled, "REQUEST FOR WITHDRAWAL OF APPLICATION", OMB No. 0960-0015.

Reports from several different people trying to use Form SSA-521 indicates that Social Security is extremely reluctant to even release this form to the public. One of Dick's friends couldn't get the form from Social Security and therefore had to it from the Office of Management and Budget in Washington, D.C. Once he got a copy of the form and filled it out, he had to make three trips to the Social Security office before they'd even *accept* the form.

Another individual had to send administrative notices to Social Security explaining their legal obligation to provide the form before the SSA would give him a copy. After the administrators received an administrative notice specifying their legal duties, they quickly provided a copy of SSA-521.

Social Security Administration absolutely resists releasing SSA Form 521 to the public. But that determined resistance only underscores the form's implicit value. Apparently, by using SSA Form 521, the original application for a Social Security Number is revoked. Our strong suspicion is that the SSN is only issued to the artificial entity ("ALFRED") rather than the natural person ("Alfred"). We don't believe that a Form 521 "termination" will "terminate" the existence of the artificial entity "ALFRED". Instead, we suspect that real purpose for the original SS Application was not simply to receive benefits but, rather, to receive *authority* to act as a fiduciary for the artificial entity. In other words, when I ("Alfred") "applied for Social Security" I may have been unwittingly applying for permission to act as the fiduciary for the artificial entity "ALFRED". The Social Security Number that was issued on the resulting SS

Card is not "my" number, but rather the number of the artificial entity "ALFRED" and/or the reference (license??) number that specified the authority for me to act as fiduciary for ALFRED.

The idea that the SS Application and resulting "number" comprise the "authority" for "Alfred" to act as a fiduciary for the artificial entity "ALFRED" is purely speculative, but still makes some sense. For example, when I open a bank account, the bank wants to know my SSN. Similarly, the folks at the Department of Motor Vehicles want to see my SSN when I apply for a new Drivers License. We can easily explain the request for SSN as an identification and record-keeping device. But it's also possible to imagine that the SSN is required as "proof of authority" for the natural person "Alfred" to act as fiduciary (sign checks or drive a car) for the artificial entity "ALFRED".

If so, then by using SSA Form 521 to withdraw my former application for So-So Security, I would be cancelling the primary "authority" for me ("Alfred") to act as fiduciary for the artificial entity ("ALFRED"). Once that authority was cancelled, it would not only be possible to cancel other examples of fiduciary relationships between me ("Alfred") and my artificial entity nemesis ALFRED, it might be necessary to cancel those relationships.

In other words, if withdrawing my application for Social Security cancelled my primary authority to act as fiduciary for my nemesis "ALFRED," it might be illegal for me to continue to representing ALFRED in any capacity. I might use IRS Form 56 to then properly notify the IRS that I'd stopped "fiduciary-ing around" for ALFRED. But I might be *required* to also notify the people at my bank, voters registration, and Department of Motor Vehicles (to name only a few) that I was no longer the fiduciary for ALFRED.

Why?

Because to continue acting as a fiduciary (without the proper authority) might either constitute fraud – or worse, might somehow constitute a new "notice," a new "application" to act as fiduciary for my old buddy ALFRED.

Dick Clark is currently digging through forms for the Department of Commerce (which may be the ultimate repository for our birth certificates) and the Immigration and Naturalization Service (which is reportedly the final authority on the citizenship of all Americans – not just immigrants).

We suspect there may be a approximately a half dozen forms which, taken together, might be sufficient to free an individual from the jurisdiction of the corporate government. Until all of these forms are identified and properly understood, the use of just one form may be insufficient to free us from corporate governance.

On the other hand, even if you only used one of these forms properly, you might still be able to intimidate the government sufficiently to make them leave you alone and instead seek softer targets.

But it's always a crapshoot when dealing with law and government. There are intangible, human and unpredictable elements in every confrontation with the "authorities". Never a guarantee. The most you can ever hope for is to improve the probability that you might win.

We suspect that use of IRS Form 56 (and SSA Form 521) may increase our chances of successfully withdrawing from corporate governance. But we aren't sure, and we certainly don't offer any guarantees. ■

New (Fiduciary) World Order?

by Alfred Adask

In the previous article, I explained that the whole theory of a "parallel political universe" populated by artificial entities ("evil twins" having names almost identical to yours but spelled in all upper case letters) seems too nonsensical to believed. As I said, this theory is so bizarre that I not only don't want to believe it, I'm embarrassed to publish it.

And yet, crazy as it seems, I can't deny that this theory does "walk like a duck". And it swims, and it flies, and has feathers and goes good with orange sauce.

It's gettin' real hard to deny that this must be a "duck".

I can't help but wonder if this "theory" was the same "new order" that President Franklin D. Roosevelt referenced in his Jan. 4, 1935 State of the Union address when he said,

"We have undertaken a *new order* of things, yet we progress to it under the framework and in the spirit and intent of the American Constitution. We have proceeded throughout the Nation a measurable distance on the road toward this *new order*. . . ." [Emph. add.]

Was FDR's "new order" (and now "new world order") really a new *fiduciary* order? Perhaps that conclusion leaps too far.

But still, it is increasingly, screamingly apparent that "fiduciary relationships" are the foundation for the corporate government's unwanted and non-constitutional control over the American people.

Want to be free? Want to restore a constitutional government? Study fiduciary relationships.

Once we fully understand how we got into this corporate mess, we'll also understand how to get out. To complete that understanding, a host of questions need to be considered and answered.

For example, what happens if "Alfred" terminates his fiduciary relationship to "ALFRED" with the IRS – and then opens a utility bill or a bank statement addressed to "ALFRED"? By such simple acts, does "Alfred" once again "act like a fiduciary" and thereby serve implicit "notice" that he is (again) ALFRED's fiduciary?

Or are our fiduciary relationships separate? In other words, is it possible to terminate the fiduciary relationship relative to the IRS without compromising your fiduciary relationship relative to your bank?

What if we use SSA Form 521 to revoke our application for Social Security? Is Social Security the "mutha" of all fiduciary relationships? Is it the "authority" for all subsequent fiduciary relationships between natural persons ("Alfred") and *their* corporate nemesis ("ALFRED")? By revoking the SS Application, would we also automatically terminate *all* other fiduciary relationships that tie us to corporate government? Or would we merely revoke the *authority* for those relationships and thus allow the presumption of such relationships to continue – unless explicitly denied?

And if all those other fiduciary relationships are tied into one tidy bundle, what are the legal consequences if "Alfred" notifies the IRS that he's terminated his fiduciary relationship to "ALFRED," but continues to write checks on the bank account drawn up in "ALFRED's" name? Would that constitute some form of fraud? Impersonation? Felony?

But if I terminate "ALFRED's" bank account, is it even possible for me to get a bank account in "Alfred's" name? Can "Alfred" have a credit card? Debit card? Checking account? Or are all modern bank accounts only intended for artificial entities?

I don't know.

What about an electric utility account, voters registration, or library card? Is this "parallel political universe" so extensive that without my "evil twin" ALFRED to guide me, I might wind up as isolated as a modern "Robinson Crusoe"?

Fiduciary gun control?

And what about legislation like Senate Bill SB-2099 that may require taxpayers to list all guns that they have or own on their 2000 1040 federal tax form? [The full text of the proposed Bill is on the U.S. Senate homepage. http://www.senate.gov/ You can find the Bill by doing a search by the bill number. (SB-2099)] If passed, this Bill may even require fingerprints and a manufacturing tax of $50 per gun (including starter pistols!).

Are natural persons ("Alfred") still obligated to report their handguns to the IRS if they sever their fiduciary relationships to the artificial entity ("ALFRED")? Or is the obligation to report the possession of handguns only imposed on taxpayers ("ALFRED") and therefore irrelevant to natural persons who've severed their fiduciary relationship to the taxpayer?

And what would happen if our hypothesis concerning fiduciary relationships was validated and it was determined that by severing this relationship, you could lawfully keep as many unregistered firearms as you liked? Imagine the political implications if the National Rifle Association or Gun Owners of America discovered that you could use the same strategy to end your obligation to pay income tax *and* keep your firearms!

Do you see the political implications? American gun-owners are generally indifferent to income tax issues and esoteric arguments about the legal distinctions between names like "Alfred" and "ALFRED". But what if gun owners discovered that by terminating their fiduciary relationships, they might not only secure their right to unregistered ownership of their firearms, but also end their obligation to file and pay income tax? Could we reasonably expect ten or twenty million American gun owners to quickly file their SSA 521's and IRS Form 56's and exit *en masse* from under corporate government control?

That *revolutionary* potential may be here NOW.

Caveat emptor

Through the use of artificial entities identified by the all upper case name, the web of fiduciary relationships seems to extend into almost every aspect of our lives. Because we're just beginning to perceive major parts of that web, we're still uncertain about what consequences will follow if we sever one or two fiduciary relationships.

The web of fiduciary relationships appears extensive and complex. Perhaps we can escape that web with one or two notices to the IRS and/or Social Security. On the other hand, perhaps we must escape each individual strand of that web by sending notices of termination to the utility companies, banks, etc. as well as the IRS and Social Security.

Moreover, once we're free, that freedom may be imperiled every time someone sends us a letter addressed to the uppercase name ("ALFRED"). To remain free of government's fiduciary obligations, must we instantly return the unopened letter? Should we attach a notice explaining that 1) we are not the artificial entity to which the letter is addressed; and 2) we are not a fiduciary for that entity?

Dick Clark and I are confident that fiduciary relationships are the fundamental device by which we are snared in corporate government's web. Having identified that mechanism, we can now free ourselves from that web. But it is still unclear how to avoid again flying back into that same sticky web.

More study is required and we'll report that study in future issues of the *AntiShyster*.

But in the meantime, know this: I suspect we finally understand enough to be dangerous. I believe we are on the brink of breaking the bastards' backs.

A silent revolution is unfolding. Your world is changing. Dramatically. And it's happening *right now*. Corporate government's "parallel political universe" is dissolving in the water of patriot research.

That revolution won't be reported on NBC, ABC or CBS Evening News. But it will be reported in the *AntiShyster*. To some extent, it will even be fomented in the *AntiShyster*.

Stay tuned. ■

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I.R.S. Form 56 General Instructions

by Alfred Adask

On the back of every Form 56, there are "general instructions" for filling out that form. What follows are all of the instructions from the back of the Form 56, (which are printed in this brown color) plus my comments (printed in black) and quotes from outside sources (like IRS sections of Black's Law Dictionary) printed in blue. The footnotes are my additions.

As you'll read, it's surprising how much you can learn (or at least infer) simply by reading a form's instructions. Also, note that virtually all of the italicized highlights in the original Form 56 Instructions (directly below) are my additions.

Form 56 (Rev. 8-97)

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

You *may* use Form 56 to notify the IRS of the creation or termination of a fiduciary relationship under section 6903 and to give notice of qualification under section 6036. [1]

Who Should File

The fiduciary (see Definitions below) uses Form 56 to notify the IRS of the creation, or termination, of

[1] Since you "*may* use Form 56 to notify the IRS of the creation or termination of a fiduciary relationship" it appears that a fiduciary relationship could be created without using this form. We suspect that the first 1040 you file serves as a notice to the IRS that the natural person ("Alfred") has assumed the role of fiduciary relative to the artificial entity/ taxpayer ("ALFRED") .

Note that this notice takes place "under section 6903" of the Internal Revenue Code which reads:

SEC. 6903. NOTICE OF FIDUCIARY RELATIONSHIP.

(a) RIGHTS AND OBLIGATIONS OF FIDUCIARY. – Upon notice to the Secretary that any person is acting for another person in a fiduciary capacity, such fiduciary shall assume the powers, rights, duties, and privileges of such other person in respect of a tax imposed by this title (except as otherwise specifically provided and except that the tax shall be collected from the estate of such other person), until notice given that the fiduciary capacity has terminated.

(b) MANNER OF NOTICE. – Notice under this section shall be given in accordance with regulations prescribed by the Secretary.

a fiduciary relationship under section 6903. For example, if you are acting as fiduciary for an individual, a decedent's estate, or a trust, you *may* file Form 56. *If notification is not given* to the IRS, notices sent to the last known address of the *taxable entity*, transferee, or other person subject to tax liability are sufficient to satisfy the requirements of the Internal Revenue Code. [Emph. add.] [2]

Receivers and assignees for the benefit of creditors also file Form 56 to give notice of qualification under section 6036. However, a bankruptcy trustee, debtor in possession, or other like fiduciary in a bankruptcy proceeding is not required to give notice of qualification under section 6036. Trustees, etc., in bankruptcy proceedings are subject to the *notice requirements under title 11 of the United States Code* (Bankruptcy Rules).[3]

Definitions

Fiduciary. A fiduciary is any person acting in a fiduciary capacity for *any* other *person* (or terminating entity), such as an administrator, conservator, designee, executor, guardian, receiver, trustee of a trust, trustee in bankruptcy, personal representative, person in possession of property of a decedent's estate, or debtor in possession of assets in *any* bankruptcy proceeding by order of the court. [4]

Person. A person is any individual, trust, estate, partnership, association, company or corporation.

Decedent's estate. A decedent's estate is a taxable entity separate from the decedent that comes into existence at the time of the decedent's death. It generally continues to exist until the final distribution of the assets of the estate is made to the heirs and other beneficiaries.[5]

Terminating entities. A terminating entity, such as a corporation, partnership, trust, etc., only has the legal capacity to establish a fiduciary relationship while it is in existence. Establishing a fiduciary relationship prior to termination of the entity allows the fiduciary to represent the entity on all tax matters after it is terminated.

When and Where To File

Notice of fiduciary relationship. Generally, you *should* file Form 56 when you create (or terminate) a fiduciary relationship. To receive tax notices upon creation of a fiduciary relationship, file Form 56 with the Internal Revenue Service Center where the person for whom you are acting is required to file tax returns. However, when a fiduciary relationship is first created, a *fiduciary who is required to file* a return *can* file Form 56 with the first tax return filed.[6]

[2] Again, it appears that use of Form 56 to notify the IRS of the creation of a fiduciary relationship is optional.

Note that if the notice of fiduciary relationship is not sent to the IRS, the IRS will simply continue sending its notices, demands and assessments to the "last known address" of the taxpayer – and depend on the "taxpayer" to forward the IRS's paperwork to the fiduciary.

Because the IRS doesn't absolutely require the name and address of the fiduciary, they needn't reveal the existence of the fiduciary relationship by sending papers to the natural fiduciary ("Alfred") rather than the taxpayer ("ALFRED").

This implication could be tested by simply sending the IRS a Form 56 that identified the natural person ("Alfred") as the fiduciary for the taxpayer ("ALFRED") – complete with a brand new address. Our fiduciary hypothesis would be supported if the IRS stopped addressing its correspondence to "ALFRED" and instead addressed it to the fiduciary "Alfred".]

[3] If you're interested in learning more precise requirements for constructing a proper administrative notice, study Title 11.

[4] Note that you can be a fiduciary for *any* "person". As stated in the following definition, the meaning of "person" includes artificial entities like trusts, corporations, etc. Thus it is possible for a natural person ("Alfred") to assume a fiduciary relationship to an artificial entity named "ALFRED". Also note that there are eleven kinds of fiduciary. While we suspect that "trustee" is the proper designation for the fiduciary relationship between "Alfred" and "ALFRED," we aren't sure.]

[5] This definition of "decedent's estate" clearly references the estate of a living person who has died. But "decedent" is defined in Black's Law Dictionary (7th Ed.) as "A dead person . . . ." Note that a "dead person" does not necessarily identify a person who was once alive but then died. A "dead person" (and thus a decedent) might include any *artificial entity* (like a corporation or trust) that were legal *persons*, but nevertheless had never been alive.]

[6] Again, the idea that you "should" file Form 56 and that you "can" file Form 56 makes it clear that 1) a fiduciary relation-

Proceedings (other than bankruptcy) and assignments for the benefit of creditors. A fiduciary who is appointed or authorized to act as:

- A *receiver* in a receivership proceeding or similar fiduciary (including a fiduciary in aid of foreclosure), or
- An *assignee for the benefit of creditors*, *must* file Form 56 on, or within 10 days of, the date of appointment with the Chief, Special Procedures Staff, of the district office of the IRS having jurisdiction over the person for whom you are acting.[7]

The receiver or assignee may also file a separate Form 56 with the service center where the person for whom the fiduciary is acting is required to file tax returns to provide the notice required by section 6903.

Specific Instructions Part I—Identification

Provide all the information called for in this part.

Identifying number. If you are acting for an individual, an individual debtor, or other person whose *assets are controlled*, the identifying number is the *social security number* (SSN). If you are acting for a person other than an *individual*, including an estate or trust, the identifying number is the employer identification number (EIN). [8]

Decedent's SSN. If you are acting on behalf of a decedent, enter the decedent's SSN shown on his or her final Form 1040 in the space provided.

Address. Include the suite, room, or other unit number after the street address.

If the postal service does not deliver mail to the street address and the fiduciary (or person) has a P.O. box, show the box number instead.

ship can be created without using Form 56; and 2) that some other form of notice is possible. Also, the phrase "a fiduciary who is required to file a return" strongly implies that anyone required to file a 1040 may be a "fiduciary". Are you required to "file"? If so, it seems you may be a "fiduciary".

Although, "when a fiduciary relationship is first created, a fiduciary who is required to file a return *can* file Form 56 with the first tax return filed," it appears that there is no requirement to send a Form 56 notice with the "first tax return". Does that mean no formal notice is required? Or does it imply that by simply sending the 1040, the fiduciary serves notice without using IRS Form 56. In other words, does this imply that the *first* 1040 form – all by itself – constitutes proper notice of a fiduciary relationship between "Alfred" and "ALFRED"?

[7] If only "receiver(s)" and "assignee(s)" must file Form 56, and since average persons are never accused of "failure to file" a Form 56, there is a strong inference that whatever kind of fiduciary relationship "Alfred" may have with "ALFRED," that relationship is not that of "receiver" or "assignee for the benefit of creditors".

[8] It appears that anyone having a "social security number" belongs to a class called "persons whose assets are *controlled*". I don't know what that term means, but such class of persons would be consistent with that of "beneficiaries" of a trust whose "assets" are controlled, managed and administered by the trustees. This implies that any person with a SSN does not own legal title to "his" assets, is not free, and is necessarily subject to the control of others.

Further, "If you are acting for a person other than an *individual* . . . the identifying number is the employer identification number (EIN)." This implies that SSN may be strictly reserved for "individuals".

Black's Law Dictionary (7th ed.), defines "individual" as:

"1. Existing as an indivisible entity" [one that can't be separated into parts]; or "2. Of or relating to a single person or thing, as opposed to a group."

Thus, an "individual" cannot be a standard corporation since the corporation is divisible into stockholders, officers, etc. Likewise, it seems unlikely that a trust (which has trustees and beneficiaries and is therefore "divisible") could be an "individual".

At first, this definition of "individual" seems to preclude application to artificial entities. Since trusts and corporations are "divisible," it might seem that an "individual" can only be a natural person (who can't be divided into smaller units). If that were true, the dual-name theory (Alfred vs. ALFRED) would collapse and, with it, our hypothesis concerning fiduciaries.

However, Black's 4th edition says "individual" (in part) is "a private or natural person" but may also "include artificial persons." Therefore, it seems theoretically possible for an "individual" to be artificial, indivisible, and be identified by a SSN.

Question: What kind of artificial entity is "indivisible"?

Answer: A corporation sole.

Why? Because, so far as I know, a corporation sole consists of a *single* person, and is therefore the only artificial entity that is *indivisible*.

Implication? If the dual-name and fiduciary hypotheses are cor-

ber instead of the street address.

For a *foreign* address, enter the information in the following order: city, province or state, and country. Follow the country's practice for entering the postal code. *Please do not abbreviate the country name.* [9]

Part II—Authority

Line 1a. Check the box on line la if the decedent died testate (i.e.. having left a valid will) and enter the decedent's date of death.

Line 1b. Check the box on line 1b if the decedent died Intestate (i.e., without leaving a valid will). Also, enter the decedent's date of death and write "Date of Death" next to the date. [10]

Assignment for the benefit of creditors. Enter the date the assets were assigned to you and write "Assignment Date" after the date.

rect, then the entity identified by the uppercase name ("ALFRED") may be a *corporation sole*.

We find additional support for this implication (and the dual-name theory in general) in Black's (7th ed.) definition of "King". If you read closely, you'll see that the "King" (the natural person) seems to act as the fiduciary for the "Crown" (the "body politic" and "corporation sole").

> **King**. *English law*. The British government, the Crown.
>
> "In modern times it has become usual to speak of the Crown rather than of the King, when we refer to the King in his public capacity as a body politic. We speak of the property of the Crown, when we mean the property which the King holds in right of his Crown. So we speak of the debts due by the Crown, of legal proceeding and against the Crown, and so on. The usage is one great convenience, because it avoids a *difficulty which is inherent in all speech and thought concerning corporations sole*, the difficulty, namely, *of distinguishing adequately between the body politic and the human being by whom it is represented and whose name it bears*." John Salmond, *Jurisprudence* 341-42 (Glanville L. Williams ed., 10th ed. 1947). [Emph. add.]

If nothing else, note that the English have long recognized the "difficulty . . . of distinguishing adequately between the body politic [artificial entity, Crown] and the human being [natural person, King] by whom it [the Crown] is represented. This "difficulty" is exactly parallel to the problem of "dual-names" in the U.S. In England, the natural "King" represents the body politic "Crown"; in the U.S., the natural person "Alfred" represents the artificial entity "ALFRED".

First, the fact that the English have recognized a "dual-name" problem (at least for their kings) doesn't prove that such problem exists in the U.S. However, the English experience lends credence to the theory that a dual-name strategy has been employed in the U.S. to distinguish between the natural person ("Alfred") and the artificial entity ("ALFRED").

Second, note that the King/Crown "difficulty" involves a "corporate sole" – exactly the kind of artificial entity that can be inferred from the Form 56 instructions and Black's Law Dictionaries concerning the relationship between "individuals" and SSNs.

[9] Those of you who are sensitive to the legal implications of using a zip code might be interested to note that if you were operating in the USA as a nation "foreign" to the corporate U.S., you probably wouldn't use a "postal code" (I don't think there are any for the USA), and you would want to use the unabbreviated proper name "The United States of America" as the last line of your mailing address.

[10] This section of Form 56 offers clues to how we may have unwittingly created a troublesome fiduciary relationship. Clearly, lines 1a and 1b on Form 56 apply only former living persons who have died (either testate or intestate), and thus have no obvious relevance to establishing a fiduciary relationship with an *artificial* entity. Similarly, line 1c "Valid trust instrument and amendments," seems an unlikely "authority" for allowing "Alfred" to inadvertently create a fiduciary relationship with "ALFRED". Although trust documents can be easily misunderstood or even overlooked, I don't recall seeing

Proceedings other than bankruptcy. Enter the date you were appointed or took possession of the assets of the debtor or other *person whose assets are controlled*.[11]

Part Ill—Tax Notices

Complete this part if you want the IRS to send you tax notices regarding the person for whom you are acting.

Line 2. Specify the type of tax involved. This line should also identify a transferee tax liability under section 6901 or fiduciary tax liability under 31 U.S.C. 3713(b) when either exists.

Part IV—Revocation or Termination of Notice

Complete this part only if you are revoking or terminating a prior notice concerning a fiduciary relationship. *Completing this part will relieve you of any further duty or liability as a fiduciary if used as a notice of termination.*[12]

Part V—Court and Administrative Proceedings

Complete this part *only* if you have been appointed a receiver, trustee, or fiduciary by Court or other governmental unit in *a proceeding other than a bankruptcy proceeding*.[13]

If proceedings are scheduled for more than one date, time, or place, attach a separate schedule of the proceedings.

Assignment for the benefit of creditors. You must attach the following information:

1. A brief description of the assets that were assigned, and

2. An explanation of the action to be take regarding such assets, including any hearings, meetings of creditors, sale, or other scheduled action.

any "valid trust instruments" to justify creating a fiduciary relationship with "ALFRED".

That leaves line 1d "Other" to explain how the natural born Citizen "Alfred" unwittingly created a fiduciary relationship with artificial entity "ALFRED".

In order to understand how to revoke the fiduciary relationship between "Alfred" and "ALFRED," we may need to first understand the "authority" under which we first created the relationship. As outlined elsewhere in this article, I suspect that original authority may have been your Social Security Application.

[11] Again, we find the term, "person(s) whose assets are controlled". This phrase was previously referenced to imply it may include all entities that have Social Security Numbers and/or are beneficiaries of a trust. Here, the phrase implicitly means a "debtor". We can tentatively infer that the terms "debtor," "beneficiary" and any entity having a SSN may be mutually inclusive, nearly synonymous terms. Further, it appears possible that "Proceeding other than bankruptcy" might include any administrative hearing or other administrative determination for an entity that had a SSN. The underlying presumption might be that the government's administrative agencies are responsible for "controlling" the assets of any entity that had a SSN.

[12] Better read that again. "Completing this part will relieve you of any further duty or liability as a fiduciary . . . ."! This is the key statement that we find so intriguing. If the natural person "Alfred" could use a Form 56 to terminate his fiduciary relationship to the artificial entity "ALFRED," then it appears that termination might relieve "Alfred" of *any* "further duty or liability" to file 1040s or pay income tax on behalf of the artificial entity "ALFRED" (which has a SSN).

[13] The phrase "proceeding other than bankruptcy proceeding" was previously referenced as possibly meaning any administrative hearing or determination concerning an entity having a SSN. If that meaning is correct, then the official acceptance of SSA application might constitute such a "proceeding". Likewise, by *filing* a 1040, the IRS might be conducting a "proceeding" that effectively "appointed" "Alfred" as fiduciary for "ALFRED".

Note that you should complete Part V "*only* if you've been appointed . . . etc."

Form 56 does not seem to require any official approval. However, as you'll see below, the IRS can suspend processing of your notice if you don't provide all of the information required. This implies that the form must be filed out in a way that is precisely appropriate for your circumstances. For example, if you were required to fill out Part V of this form, but didn't do so because you didn't understand the meaning of the instructions, the IRS might suspend processing your Notice. Point: To use this form effectively, it may have to be filled out with great precision.

Signature

Sign Form 56 and *enter a title* describing your role as a fiduciary (e.g., assignee, executor, guardian, trustee, personal representative, receiver, or conservator). [14]

Paperwork Reduction Act and Privacy Act Notice. We ask for the information on this form to carry out the Internal Revenue laws the United States. Form 56 is provided for your *convenience* and its use is *voluntary*. [15]

Under section 6109 you *must* disclose the social security number or employer identification number of the individual or entity for which you are acting. The principal purpose of this disclosure is to secure proper identification of the *taxpayer*.[16]

We also need this information to gain access to the tax information in our files and properly respond to your request. If you do not disclose this information, *we may suspend processing* this notice of fiduciary relationship and not consider this as proper notification until you provide the information.[17]

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a *valid* OMB control number. Books or records relating to a form or Its instructions must be retained as long their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential as required by section 6103.

The time needed to complete and file this form will vary depending on individual cir-

[14] If you are "creating" your new fiduciary relationship with Form 56, then I'd say include that new fiduciary title with your signature. But it's unclear whether you should attach the fiduciary title to your signature if you use Form 56 to terminate your fiduciary relationship.

I don't know what the correct procedure may be. However, the form itself reads "Fiduciary" and then "Title, if applicable". The "if" implies that sometimes the "fiduciary" must use his title, but other times he need not. Therefore, it seems possible that a natural person who's giving up his fiduciary capacity would no longer use the former "title".

[15] Again, Form 56 can be used to create (or terminate) a fiduciary relationship. However, its use is not required. Therefore, it may be possible to create (or terminate) a fiduciary relationship with an entirely different form, or perhaps with no form whatever. This easy-in, easy-out procedure is consistent with the suspicion that we may have unknowingly served our first notice of fiduciary relationship by using a form like the 1040.

[16] Section 6109 of the IRC is entitled "Identifying Numbers" and deals primarily with use of the SSN and EIN. It's too long to analyze here, but it should be studied intently to better understand IRS Form 56. But while the "taxpayer" must have a SSN (or EIN), there's no similar requirement for the fiduciary.

Similarly, in "Part I Identification" of Form 56, there is a space to identify the SSN for the person "for whom you are acting" – but there is no blank or instruction associated with Form 56 that also requests the SSN or EIN for fiduciary.

Can you imagine the IRS processing any form for anyone without asking for their SSN/EIN?

I can't.

And yet, on Form 56 there's *no requirement for the fiduciary to disclose his SSN or EIN*. Why? I don't know, but the only reason I can imagine is that the fiduciary (the natural person "Alfred") *doesn't have* a SSN/EIN. If so, the SSN is only issued to the artificial entity ("ALFRED").

For me, this makes perfect sense. After all, a natural person has a certain age, size, race, eye color, language etc., and can be identified even after dies by friends or relatives by his appearance alone. Thus, no identifying number is necessary to "identify" a natural, flesh and blood person. But how can you tell difference between two artificial entities (corporations sole, for example) that have identical names like "JOHN E. DOE" and "JOHN E. DOE"? Given that both entities have no physical reality, the easiest way to distinguish between them would be to issue each a unique identifying number like the SSN.

[17] This is the only text on the form itself or in the form's instructions that indicates the IRS has any authority to refuse or reject this notice. If you fail to provide the proper information (primarily the SSN, but there might be other details that must be precisely accurate), the IRS can "suspend" processing – but that's not truly a rejection or refusal to process. It's simply an option to decline to process a Form 56 that contains an error. Once the error is corrected, it appears that the IRS *must* accept the notice of termination of fiduciary relationship. The

cumstances. The estimated average time is:

Recordkeeping . . . 8 m

Learning about the law or the form . . . 32 m

Preparing the form . . . 46 m

Copying, assembling, and sending the form to the IRS. . . . 15 m.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. DO NOT send Form 56 to this address. Instead, see When and Where To File on this page.

strong implication is that the authority to create or terminate a fiduciary relationship is entirely external to the IRS, and quite possibly a right that is not only inherent in every natural person but perhaps even "unalienable".

Note there seems to be no express duty for the IRS to notify you if they accept your notice, or if they stop processing your notice due to some defect. Thus, you can't simply send them a Form 56 notice of termination and automatically assume that they've accepted your notice. You'll probably want to follow-up and secure confirmation that your Form 56 notice as been accepted.

Distilled law

Finally, most people see government forms as aggravating, bureaucratic mazes to be quickly "filled in" but never read or studied.

But, as you can see, governmental forms can be extraordinary sources of distilled law. It takes persistence, finesse and understanding to read forms (and especially their instructions) accurately – and I don't claim to have mastered the art. But if you can read closely, you can probably get to the heart of legal principles that are normally explained in hundreds of pages of law books.

I recommend that individuals interested in really "cracking" this legal system start studying forms adn their instructions. It sounds dull, but it can be illuminating, even exciting.

Form **56**
(Rev. August 1997)
Department of the Treasury
Internal Revenue Service

Notice Concerning Fiduciary Relationship

(Internal Revenue Code sections 6036 and 6903)

OMB No. 1545-0013

Part I Identification

Name of person for whom you are acting (as shown on the tax return) | **Identifying number** | **Decedent's social security no.**

Address of person for whom you are acting (number, street, and room or suite no.)

City or town, state, and ZIP code (If a foreign address, see instructions.)

Fiduciary's name

Address of fiduciary (number, street, and room or suite no.)

City or town, state, and ZIP code | Telephone number (optional) ( )

Part II Authority

1 Authority for fiduciary relationship. Check applicable box:

a(1) ☐ Will and codicils or court order appointing fiduciary. Attach certified copy . . **(2)** Date of death .....

b(1) ☐ Court order appointing fiduciary. Attach certified copy . . . . . **(2)** Date (see instructions) .....

c ☐ Valid trust instrument and amendments. Attach copy

d ☐ Other. Describe ► .....

Part III Tax Notices

Send to the fiduciary listed in Part I all notices and other written communications involving the following tax matters:

2 Type of tax (estate, gift, generation-skipping transfer, income, excise, etc.) ► .....

3 Federal tax form number (706, 1040, 1041, 1120, etc.) ► .....

4 Year(s) or period(s) (if estate tax, date of death) ►

Part IV Revocation or Termination of Notice

Section A—Total Revocation or Termination

5 Check this box if you are revoking or terminating all prior notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship . ► ☐

Reason for termination of fiduciary relationship. Check applicable box:

a ☐ Court order revoking fiduciary authority. Attach certified copy.

b ☐ Certificate of dissolution or termination of a business entity. Attach copy.

c ☐ Other. Describe ►

Section B—Partial Revocation

6a Check this box if you are revoking earlier notices concerning fiduciary relationships on file with the Internal Revenue Service for the same tax matters and years or periods covered by this notice concerning fiduciary relationship . . . . . ► ☐

b Specify to whom granted, date, and address, including ZIP code, or refer to attached copies of earlier notices and authorizations ► .....

Section C—Substitute Fiduciary

7 Check this box if a new fiduciary or fiduciaries have been or will be substituted for the revoking or terminating fiduciary(ies) and specify the name(s) and address(es), including ZIP code(s), of the new fiduciary(ies) . . . . . ► ☐

Part V Court and Administrative Proceedings

Name of court (if other than a court proceeding, identify the type of proceeding and name of agency) | Date proceeding initiated

Address of court | Docket number of proceeding

City or town, state, and ZIP code | Date | Time a.m. p.m. | Place of other proceedings

Please Sign Here

I certify that I have the authority to execute this notice concerning fiduciary relationship on behalf of the taxpayer.

Fiduciary's signature | Title, if applicable | Date

Fiduciary's signature | Title, if applicable | Date

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

You may use Form 56 to notify the IRS of the creation or termination of a fiduciary relationship under section 6903 and to give notice of qualification under section 6036.

Who Should File

The fiduciary (see **Definitions** below) uses Form 56 to notify the IRS of the creation, or termination, of a fiduciary relationship under section 6903. For example, if you are acting as fiduciary for an individual, a decedent's estate, or a trust, you may file Form 56. If notification is not given to the IRS, notices sent to the last known address of the taxable entity, transferee, or other person subject to tax liability are sufficient to satisfy the requirements of the Internal Revenue Code.

Receivers and assignees for the benefit of creditors also file Form 56 to give notice of qualification under section 6036. However, a bankruptcy trustee, debtor in possession, or other like fiduciary in a bankruptcy proceeding is not required to give notice of qualification under section 6036. Trustees, etc., in bankruptcy proceedings are subject to the notice requirements under title 11 of the United States Code (Bankruptcy Rules).

Definitions

Fiduciary. A fiduciary is any person acting in a fiduciary capacity for any other person (or terminating entity), such as an administrator, conservator, designee, executor, guardian, receiver, trustee of a trust, trustee in bankruptcy, personal representative, person in possession of property of a decedent's estate, or debtor in possession of assets in any bankruptcy proceeding by order of the court.

Person. A person is any individual, trust, estate, partnership, association, company or corporation.

Decedent's estate. A decedent's estate is a taxable entity separate from the decedent that comes into existence at the time of the decedent's death. It generally continues to exist until the final distribution of the assets of the estate is made to the heirs and other beneficiaries.

Terminating entities. A terminating entity, such as a corporation, partnership, trust, etc., only has the legal capacity to establish a fiduciary relationship while it is in existence. Establishing a fiduciary relationship prior to termination of the entity allows the fiduciary to represent the entity on all tax matters after it is terminated.

When and Where To File

Notice of fiduciary relationship. Generally, you should file Form 56 when you create (or terminate) a fiduciary relationship. To receive tax notices upon creation of a fiduciary relationship, file Form 56 with the Internal Revenue Service Center where the person for whom you are acting is required to file tax returns. However, when a fiduciary relationship is first created, a fiduciary who is required to file a return can file Form 56 with the first tax return filed.

Proceedings (other than bankruptcy) and assignments for the benefit of creditors. A fiduciary who is appointed or authorized to act as:

- A receiver in a receivership proceeding or similar fiduciary (including a fiduciary in aid of foreclosure), or
- An assignee for the benefit of creditors,

must file Form 56 on, or within 10 days of, the date of appointment with the Chief, Special Procedures Staff, of the district office of the IRS having jurisdiction over the person for whom you are acting.

The receiver or assignee may also file a separate Form 56 with the service center where the person for whom the fiduciary is acting is required to file tax returns to provide the notice required by section 6903.

Specific Instructions

Part I—Identification

Provide all the information called for in this part.

Identifying number. If you are acting for an individual, an individual debtor, or other person whose assets are controlled, the identifying number is the social security number (SSN). If you are acting for a person other than an individual, including an estate or trust, the identifying number is the employer identification number (EIN).

Decedent's SSN. If you are acting on behalf of a decedent, enter the decedent's SSN shown on his or her final Form 1040 in the space provided.

Address. Include the suite, room, or other unit number after the street address.

If the postal service does not deliver mail to the street address and the fiduciary (or person) has a P.O. box, show the box number instead of the street address.

For a foreign address, enter the information in the following order: city, province or state, and country. Follow the country's practice for entering the postal code. Please **do not** abbreviate the country name.

Part II—Authority

Line 1a. Check the box on line 1a if the decedent died **testate** (i.e., having left a valid will) and enter the decedent's date of death.

Line 1b. Check the box on line 1b if the decedent died **intestate** (i.e., without leaving a valid will). Also, enter the decedent's date of death and write "Date of Death" next to the date.

Assignment for the benefit of creditors. Enter the date the assets were assigned to you and write "Assignment Date" after the date.

Proceedings other than bankruptcy. Enter the date you were appointed or took possession of the assets of the debtor or other person whose assets are controlled.

Part III—Tax Notices

Complete this part if you want the IRS to send you tax notices regarding the person for whom you are acting.

Line 2. Specify the type of tax involved. This line should also identify a transferee tax liability under section 6901 or fiduciary tax liability under 31 U.S.C. 3713(b) when either exists.

Part IV—Revocation or Termination of Notice

Complete this part only if you are revoking or terminating a prior notice concerning a fiduciary relationship. Completing this part will relieve you of any further duty or liability as a fiduciary if used as a notice of termination.

Part V—Court and Administrative Proceedings

Complete this part only if you have been appointed a receiver, trustee, or fiduciary by a court or other governmental unit in a proceeding other than a bankruptcy proceeding.

If proceedings are scheduled for more than one date, time, or place, attach a separate schedule of the proceedings.

Assignment for the benefit of creditors.— You must attach the following information:

1. A brief description of the assets that were assigned, and

2. An explanation of the action to be taken regarding such assets, including any hearings, meetings of creditors, sale, or other scheduled action.

Signature

Sign Form 56 and enter a title describing your role as a fiduciary (e.g., assignee, executor, guardian, trustee, personal representative, receiver, or conservator).

Paperwork Reduction Act and Privacy Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. Form 56 is provided for your convenience and its use is voluntary. Under section 6109 you must disclose the social security number or employer identification number of the individual or entity for which you are acting. The principal purpose of this disclosure is to secure proper identification of the taxpayer. We also need this information to gain access to the tax information in our files and properly respond to your request. If you do not disclose this information, we may suspend processing the notice of fiduciary relationship and not consider this as proper notification until you provide the information.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	8 min.
Learning about the law or the form	32 min.
Preparing the form	46 min.
Copying, assembling, and sending the form to the IRS	15 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send Form 56 to this address. Instead, see **When and Where To File** on this page.

Form 56 Notes

Subheading:

These references point to IRC sections 6036 and 6903 point on to 26 CFR 301.6903-1.

Part I: Identification

Identification asks for the Name, Address and SSN of "person for whom you are acting" but only ask for the Fiduciary's Name and Address – there is no requirement that the fiduciary identify "his" SSN. We suspect the reason for this omission may be that only an artificial entity created by government and identified with an all upper-case name has a SSN. Natural, flesh-and-blood fiduciaries are not required to list their SSNs because they don't have SSNs.

Also, note that according to the instructions on the back of Form 56, use of Form 56 is optional for the creation of a fiduciary relationship. While the fiduciary is asked to identify his name and address on this optional form when he terminates the fiduciary relationship, I have yet to see any form or indication that a fiduciary is required to specify his name and address when he first "acts" as fiduciary and/or sends "notice" of his fiduciary capacity to the IRS.

Part II Authority

I'm unsure what "authority" originally allowed the natural man "Alfred" to create a fiduciary relationship on behalf of "ALFRED". However, if our theory of fiduciary relationship is valid, it's apparent that under normal circumstances, the authority for "Alfred" to serve as fiduciary for "ALFRED" is not identified by boxes "a(1)," "b(1)" or "c". Instead, that authority would have to fall under the generic class of "d. Other".

Nevertheless, if there were no express legal authority to act as fiduciary, then I could theoretically "act" as a fiduciary for President CLINTON, sign checks from his checking account on his behalf, sign Bills proposed by Congress into Law, and perhaps even share cigars with his interns.

Obviously, that can't be so. There must be some "express" authority to act as a fiduciary. But what "other" authority could there be that would apply to virtually all Americans?

Even if this authority is not expressly identified in the original "notice" of fiduciary capacity, it appears that government must at least *presume* a legal authority exists whenever one person "acts" as a fiduciary for another.

By merely "acting" as fiduciary for "ALFRED," I am presumed to be that fiduciary. But does it also follow that by merely "acting" like President CLINTON's fiduciary, I also become his fiduciary?

Of course not.

Thus, although the legal authority to assume a fiduciary capacity is unspecified, there must be an "authority" somewhere that allows "Alfred" to become fiduciary for "ALFRED" and "Bill" to be fiduciary for "WILLIAM".

The SSN nexus

The only "authority" that I can currently imagine that would "presumably" apply for all of us is our Social Security Application. Although I have no supporting evidence, the artificial entity "ALFRED" is probably created by govco when they issue a birth certificate in the all upper-case name. That artifical entity probably exists in near-perfect isolation – until the natural person "applies" for a Social Security Card for that artificial entity.

I begin to suspect that with that Social Security Administration (SSA) *application*, the natu-

ral person ("Alfred") requests legal authority to "represent" the artificial person ("ALFRED"). If the SSN application is approved, use of the SSN may constitute evidence of legal authority for the fiduciary relationship. If so, when a bank or government agency asks to see your SSN, they are really asking for evidence that you (the natural person) have lawful authority to "act" as fiduciary for the artificial person ("ALFRED") with which that bank or government agency has authority to transact business.

Again, that's pure conjecture. However, what other document can virtually all adult Americans be presumed to possess if not the SS card? That presumption would allow courts of equity to accept any fiduciary "act" as evidence that a lawful fiduciary relationship exists between "Alfred" and "ALFRED".

Also, if the artificial entity "ALFRED" has a SSN, that SSN is mandatory on most forms being ALFRED's name. Thus (although not expressly identified as such), the SSN appearing on virtually all forms referencing "ALFRED" may comprise the implicit "authority" for "Alfred" to represent "ALFRED". It would certainly be convenient if the SSN were evidence of that authority, since it could be easily confirmed by contacting the SSA.

Part III Tax Notices

Part III asks that the fiduciary request gov-co to,

"Send to the fiduciary listed in Part I all notices and other written communications involving the following tax matters:"

But note that the instructions in 26 CFR 301.6903-1 for filing a proper notice do *not* require a fiduciary to identify his name and address (as is seen in Part I of Form 56) to the IRS. Instead, it may be enough for him to merely "act" like a fiduciary for his fiduciary capacity to be presumed valid by a court of equity.[1]

Part IV Revocation or Termination of Notice

I don't yet understand the difference between "revoking" and "terminating" a previous notice of fiduciary capacity. However, "revocation" would seem to be a temporary condition that might be later reversed, while "termination" seems permanent. Whatever the answer, this is an important question for future research.

However, gov-co does ask that the former fiduciary provide his "reason for termination of fiduciary relationship". (Note that gov-co does not request the reason for "revocation", only "termination". Perhaps no reason is necessary for "revocation" if that act only suspends the fiduciary relationship temporarily.)

The first two generic reasons for revoking (line "a") or terminating (line "b") seem inappropriate for the average fiduciary ("Alfred") who wants to get out of paying income taxes for "ALFRED". That

leaves line "c Other" to explain the reason for terminating your fiduciary relationship.

So far as I can tell, the rules governing these notices (as seen in 26 CFR 301.6903-1) do not require that a "reason" be provided. Nevertheless, if you were to provide a reason, what would it be? You're sick and tired of paying income tax? You'll go nuts if you have to fill out just one more 1040? Your doctor warned you to avoid stress, so you'll have to stop fighting the April 15th rush?

All of those "reasons" may or may not work. But it strikes me that if the Social Security Application were the primary source of the authority for "Alfred" to act as "ALFRED's" fiduciary, then if "Alfred" were to successfully file a *Social Security Administration Form 521* ("Request for Withdrawal of Application"), he might terminate his *authority* to act as fiduciary for "ALFRED". It's pure conjecture, but that strikes me as a pretty good reason to notify the IRS with Form 56 that "Alfred" is no longer fiduciary for "ALFRED".

Why?

No more authority from the SSA to act in that capacity.

In other words, *first*, you'd have to "withdraw" your application from Social Security (probably by using SSA Form 521). *Then*, after that withdrawal was verified, you'd have legitimate "reason" to notify the IRS (using IRS Form 56) that you had terminated your fiduciary relationship to the artificial entity you've been serving all these years.

Whether "Alfred's" Social Security Application is, in fact, the "authority" for him to act as fiduciary for "ALFRED" remains to be seen. But it's pretty clear that *something* must provide an "authority" for "Alfred" to act on behalf of "ALFRED". We must identify that "authority" and, if possible cancel it. Once the original authority is confirmed and canceled, it might be impossible for the IRS to deny termination of the subsequent fiduciary relationship as outlined in IRS Form 56.

Part V Court and Administrative Proceedings

This section doesn't seem obviously relevant to terminating our fiduciary relationships to our "beloved" artificial entity "taxpayers". Still, if we could get the Social Security Administration to admit in an administrative hearing at a particular date and time that our SS Application had, in fact, been "withdrawn," that admission might help "force" official approval of the IRS Form 56 termination of fiduciary relationship process.

[1] Part III of Form 56 presents a small opportunity to "test" our proposed fiduciary hypothesis. Suppose the fiduciary "Alfred" had a second mailing address besides the mailing address used by the artificial entity "ALFRED". And suppose "Alfred" sent a Form 56 to the IRS requesting that all future notices etc. from the IRS concerning tax matters of "ALFRED" would not be sent to "ALFRED's" address, but rather to the alternative address for the fiduciary "Alfred".

If gov-co approved the "bifurcation" of the fiduciary's address from the taxpayer's address, it would tend to prove that gov-co recognized that "Alfred" and "ALFRED" were two different persons, and that "Alfred" was the fiduciary for "ALFRED".

On the other hand, if gov-co made a fuss and refused to accept this Form 56 Notice Concerning Fiduciary Relationship, it would tend to prove that "Alfred" was not the fiduciary for "ALFRED" and show that our hypothesis was invalid.

Anyone have two addresses who'd care to try this test?

Ending Corporate Governance in Washington State

This may be the most astonishing legal reform document I've seen. In essence, constitutionalists and legal reform activists in Washington State have collected enough evidence to confirm that the existing constitution of the STATE OF WASHINGTON was not properly adopted or ratified the People of Washington in 1889. Therefore, the only lawful Constitution was the one previously ratified in 1878 but largely unused and unrecognized by the People or the de facto government.

Although this document does not allege that the STATE OF WASHINGTON is a *corporate* government, I draw that conclusion. Those who drafted this document might disagree. However, note that the STATE OF WASHINGTON is identified with an all uppercase name and does not comprise a "republican form of government" as guaranteed by our Federal Constitution.

Through a series of legal confrontations in which one STATE OF WASHINGTON court finally defaulted, these allegations have been conceded by the de facto, corporate STATE OF WASHINGTON government. High level officials in that corporate state have reportedly conceded that they are in the midst of a constitutional crisis that will not be easily resolved.

Legal reform activists in Washington State report that, for now, there appear to be two "constitutions" in effect — one for the corporate state and the other for the reemerging Republic. For the moment, knowledgeable litigants may *choose* which constitution they wish to be operate under and be tried under.

As a result of this constitutional confusion, the lawful existence of the corporate STATE OF WASHINGTON is now in doubt as are all of the laws and agreements that corporate state has enacted since 1889 (see "Denying Corporate Existence," AntiShyster Volume 10, No. 2). The legal implications are enormous. An entire corporate state (WASHINGTON) may soon cease to exist while a true "republican form of government" may be resurrected in the restored Washington State. If one corporate state falls, how much longer can the other corporate states survive? Legal reform activists in the former corporate county of Snohomish have withdrawn their "consent" to be governed by that corporation and instead created their own lawful, local governing body — "Freedom County".

Further, the timeline in this drama reveals that the original corporate STATE OF WASHINGTON was created in 1889. The timing of this fraud is generally consistent with earlier research indicating that corporate governance begin during or immediately after the Civil War (1860-1865). Judging by the evidence accumulated in Washington State, we can reasonably assume that all states admitted to the Union after 1889 may have been defrauded from the beginning by being subject to a form of government that was corporate rather than "republican" (as guaranteed by the Federal Constitution).

Thus, those of you who live in "states" which entered the union after the STATE OF WASHINGTON may want to start a diligent search of your historic documents to confirm whether your corporate state meets constitu-

tional muster or must be abandoned.

One implication that springs to mind is the fact that the National (corporate) government owns over half the land west of the Mississippi. The fact that half the land of those western states is owned by the National government is contrary to provisions of the Constitution. This unconstitutional ownership of State land by National government may be due to the fact that most of those western states are "corporate" rather than true republican forms of government. Thus, if those corporate states can be exposed and dissolved, all of that land might revert back from the National/ corporate government to the newly resurrected States.

I'm sure there are greater implications but the stakes here are already enormous — and again, a *revolution* seems to be in progress. This revolution is silent and invisible because the mainstream media won't report it. Nevertheless, that revolution is taking place and may soon shake this entire nation.

If you read this document closely (including seemingly innocuous details like the proper mailing address), you'll find a template for investigating the legitimacy of your own corporate state government as well as a general outline of how one might resurrect the republican forms of government in places like Idaho, South Dakota, or even Alaska.

Established April 23, 1995
Freedom County
The State of Washington,
United States of America
c/o 40520 E . Whitehorse Drive
Arlington
Washington State
United States of America
(360) 435-5979

Commissioners
David Peter Guadalupe
D. Poeschel
Thom Satterlee

7 October, 2000
Registered Mail #R 249 008 143

Honorable Christine O'Grady Gregoire, Union ID #07919
Office of the Attorney General
State of Washington
P.O. Box 40100
Olympia, Washington near [98504-0100]

SUBJECT: RCW 43.10.030 Request for Official Opinion and RCW 42.17 Request for public Documents

Dear Ms. Gregoire:

As you know the People of the County of Freedom withdrew their consent for governance from Snohomish County and delivered that consent to the County of Freedom on April 23, 1995.

You also know that the legislature of this state acted by omission (neglecting its mandatory duty under Article XI §4) to deny the People of their individual right to local government to which they consent. You received Actual and Constructive Notice of theses facts and the Peoples' Acts correcting the legislature's unconstitutional omissions on August 31, 1999.

The Supreme Court of Washington accepted and acknowledged the Peoples' power and authority to enact that legislation independent of the legislature, by its March 2000 dismissal of Cause No. 68812-5. Incorporated Cause No. 68812-5 was a quo warranto action challenging the Peoples' power and authority to enact legislation independent of the legislature. As a consequence of that ruling, the government and the People of the County of Freedom have and continue to act in "good faith" as required by the Constitutions for The State of Washington and the United States of America and the laws arising therefrom.

As you know RCW 36.27.020(1) requires a county's Prosecutor to: "Be legal adviser of the legislative authority, giving them [it] his or her written opinion when required by the legislative authority or the chairperson thereof touching any subject which the legislative authority may be called or required to act upon relating to the management of county affairs..." However, because we have not yet filled that office we are calling upon you, pursuant to RCW 43.10.030(5) to provide an official Attorney General's opinion with respect to the following:

On September 13, 2000 an Offer of Proof of Lawful Republican Form of Government was filed in Pierce County — File Number 200009130560.

That document affirms:

that after diligent investigation and inquiry, [Affiant] can find no record in the State or the United States that any document

purported to be the constitution established, ordained and ratified by the people of the Washington Territory other than The Constitution of the State of Washington established, ordained and ratified November 5th, 1878, was ever submitted to the Congress of the United States for admission to the union or that the certified election results of the first Tuesday October 1889 as a true statement of the votes for or against the Constitution for the State of Washington refers to any other constitution than the Constitution of the State of Washington established, ordained and ratified November 5, 1878 and submitted to the Congress by Mr. Voorhees January 28, 1889.

It also asserts that:

Affiant, after diligent investigation and inquiry, can find no evidence in the records of the State or the United States that the document published in volume 0 of the RCW purported to be the constitution of the State of Washington replaced, nullified, or repealed The Constitution of the republic, State of Washington 1878.

It also asserts that:

the Affiant affirms, based on the records of the State and the United States that the documents attached hereto, that the Constitution of the State (republic of Washington 1878, is the Constitution established and ordained, by the people of the Washington Territory submitted to the Congress in 1889 for the purpose of application for admission to the union upon which the proclamation that The State of Washington was admitted to the union is based, and not the Constitution published in volume 0 of the Revised Code of Washington.

It also asserts that:

the Affiant affirms that the Affiant, after diligent investigation and inquiry, can find no evidence in the records of the State or the United States that the enterprise operating under the name "State of Washington or STATE OF WASHINGTON or the State of Washington or the STATE OF WASHINGTON herein after referred as "STATE OF WASHINGTON" has any standing as an entity within the geographical area of the republic of The State of Washington.

Additionally it asserts that:

the Affiant affirms that based in the evidence attached hereto, shows that "The Constitution of the State of Washington 1878 is the true and correct constitution established and ordained by the people of The State of Washington and as such renders every Legislative, Executive and Judicial act including but not limited all, session law established under the claim of authority of the document purported to be the Constitution of the State of Washington published in volume 0 of the RCW as void ab initio as those acts and session laws pertain to the geographical area of the republic of The State of Washington or the inhabitants of the republic of The State of Washington for want of a lawfully established legislative body under the authority of the 1878 Constitution of the State of Washington.

Further it asserts that:

the Affiant Affirms that the based upon the evidence attached hereto, that as clearly established therein, the organization doing business as "State of Washington" and "STATE OF WASHINGTON" and its political subdivisions is not the republic established and ordained by the people for the government of the republic of That State of Washington, and as such has no governmental powers or authority and meets the test for de facto government denying the people of the Republic of The State of Washington access to their express republican form of government established by constitution, ordained and ratified in the year 1878.

These allegations, if true, raise significant legal questions as to this state's present government. In fact, it appears to render this state's government without any lawful authority whatsoever. Additionally, it would appear that the People's reliance upon the provisions of the

1889 constitution may have been misplaced. As you know, the entire purpose of the People of Freedom County has been, and continues to be, the establishment of lawful local government for them and their posterity, to which they consent.

To that end the People of the County of Freedom acted in "good faith" and relied upon that

allegedly fraudulent constitution based upon the advice and direction of various officials of the STATE OF WASHINGTON. If in fact the 1889 constitution is a fraud then we must immediately act provide public notice of the facts of the fraud. The Peoples' commitment to lawful local government has not waned and we believe that the lawful establishment of the government of the County of Freedom is provided for by Article V §§1-3 of the Constitution of The State of Washington ratified by the People of the Territory of Washington at the November 5, 1878 election.

As is readily apparent from the foregoing paragraphs, significant issues are presented by these disturbing developments. As a consequence of these developments we are compelled by necessity to seek an official Attorney General's opinion as to the following:

1. Is the 1889 constitution in fact a fraud?
2. If not, what is the evidence upon which you rely to dispute the filed offer of proof?
3. If the 1889 constitution is in fact a fraud, is the Board of Commissioners for the County of Freedom the only lawful authority operating under the authority of the 1878 constitution?
4. If so, do we have the authority to immediately call for a general election to fill the vacant state offices mandated by that constitution?
5. Does the fact that the People of Freedom County were defrauded — by persons acting under color of law and pretense of office —into relying upon the fraudulent 1889 constitution, provide a basis for making a claim upon the bonds of the actors operating under the authority of said fraudulent constitution?
6. If we, as the only lawfully established authority — with a supportable claim to be — operating under the 1878 constitution, do not have the power and authority to act to correct the fraud, who has it?

Administrative Notice of Law and Public Disclosure Request Notice to Principal is Notice to Agent; Notice to Agent is Notice to Principal.

Notice is applicable to all successors, transferees and assignees.

This request is made under the Washington State Open Public Records Act of 1973 and subsequent amendments, RCW 42.17.010 et seq., and the Freedom of Information Act. Please provide the following:

1. Any, every and all documents, letters, notes, memoranda and records evidencing the lawful convening of a constitutional convention in the year 1889.
2. Full, true and complete copies of the legislative acts of the Territorial legislature providing for a constitutional convention in 1889.
3. Full, true and complete copies of the published Congressional record in which the 1889 constitution was published.
4. Full, true and complete copies of the documents relied upon by your office and the STATE OF WASHINGTON to support the state's position that it is the lawful republican form of government admitted to the union of the several states of the Unites States of America.
5. Full, true and complete copies of any, every and all documents evidencing the fact that the enterprise chartered by 1889 constitution was created by the people and not by an act of congress.
6. Full, true and complete copy of any, every and all documents delivering the consent of the People, domiciled or residing within the geographic area encompassed by the territorial boundaries of the County of Freedom, to governance by Snohomish County.

As you know, the Open Public Records Act of Washington State provides that if portions of the documents are exempt from release, the remainder must be segregated and disclosed, RCW 42.17.310(2). Therefore, we will expect you to provide all the non-exempt portions of the records which we have requested, and ask that any deletions must be justified by reference to specific exemptions to the Open Public Records Act. ***Please note that this is not a request for legal opinion or advice***. We reserve the right to appeal your decision to withhold any materials.

YOU HAVE FIVE (5) DAYS TO REPLY FROM RECEIPT OF THIS REQUEST.

The material requested shall be ***promptly*** made available, first for inspection and subsequently for duplication. We shall pay reasonable fees for duplication. Please send any written correspondence to Freedom County c/o 40520 E. Whitehorse Drive, Arlington, Washington State near [98223], United States of America. ***Note correspondence addressed to improper parties will not be received***.

Your prompt compliance with the law is expected and appreciated.

Respectfully yours,

S/
Commissioner Satterlee
Chairman, Board of Commissioners
County of Freedom

Gun (Control) Nuts

by Alfred Adask

The idea that guns are "phallic symbols" probably originated with Sigmund Freud. He probably had a point.

But throughout most of my life, those who (first) disparaged gun owners as "gun nuts" and (now) advocate gun control have, to some extent, relied on Freud's observation to subtly deride the masculinity of men who owned guns (especially if you owned *several* guns, or actually *shot one* from time to time).

In the liberals' view, "real men" didn't need guns to prove their masculinity. "Real men" proved their masculinity by fornicating with as many women as possible as often as possible.

Well, as a youth, I tried the "recommended" approach to "proving" my masculinity whenever some comely wench agreed to serve as litmus paper. But no matter how many times I had sex, I still felt more secure (and more manly) living with a couple of guns around the house.

So, perhaps the liberals were right and I wasn't a "real man". Nevertheless, despite my insecurity and tendency to own a gun or two, I didn't feel as if my masculinity was legitimately doubtful. Still, the liberals' cry of "gun nut, gun nut!" and subtle implication of sexual deviancy made me uncomfortable.

In fact, that "gun nut" psychobabble made me defensive (that was their intent, I'm sure) and irritates me to this day. See, it seemed to me that owning a gun or two was not merely a device to shore up my male insecurities, it was simply reasonable and rational. How was I to defend myself against the possible marauder breaking into my home (or race riots when I lived in Chicago) if I didn't have a gun? Karate the mutha's to deff? I don't even know karate.

I worked construction, and I liked tools. To this day, I have a good collection of electric and gas-powered saws and drills, hand tools and torches. And for me, a gun was not a phallic symbol (forgive me, Sigmund), it was simply a tool.

Over time, I began to suspect that while guns were no more sexually symbolic to me than a good Sawzall, guns seemed to have great emotional and psychic energy for those who most smugly opposed to firearms. For me, picking up a gun like picking up a hammer. But for liberals opposed to gun ownership, picking up guns seemed more akin to handling snakes. Gun control advocates looked a guns, winced and seemed to say, "Ooo, they look all . . . slimey!"

Over time, I grew increasingly suspicious that, for the most part, the people who had the greatest psychological fixation on guns weren't the folks who owned guns, but the liberals who shuddered at the idea of merely touching guns. In other words, the real "guns nuts" – the folks who *did* see guns as sexual symbols – were the liberal gun control advocates.

Thus, I began to wonder if the liberals didn't want me to own a gun, because the gun reminded them (not me) of a penis. Of course, I never expressed that opinion (until now) because, in the end, it seemed to be a "he said/ she said" kind of issue. The liberals could shout that I (and other gun owners) were sexually-confused "gun nuts". I could call the liberal gun control advocates sexually-confused "gun nuts". But who could say who was right? I had no real evidence to support either position other than my own intuition.

Evidence

But thanks to the unbridled attempts by the Clinton administration to impose gun control (and presumably gun confiscation) on Americans, a mass of evidence on the history and effects of gun control is now available and irrefutable.

For example, who was the

"father" of modern gun control?

Adolph Hitler.

He created a "perfect society" for the "master race" when he banned private gun ownership in the 1930s. Of course, once the public was disarmed, genocide and concentration camps became easy (some say inevitable). After all, how hard is it for an armed government to catch and gas a disarmed population?

Was the horror that followed Hitler's gun control an aberration? A mere coincidence?

Nope. There a documented correlation between gun control and increasing violence.

In the late 1990s, near-absolute gun control was imposed in England and Australia. Result in *both* countries? Increased rates of murder and armed robberies. In Australia, for example, armed robberies are up 44% in just one year after the Australian firearms were confiscated by government. In Victoria, the murder rate has skyrocketed by 300%.

And perhaps most astonishing – within the first year after the people's guns were confiscated, the Australian Parliament proposed a law to allow the Australian military to shoot Australian civilians.

Apparently, while Australians were still armed (and presumably most dangerous), there was no need for a law allowing the Australian military to shoot them (after all, they might shoot back). However, once Australian citizens were disarmed, some politicians recognized a "legitimate" need to allow government soldiers to shoot their own unarmed citizens.

Is this mere irony? Or does the Australian parliament's impulse to legalize murdering its own disarmed people mirror the same impulse of Nazi Germany to kill its own disarmed Jews? Before gun confiscation, no politician would dare suggest that the military be empowered to shoot their own people. Only after their people were legally disarmed, did the governments of Nazi Germany and now Australia suggest it was OK to shoot their own people.

Are Nazi Germany and modern Australia aberrations? Coincidences? Probably not.

In 1992, Robert F. Melson, Professor of Political Science at Purdue University, commented that:

"Since the Second World War many more people have been killed as victims of domestic massacres and partial or total genocides than by international war. State-perpetrated massacres are a greater danger to the world community than war itself."

In other words, worldwide, people are more likely to be murdered by *their own government* than by some foreign invader.

Why? Research by Jews for the Preservation of Firearm Ownership (www.JPFO.org) shows a clear correlation between gun confiscation and genocide. In Turkey, the Soviet Union, Nazi Germany, China, Guatemala, Uganda, and Cambodia, gun confiscation laws have been quickly followed by the murder of over 53 million unarmed citizens by their own governments.

According to Dr. Miguel A. Faria ("Great Britain and Gun Control," *AntiShyster* Volume 10, No. 2), since gun control was implemented in England,

". . .crime has steadily risen in Britain in the last several years. The U.S. Department of Justice says a person is nearly twice as likely to be robbed, assaulted or have a vehicle stolen in Britain as in the United States. Although the U.S. remains ahead of Britain in rates of murder and rape, the gap is rapidly narrowing.

"And while robberies rose 81 percent in England and Wales, they fell 28 percent in the United States. Likewise, assaults increased 53 percent in England and Wales but declined 27 percent in the United States. Burglaries doubled in England but fell by half in the United States. And while motor vehicle theft rose 51 percent in England, it remained the same in America."

Here's an email from Demastus.com:

WASHINGTON, DC — According to a new study by the U.S. Department of Justice, gun-related crime has plunged 40% in recent years while the number of guns in circulation has reached an all-time high. Data released in October by the FBI shows that gunshot wounds inflicted during crimes dropped to 39,400 from 64,100 nationwide between 1992 and 1997 — a decrease of 40%.

But, according to the National

Association of Federally Licensed Firearms Dealers, during the same five years, the number of guns in America surged to 230 million from 205 million — and that's terrible news for supporters of gun control, Libertarians say.

Harry Browne, the Libertarian Party's presidential candidate, said, "The message is clear: More guns equal less crime. The biggest threat to your safety isn't guns; it's politicians who want to restrict gun ownership.

"Even street thugs understand what gun-banning politicians don't: Guns deter crime," Browne said. "Americans went on a gun-buying binge from 1992 to 1997, purchasing 11 million new handguns and 14 million new rifles and shotguns — and crime continued to decline.

"Imagine how much further crime would fall if politicians made it easier for more law-abiding citizens to buy guns by repealing many of the 20,000 gun laws currently on the books."

One immediate target for repeal: State laws preventing Americans from carrying concealed weapons.

"The three most violent cities in America — New York, Chicago, and Los Angeles — all have something in common: Gun control," Browne said. "According to the FBI figures, these three cities led the nation in murder, armed robbery, and assault. And no wonder. In those cities, it's illegal to carry a concealed weapon. Democrats and Republicans who refuse to repeal these laws are painting a target on the backs of innocent Americans."

Browne conceded that other factors — such as demographic changes, longer prison terms, and an improved economy — may have played a role in the drop in crime rates.

"But a dramatic increase in the number of guns didn't *cause* an increase in crime — which is what politicians routinely claim when they spout off about the so-called need to reduce easy access to guns. In fact, giving ordinary Americans easy access to guns is apparently what criminals fear most."

Browne noted that during the presidential debates, both Bush and Gore emphasized their support for background checks, taxpayer-financed trigger locks, and enforcing current gun laws.

"Gore and Bush are both promoting the dangerous utopian idea that criminals will suddenly decide to follow whatever laws they manage to pass," Browne said.

"But more laws are not the answer. The best solution is to repeal every existing gun control law on the books. *The number of guns in the hands of criminals will not change*, but more Americans would recover the right to defend themselves — which will probably inspire many more criminals to seek a safer line of work."

The evidence is massive, historic, and unrefutable. If you like armed robbery, murder, rape and genocide, gun control makes good sense. But if you find violent crime and genocide a bit distasteful, you'd better hang onto your guns.

Here's another email that quotes syndicated columnist Charley Reese:

"If the homicide rate is falling, if the fatalities from firearms accidents are the lowest they've been since 1902, why do you suppose some people are so fiendishly insistent on more gun control? . . . Why do they clamor for safer guns when firearm accidents account for only a small percentage of the 90,000 accidental deaths annually in the United States?

"Well, I personally think that their motive has nothing to do with fighting crime or with safety. After all, firearms are *dead last* as a cause of accidental fatalities among both children and adults. Doctors, we now know, kill three times as many Americans annually from mistakes than firearms kill, counting homicides, suicides and accidents. I think that the answer is both old and simple. Gun-control laws have always been elitist and racist. Elitists have always wanted to disarm the common folks while, of course, retaining the privileges of arms for themselves. And the right to keep and bear arms has always been a populist cause."

What does it mean when presidential candidates and nationally syndicated columnists speak out *against* gun control? It means the evidence is so irresistible that informed public opinion and support is shifting dramatically away from gun control. Despite the government's best efforts to conceal the facts, deceive us with lies and play on our sympathies and

emotions, Americans are waking up and finding the truth.

Faced with all of the evidence against gun control and rising public awareness, it's increasingly apparent that only a person who is grossly ignorant or psychologically unbalanced would continue to support gun control or gun confiscation.

There's no more *reason* to advocate gun control than there is to advocate killing all the snakes that eat barnyard rats. When you understand barnyard ecology, you realize that the farmer needs the snakes to kill the rats. Same is true with guns. We the People *need* guns to control our "rats".

The only people who would continue to advocate gun control are those mental defectives who can't touch guns because they look "Ooo, all slimey" – and those treasonous s.o.b.s who wish us disarmed and more vulnerable to unbridled assault by our own domestic "rats".

In short, you gotta be ignorant, crazy or treasonous to advocate gun control. The real "gun nuts" in this world aren't gun owners, but gun control advocates. Sorry, Sigmund – "real men" (and women) don't advocate gun control. In the end, it isn't guns that kill people, it's *gun control*.

This commentary was inspired by the next article wherein psychiatrist Sarah Thompson analyzes the irrational psychological impulses that compel some Americans to advocate gun control. Dr. Thompson recommends sensible psychological and political procedures for dealing with gun control advocates. Notably, she advises that we treat the little dears "gently".

Well, she's the Doctor. I suppose she's right. We probably should be "gentle" and understanding and compassionate concerning the poor gun control advocates' disabilities.

Yeah, prob'ly so. But after decades of listening to "gun nut" psychobabble, I'm a bit less "charitable" than the good Dr. Thompson. I have no "subconscious" impulse to be "gentle" with (disabled) gun control advocates. Instead, now that the evidence is on the other foot (so to speak), I want to rub their arrogant noses in their own neuroses.

As far as I'm concerned, you gun control advocates are a bunch of lamebrains and fruits. "Real men" *do* own guns (in fact, gun ownership is the hallmark of political sovereignty and masculinity). Moreover, the evidence is now sufficient to question the sexuality of anyone who's *afraid* to own a gun. What's your problem, gun controllers? Is it possible that the real "gun nuts" are those deviants who suffer from penis fear – or penis envy?

Y' hear me, Rosie? Y'er a dumb broad and an ignorant troll, toots. The reason you advocate gun control is probably the same reason you're a dyke. Maybe you just can't cope with your deep-seated, irrational fears (envy?) of anything that strikes you as "phallic".

OK, OK, maybe none of that last little rant is true. Maybe it's a *little* "over the top".

I apologize.

(But it sure felt good sayin' it!)

But whatever the psychological implications of owning – or fearing – guns, one thing is sure: gun owners have achieved the factual "high ground". The truth is crushing gun control and making its advocates defensive. And rightfully so. They can't win a real debate with a knowledgable advocate for gun ownership.

The evidence is massive, mounting and irrefutable. Gun control nuts have *nothing* to back their arguments except willful ignorance and/or their own irrational fears. As Forest Gump said, "stupid is as stupid does". Well, gun control is stupid. Ergo, gun control advocates are stupid.

If I weren't such a "real man," I'd probably stick my tongue out at those ignorant gun control nuts and say, "Na-nah, na-nah, *nahhh*-nah!"

But I won't. Like I said, I just too damn manly.

Besides, as Dr. Thompson points out in the next article, we gun owners should be "gentle" with the poor, misguided gun control nuts. After all, it's not *their* fault that they're grossly ignorant or mentally deranged. (Perhaps their toilet training was a bit harsh or maybe they all attended public schools.)

And yet . . . when you look at the *real* dangers associated with gun control (inevitably higher crime rates and increased probability of fascism and even genocide), it's hard to agree that gun owners should treat gun control nuts "gently". After all, the damn fools are literally risking our *lives*. Our *children's* lives. And whatever's left of our status as a free people.

Thus, gun control advocates are not merely ignorant, stupid or amusingly neurotic – they are *dangerously* ignorant, *dangerously* stupid and *dangerously* deranged.

Still, perhaps Dr. Thomspon is right. Maybe gentleness *is* called for.

But I say rub their ignorant noses in the truth. Humiliate 'em into silence, shame and, if necessary, a nice deep psychosis. Better the gun control nuts suffer more from their own afflictions, than the nation risks more violent crime or, worse, an American Auschwitz.

Raging Against Self Defense

By Sarah Thompson, M.D. © 2000

- "You don't need to have a gun; the police will protect you."
- "If people carry guns, there will be murders over parking spaces and neighborhood basketball games."
- "I'm a pacifist. Enlightened, spiritually aware people shouldn't own guns."
- "I'd rather be raped than have some redneck militia type try to rescue me."

How often have you heard these statements from misguided advocates of victim disarmament, or even woefully uninformed relatives and neighbors? Why do people cling so tightly to these beliefs, in the face of incontrovertible evidence that they are wrong? Why do they get so furiously angry when gun owners point out that their arguments are factually and logically incorrect? How can you communicate with these people who seem to be out of touch with reality and rational thought?

One approach to help you deal with anti-gun people is to understand their psychological processes. Once you understand why these people behave so irrationally, you can communicate more effectively with them.

Defense Mechanisms

Projection

About a year ago I received an e-mail from a member of a local Jewish organization. The author, who chose to remain anonymous, insisted that people have no right to carry firearms because he didn't want to be murdered if one of his neighbors had a "bad day". (I don't know that this person is a "he", but I'm assuming so for the sake of simplicity.) I responded by asking him why he thought his neighbors wanted to murder him, and, of course, got no response. The truth is that he's statistically more likely to be murdered by a neighbor who doesn't legally carry a firearm[1] and more likely to be shot accidentally by a law enforcement officer.[1]

How does my correspondent "know" that his neighbors would murder him if they had guns? He doesn't. What he was really saying was that if he had a gun, he might murder his neighbors if he had a bad day, or if they took his parking space, or played their stereos too loud. This is an example of what mental health professionals call projection – unconsciously projecting one's own unacceptable feelings onto other people, so that one doesn't have to own them.[3] In some cases, the intolerable feelings are projected not onto a person, but onto an inanimate object, such as a gun,[4] so that the projector believes the gun itself will murder him.

Projection is a defense mechanism. Defense mechanisms are unconscious psychological mechanisms that protect us from feelings that we cannot consciously accept.[5] They operate without our awareness, so that we don't have to deal consciously with "forbidden" feelings and impulses. Thus, if you asked my e-mail correspondent if he really wanted to murder his neighbors, he would vehemently deny it, and insist that other people want to kill him.

Projection is a particularly insidious defense mechanism, because it not only prevents a person from dealing with his own feelings, it also creates a world where he perceives everyone else as directing his own hostile feelings back at him.[6]

All people have violent, and even homicidal, impulses. For example, it's common to hear people say "I'd like to kill my boss", or "If you do that one more time I'm going to kill you." They don't actually mean that they're going to, or even would, kill any-

one; they're simply acknowledging anger and frustration. All of us suffer from fear and feelings of helplessness and vulnerability. Most people can acknowledge feelings of rage, fear, frustration, jealousy, etc. without having to act on them in inappropriate and destructive ways.

Some people, however, are unable consciously to admit that they have such "unacceptable" emotions. They may have higher than average levels of rage, frustration, or fear. Perhaps they fear that if they acknowledge the hostile feelings, they will lose control and really will hurt someone. They may believe that "good people" never have such feelings, when in fact all people have them.

This is especially true now that education "experts" commonly prohibit children from expressing negative emotions or aggression. Instead of learning that such emotions are normal, but that destructive behavior needs to be controlled, children now learn that feelings of anger are evil, dangerous and subject to severe punishment.[7] To protect themselves from "being bad", they are forced to use defense mechanisms to avoid owning their own normal emotions.

Unfortunately, using such defense mechanisms inappropriately can endanger their mental health; children need to learn how to deal appropriately with reality, not how to avoid it.[8]

(This discussion of psychological mechanisms applies to the average person who is uninformed, or misinformed, about firearms and self-defense. It does not apply to the anti-gun ideologue. Fanatics like Charles Schumer know the facts about firearms, and stil advocate victim disarmament consciously and willfully in order to gain political power. This psychological analysis does not apply to them.)

Denial

Another defense mechanism commonly utilized by supporters of gun control is denial. Denial is simply refusing to accept the reality of a given situation.[9]

For example, consider a woman whose husband starts coming home late, has strange perfume on his clothes, and starts charging flowers and jewelry on his credit card. She may get extremely angry at a well-meaning friend who suggests that her husband is having an affair. The reality is obvious, but the wronged wife is so threatened by her husband's infidelity that she is unable to accept it, and so denies its existence.

Anti-gun people do the same thing. It's obvious that we live in a dangerous society, where criminals attack innocent people. Just about everyone has been, or knows someone who has been, victimized. It's equally obvious that law enforcement can't protect everyone everywhere 24 hours a day. Extensive scholarly research demonstrates that the police have no legal duty to protect you[10] and that firearm ownership is the most effective way to protect yourself and your family.[11] There is irrefutable evidence that victim disarmament nearly always precedes genocide.[12] Nonetheless, the anti-gun folks insist, despite all evidence to the contrary, that "the police will protect you", "this is a safe neighborhood" and "it can't happen here", where "it" is everything from mugging to mass murder.

Anti-gun people who refuse to accept the reality of the proven and very serious dangers of civilian disarmament are using denial to protect themselves from the anxiety of feeling helpless and vulnerable. Likewise, gun owners who insist that "the government will never confiscate my guns" are also using denial to protect themselves from the anxiety of contemplating being forcibly disarmed and rendered helpless and vulnerable.

Reaction Formation

Reaction formation is yet another defense mechanism common among the anti-gun folks. Reaction formation occurs when a person's mind turns an unacceptable feeling or desire into its complete opposite.[13] For example, a child who is jealous of a sibling may exhibit excessive love and devotion for the hated brother or sister.

Likewise, a person who harbors murderous rage toward his fellow humans may claim to be a devoted pacifist and refuse to eat meat or even kill a cockroach.[14] Often such people take refuge in various spiritual disciplines and believe that they are "superior" to "less civilized" folks who engage in "violent behavior" such as hunting, or even target shooting. They may devote themselves to "animal welfare" organizations that proclaim that the rights of animals take precedence over the rights of people.[15] This not only allows the angry person to avoid dealing with his rage, it allows him actually to harm the people he hates without having to know he hates them.

This is not meant to disparage the many wonderful people who are pacifists, spiritually inclined, vegetarian, or who support animal welfare. The key issue is not the belief itself, but rather the way in which the person experiences and lives his beliefs. Sincere practitioners seek to improve themselves, or to be helpful in a gentle, respectful fashion. They work to persuade others peacefully by setting an example of what they believe to be correct behavior.

Sincere pacifists generally exhibit good will towards others, even towards persons with whom they might disagree on various issues.

Contrast the sincere pacifist or animal lover with the strident, angry person who wants to ban meat and who believes murdering hunters is justified in order to "save the animals" – or the person who wants to outlaw self-defense and believes innocent people have the obligation to be raped and murdered for the good of society. For example, noted feminist Betty Friedan said "that lethal violence even in self defense only engenders more violence."[16] The truly spiritual, pacifist person refrains from forcing others to do what he believes, and is generally driven by positive emotions, while the angry person finds "socially acceptable" ways to harm, abuse, or even kill, his fellow man.

In the case of anti-gun people, reaction formation keeps any knowledge of their hatred for their fellow humans out of consciousness, while allowing them to feel superior to "violent gun owners". At the same time, it also allows them to cause serious harm, and even loss of life, to others by denying them the tools necessary to defend themselves. This makes reaction formation very attractive from a psychological point of view, and therefore very difficult to counteract.

Defense mechanisms are normal. All of us use them to some extent, and their use does not imply mental illness. Advocates of victim disarmament may be misguided or uninformed, they may be stupid, or they may be consciously intent on evil, but that doesn't necessarily mean they are "mentally ill".

Some defense mechanisms, however, are healthier than others. A safe general rule is that a defense is healthy if it helps you to function better in your personal and professional life, and unhealthy if it interferes with your life, your relationships, or the well-being of others. Young children utilize projection and denial much more commonly than do healthy adults. On the other hand, "if projection is used as a defense mechanism to a very great extent in adult life, the user's perception of external reality will be seriously distorted."[17]

Defense mechanisms are also frequently combined, so that an anti-gun person may use several defense mechanisms simultaneously. For example, my unfortunate correspondent uses projection to create a world in which all his neighbors want to murder him. As a result, he becomes more angry and fearful, and needs to employ even more defense mechanisms to cope. So he uses projection to attribute his own rage to others, he uses denial that there is any danger to protect himself from a world where he believes he is helpless and everyone wants to murder him, and he uses reaction formation to try to control everyone else's life because his own is so horribly out of control.

Also, it's important to remember that not all anti-gun beliefs are the result of defense mechanisms. Some people suffer

from gun phobia18, an excessive and completely irrational fear of firearms, usually caused by the anti-gun conditioning they've been subjected to by the media, politicians, so-called "educators," and others. In some cases, gun phobia is caused by an authentic bad experience associated with a firearm. But with all due respect to Col. Jeff Cooper, who coined the term "hoplophobia" to describe anti-gun people, most anti-gun people do not have true phobias. Interestingly, a person with a true phobia of guns realizes his fear is excessive or unreasonable,[19] something most anti-gun folks will never admit.

Defense mechanisms distort reality

Because defense mechanisms distort reality in order to avoid unpleasant emotions, the person who uses them has an impaired ability to recognize and accept reality. This explains why my e-mail correspondent and many other anti-gun people persist in believing that their neighbors and co- workers will become mass murderers if allowed to own firearms.

People who legally carry concealed firearms are actually less violent and less prone to criminal activity of all kinds than is the general population.[20] A person who has a clean record, has passed an FBI background check, undergone firearms training, and spent several hundred dollars to get a permit and a firearm, is highly unlikely to choose to murder a neighbor. Doing so would result in his facing a police manhunt, a trial, prison, possibly capital punishment, and the destruction of his family, job, and reputation. Obviously it would make no sense for such a person to shoot a neighbor - except in self-defense. Equally obviously, the anti-gun person who believes that malicious shootings by ordinary gun owners are likely to occur is not in touch with reality.[21]

The Common Thread: Rage

In my experience, the common thread in anti-gun people is rage. Either anti-gun people harbor more rage than others, or they're less able to cope with it appropriately. Because they can't handle their own feelings of rage, they are forced to use defense mechanisms in an unhealthy manner. Because they wrongly perceive others as seeking to harm them, they advocate the disarmament of ordinary people who have no desire to harm anyone. So why do anti-gun people have so much rage and why are they unable to deal with it in appropriate ways? Consider for a moment that the largest and most hysterical anti-gun groups include disproportionately large numbers of women, African-Americans and Jews. And virtually all of the organizations that claim to speak for these "oppressed people" are stridently anti-gun. Not coincidentally, among Jews, Blacks and women there are many "professional victims" who have little sense of identity outside of their victimhood.

Identity as Victim

If I were to summarize this article in three sentences, they would be:

(1) People who identify themselves as "victims" harbor excessive amounts of rage at other people, whom they perceive as "not victims."

(2) In order psychologically to deal with this rage, these "victims" utilize defense mechanisms that enable them to harm others in socially acceptable ways, without accepting responsibility or suffering guilt, and without having to give up their status as "victims."

(3) Gun owners are frequently the targets of professional victims because gun owners are

willing and able to prevent their own victimization.

Thus the concept of "identity as victim" is essential. How and why do members of some groups choose to identify themselves as victims and teach their children to do the same? While it's true that women, Jews, and African-Americans have historically been victimized, they now participate in American society on an equal basis. And other groups, most notably Asian-Americans, have been equally victimized, and yet have transcended the "eternal victim" mentality.

Why, for example, would a 6'10" NBA player who makes $10 million a year see himself as a "victim"? Why would a successful, respected, wealthy, Jewish physician regard himself as a "victim"? Conversely, why might a wheelchair bound woman who lives on government disability NOT regard herself as a victim?

I would argue it's because the basketball player and the physician believe that their identities are dependent on being victims – not because they have actually been victimized, but because they're members of groups that claim victim status. Conversely, the disabled woman was probably raised to believe that she is responsible for her own success or failure.

In fact, many people who have been victims of actual violent crime, or who have survived war or civil strife, support the right of self-defense. The old saying is often correct: "a conservative is a liberal who has been mugged."

Special Treatment and Misleading Leaders

Two reasons for these groups to insist on "victim" status seem likely. First, by claiming victim status, members of these groups can demand (and get) special treatment through quotas, affirmative action, reparations, and other preferential treatment programs.

Second, these people have been indoctrinated to believe that there is no alternative to remaining a victim forever. Their leaders remind them constantly that they are mistreated in every imaginable way (most of them imaginary!), attribute every one of life's misfortunes to "racism" or "sexism" or "hate crimes", and dream up ever more complex schemes for special treatment and favors.[22] These leaders are the ones who preach that the entire Black experience is slavery and racism, or that Jewish history before and after the Holocaust is irrelevant,[23] or that happily married women are really victims of sexual slavery.[24]

Likewise, the NAACP is suing firearms manufacturers to put them out of business,[25] and is especially opposed to the inexpensive pistols that enable the poor to defend themselves in gang-ridden inner cities. The Department of Housing and Urban Development (HUD) proposed evicting anyone who dares to keep a tool of self-defense in any of its crime-infested housing projects. Jewish leaders, especially those in the politically correct "Reform" branch, preach that gun control is "a solemn religious obligation",[26] contrary to the teachings of their sacred scriptures and their own history.[27] Law enforcement agencies falsely teach women that they are safest if they don't resist rapists and robbers,[28] while women's organizations advocate gun control, thus rendering women and their children defenseless.

Victimhood is good business for organizations that foster victim status. As victims, the members depend upon the organization to protect them, and the organization in turn relies on members for funding and political power. In the interest of self-preservation, these organizations work hard at preserving hatred and bigotry and at keeping their members defenseless – and therefore dependent.

Anti-gun groups love victims!

From my observations, pro-victimhood is a feature of all of the anti-gun special interest groups, not just the ones mentioned here. Every organization that supports gun control apparently wants its members to be helpless, terrified and totally dependent on someone else to control every aspect of their lives. It doesn't matter whether it's a religious, racial, ethnic, political, social, or charitable group. From Handgun Control, Inc. to the Anti-Defamation League to the Million Mom March, they all want you to live in fear. In this scheme, soccer moms are "victims" just as much as are inner-city minorities.

If these organizations truly cared about the people for whom they claim to speak, they would

encourage safe and responsible firearms ownership. They would help people to learn how to defend themselves and their families so that they wouldn't have to live in fear. They would tell everyone that one of the wonderful things about being an American is that you have the right to keep and bear arms, the right to defend yourself, and how these rights preserve the right to be free.

The psychological price of being a victim

In our current society, victimhood has many perceived benefits, but there are some serious drawbacks. Victims tend to see the world as a scary and threatening place. They believe that others treat them differently, unfairly, and even maliciously – and that they are helpless to do anything about it.

This belief, that they are being mistreated and are helpless to resist, generates tremendous rage, and often, serious depression.

But for victims to show rage openly can be dangerous, if not outright suicidal. For example, a battered woman who screams at or hits her attacker may provoke worse beatings or even her own murder. And a person who successfully defends himself loses his status as "victim." For someone whose entire identity is dependent on being a victim, the loss of victim status is just as threatening as loss of life.

So, unable psychologically to cope with such rage, people who view themselves as victims: (1) use defense mechanisms to displace it into irrational beliefs about neighbors killing each other, and the infallibility of police protection, and (2) attempt to regain control by controlling gun owners, whom they wrongly perceive as "the enemy".

Say NO to being a victim!

But no one needs to be a victim! Quite simply, it's not very easy to victimize a person who owns and knows how to use a firearm. If most women owned and carried firearms, rapes and beating would decrease.[29] Thugs who target the elderly and disabled would find honest work once they realized they were likely to be looking down the barrel of a pistol or shotgun. It's nearly impossible to enslave, or herd into concentration camps, large numbers of armed people.

Communicating with anti-gun people

How can you communicate more effectively with an anti-gun person who is using unhealthy defense mechanisms? There are no quick and easy answers. But there are a few things you should keep in mind.

Anger and attacks do not work

Most gun owners, when confronted by an anti-gun person,

become angry and hostile. This is understandable, because gun owners increasingly face ridicule, persecution and discrimination. (If you don't believe this, ask yourself if anyone would seriously introduce legislation to ban African-Americans, women, or Jews from post offices, schools, and churches. Even convicted felons aren't banned from such places – but peaceful armed citizens are!) But an angry response is counterproductive.

It's not helpful to attack the person you're trying to persuade. Anything that makes him feel more fearful or angry will only intensify his defenses. Your goal is to help the person feel safe, and then to provide experiences and information that will help him to make informed decisions.

Be Gentle

You should never try to break down a defense mechanism by force. Remember that defense mechanisms protect people from feelings they cannot handle, and if you take that protection away, you can cause serious psychological harm. And because defense mechanisms operate unconsciously, it won't do any good to show an anti-gun person this article or to point out that he's using defense mechanisms. Your goal is gently and gradually to help the person to have a more realistic and rational view of the world. This cannot be done in one hour or one day.

As you reach out to people in this way, you need to deal with both the illogical thought processes involved and the emotional reactions that anti-gun people have to firearms. When dealing with illogical thought processes, you are attempting to use reason and logic to convince the anti-gun person that his perception of other people and his perception of firearms are seriously inaccurate. The goal is to help him to understand that armed citizens and firearms are not threats, and may even save his life.

Reversing Irrational thoughts

The Mirror Technique

One approach that can be helpful is simply to feed back what the anti-gun person is telling you, in a neutral, inquisitive way. So, when replying to my anonymous e-mail correspondent (above), I might respond, "So you fear if your neighbors had guns, they would use them to murder you. What makes you think that?" When you simply repeat what the person has said, and ask questions, you are not directly challenging his defenses. You are holding up a mirror to let him see his own views. If he has very strong defenses, he can continue to insist that his neighbors want to murder him. However, if his defenses are less rigid, he may start to question his position.

Another example might be, "Why do you think that your children's schoolteachers would shoot them?" You might follow this up with something like, "Why do you entrust your precious children to someone you believe would murder them?" Again, you are merely asking questions, and not directly attacking the person or his defenses.

Of course the anti-gun person might continue to insist that the teachers really would harm children, but prohibiting them from owning guns would prevent it. So you might ask how using a gun to murder innocent children is different from stabbing children with scissors, assaulting them with baseball bats, or poisoning the milk and cookies.

It's important to ask "open-ended" questions that require a response other than "yes" or "no". Such questions require the anti-gun person actually to think about what he is saying. This will help him to re-examine his beliefs.

It may also encourage him to ask you questions about firearms use and ownership.

The "What Would You Do?" Technique

Once you have a dialogue going with an anti-gun person, you might want to insert him into a hypothetical scenario, although doing so is a greater threat to his defenses, and is therefore more risky. You might ask how he would deal with a difficult or annoying co-worker. He will likely respond that he would never resort to violence, but "other people" would, especially if they had guns. (Projection again.) You can then ask him who these "other people" are, why they would shoot a co-worker, and what the shooter would gain by doing so.

Don't try to "win" the argument. Don't try to embarrass the person you're trying to educate.

Remember that no one likes to admit that his deeply held beliefs are wrong. No one likes to hear "I told you so!" Be patient and gentle. If you are arrogant, condescending, hurtful or rude to the anti-gun person, you will only convince him that gun owners are arrogant, hurtful people – who should not be trusted with guns!

Defusing Emotional reactions

The "You Are There" Technique

Rational arguments alone are not likely to be successful, especially since many people "feel" rather than "think". You also need to deal with the emotional responses of the anti-gun person. Remember that most people have been conditioned to associate firearms with dead toddlers. So you need to change the person's emotional responses along with his thoughts.

One way to do this is to put the anti-gun person (or his family) at a hypothetical crime scene and ask what he would like to have happen. For example, "Imagine your wife is in the parking lot at the supermarket and two men grab her. One holds a knife to her throat while the other tears her clothes off. If I see this happening and have a gun, what should I do? What would happen next? What if after five minutes, the police still haven't arrived?"

Just let him answer the questions and mentally walk through the scenario.

Don't argue with his answers. You are planting seeds in his mind than can help change his emotional responses.

The Power of Empathy

Another emotion-based approach that is often more successful is to respond sympathetically to the plight of the anti-gun person.

Imagine for a moment how you would feel if you believed your neighbors and co-workers wanted to kill you and your family, and you could do nothing at all about it except to wait for the inevitable to occur.

Not very pleasant, is it?

This is the world in which opponents of armed self-defense live. All of us have had times in our lives when we felt "different" and had to contend with hostile schoolmates, co- workers, etc. So we need to invoke our own compassion for these terrified people. Say something like, "It must be awful to live in fear of being assaulted by your own neighbors. I remember what it was like when I was the only (Jew, Mormon, African-American, Republican) in my (class, football team, workplace) – and even then I didn't think anyone was going to kill me." It's essential that you sincerely feel some compassion and empathy; if you're glib or sarcastic, this won't work.

Using empathy works in several ways. First, it defuses a potentially hostile interaction. Anti-gun people are used to being attacked, not understood, by advocates of gun rights. Instead of an "evil, gun-toting, extremist", you are now a sympathetic, fellow human being. This may also open the door for a friendly conversation, in which you can each discover that your "opponent" is a person with whom you have some things in common. You may even create an opportunity to dispel some of the misinformation about firearms and self-defense that is so prevalent.

This empathy technique is also useful for redirecting, or ending, a heated argument that has become hostile and unproductive. It allows you to escape from the dead end of "guns save lives" vs. "the only reason to have a gun is to murder children." With empathy you can reframe the argument entirely.

Instead of arguing about

whether more lives are saved or lost as a result of gun ownership, you can comment on how terrifying it must be to live in a country where 80 million people own guns "solely for the purpose of murdering children".

You should not expect any of these approaches to work immediately; they won't.

With rare exceptions, the anti-gun person is simply not going to "see the light," thank you profusely, and beg you to take him shooting. What you are doing is putting tiny chinks into the armor of the person's defenses, or planting seeds that may someday develop into a more open mind or a more rational analysis. This process can take months or years. But it does work!

Corrective Experiences

Perhaps the most effective way to dissolve defense mechanisms, however, is by providing corrective experiences[30]. Corrective experiences are experiences that allow a person to learn that his ideas about gun owners and guns are incorrect in a safe and non-threatening way. To provide a corrective experience, you first allow the person to attempt to project his incorrect ideas onto you. Then, you demonstrate that he is wrong by your behavior, not by arguing.

For example, the anti-gun person will unconsciously attempt to provoke you by claiming that gun owners are uneducated "rednecks," or by treating you as if you are an uneducated "redneck." If you get angry and respond by calling him a "stupid, liberal, socialist", you will prove his point. However, if you casually talk about your M.B.A., your trip to the Shakespeare festival, your vegetable garden, or your daughter's ballet recital, you will provide him with the opportunity to correct his misconceptions.

If you have used the above techniques, then you have already provided one corrective experience. You have demonstrated to the frightened, anti-gun person that gun owners are not abusive, scary, dangerous and sub-human monsters, but normal, everyday people who care about their families, friends and even strangers.

As many gun owners have already discovered, the most important corrective experiences involve actually exposing the fearful person to a firearm. It is almost never advisable to tell someone that you carry a concealed firearm, but there are ways to use your own experience favorably.

For example, if you're dealing with an anti-gun person with whom you interact regularly and have a generally good relationship – a coworker, neighbor, church member, etc. – you might indirectly refer to concealed carry. You should never say anything like "I'm carrying a gun right now and you can't even tell," especially because in some states that would be considered illegal, "threatening" behavior. But you might consider saying something like, "I sometimes carry a firearm, and you've never seemed to be uncomfortable around me." Whether to disclose this information is an individual decision, and you should consider carefully other consequences before using this approach.

First-hand experience

Ultimately, your goal is to take the anti-gun person shooting. Some people will accept an invitation to accompany you to the range, but others are too frightened to do so, and will need some preliminary experience.

First, you want to encourage the anti-gun person to have some contact with a firearm in whatever way feels most comfortable to him. Many people seem to believe that firearms have minds of their own and shoot people of their own volition. So you might want to start by inviting him simply to look at and then handle an unloaded firearm. This also provides you the opportunity to show the inexperienced person how to tell whether a firearm is loaded and to teach him the basic rules of firearms safety.

Encourage the newcomer to ask questions and remember that your role is to present accurate information in a friendly, responsible and non-threatening way. This is a good time to offer some reading material on the benefits of firearms ownership. But be careful not to provide so much information that it's overwhelming. And remember this is not the time to launch into anti-government rants, the New World Order, conspiracy theories, or any kind of political talk!

Next, you can invite your friend to accompany you to the shooting range. (And if you're going to trust each other with

loaded guns, you should consider yourselves friends!) Assure him that no one will force him to shoot a gun and he's free just to watch. Let him know in advance what he will experience and what will be expected of him. This includes such things as the need for eye and ear protection, a cap, appropriate clothing, etc. Make sure you have a firearm appropriate for your guest should s/he decide to try shooting. This means a lower caliber firearm that doesn't have too much recoil. If your guest is a woman, make sure the firearm will fit her appropriately. Many rifles have stocks that are too long for small women, and double-stack semi-autos are usually too large for a woman's hand.

Remember that just visiting the range can be a corrective experience. Your guest will learn that gun owners are disciplined, responsible, safety-conscious, courteous, considerate, and follow the rules. He will see people of all ages, from children to the elderly, male and female, enjoying an activity together. He will not see a single "beer-swilling redneck" waving a firearm in people's faces.

In my experience, most people who visit a range will decide they do want to try shooting. Remember to make sure your guest understands all the safety rules and range rules before allowing him to handle a firearm. If you don't feel competent to teach a newcomer to shoot, ask an instructor or range master to assist. Remember to provide lots of positive feedback and encouragement. If you're lucky, you'll recruit a new firearms enthusiast.

But even if your guest decides that shooting is "not for him", he will have learned many valuable lessons. He will know basic rules of firearms safety, and how to clear a firearm should he need to do so. This may well save his life someday. He will know that guns do not fire unless a person pulls the trigger. He will know that gun owners are friendly, responsible people, not very different from him. Even if he chooses not to fire a gun ever again, he will be less likely to fear and persecute gun owners. And who knows – a few months or years later he may decide to become a gun owner.

Why these techniques do not always work

You should remember that you will not be successful with all anti-gun people.

Some people are so terrified and have such strong defenses, that it's not possible for someone without professional training to get through. Some people have their minds made up and refuse to consider opening them. Others may concede that what you say "makes sense," but are unwilling to challenge the forces of political correctness. A few may have had traumatic experiences with firearms from which they have not recovered.

You will also not be successful with the anti-gun ideologues, people like Charles Schumer and Dianne Feinstein. These people have made a conscious choice to oppose firearms ownership and self-defense. They almost always gain power, prestige, and money from their anti-gun politics. They are not interested in the facts or in saving lives. They know the facts and understand the consequences of their actions, and will happily sacrifice innocent people if it furthers their selfish agenda. Do not use these techniques on such people. They only respond to fears of losing the power, prestige and money that they covet.[31]

Conclusion

By better understanding advocates of civilian disarmament, and by learning and practicing some simple techniques to deal with their psychological defenses, you will be much more effective in your efforts to com-

municate with anti-gun people. This will enable you to be more successful at educating them about the realities of firearms and self- defense, and their importance to our liberty and safety.

Educating others about firearms is hard work. It's not glamorous, and it generally needs to be done one person at a time. But it's a very necessary and important task. The average American supports freedom of speech and freedom of religion, whether or not he chooses to exercise them. He supports fair trials, whether or not he's ever been in a courtroom. He likewise needs to understand that self-defense is an essential right, whether or not he chooses to own or carry a gun.

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Dr. Thompson is Executive Director of Utah Gun Owners Alliance, www.utgoa.org and also writes The Righter, a monthly column on individual rights at www.therighter.com.

Published by Jews For The Preservation of Firearms Ownership, Inc. P.O. Box 270143, Hartford, WI 53027. Phone (262) 673-9745. www.jpfo.org

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Police Power

by F. Harold Essert

This article originally appeared in the 1933-1934 edition of the Nebraska Law Bulletin, published by the College of Law at the University of Nebraska. It's described as,

". . . the winning essay in the contest conducted by the Nebraska State Bar Association, prizes amounting to $300 being furnished by the Ancient and Accepted Scottish Rite of Free Masonry in Nebraska. The author, who received a cash prize of $100 for his work, attended the public schools of Colorado and Wyoming and was awarded an A.B. degree by the State Normal College of Wayne in June, 1933. He has been a minister in the Methodist Church since 1928 and plans to Continue his education with a view to further work in this field or in educational work of some kind."

A $100 cash prize might not sound like much, but in 1933 (in the midst of the Depression), $100 was at least the equivalent of at least $3,000 today. It's interesting that the Masons provided the prize, and that the winner apears to have been a Methodist minister rather than a licensed lawyer. But in 1933, there probably were no licensed lawyers – at least not in Nebraska. In any case, the author's background and insight strikes me as sufficiently unusual to suggest a studyg of his life and further writings might be revealing.

In any case, if you read this article closely – and especially if you "read between the lines" – it offers a great deal of insight into the historic forces and justifications that accompanied the revolutionary changes in our political and judicial systems that were precipitated by the Franklin D. Roosevelt's "New Deal".

The original author's footnotes are identified by numbers and reproduced at the end of the documents. My own comments are in blue text, added alongside of the original text and identified by footnote letters. Except for those terms which are written in Latin, all terms in the original text that are highlighted by italics are my added emphasis.

What is Meant by the "Police Power"? In what Way and to what Extent does its Exercise Affect the "Due Process" Clauses of the Fifth and Fourteenth Amendments to the Federal Constitution?

The police power of the state has been called the "dark continent" of American constitutional law, and rightly so, for this section of the law is the most vague and difficult to define of all over which the courts have labored. To attempt to convey a true conception of its nature and its limitations involves many problems, for while it is a much explored, it is a *dimly charted*, field of judicial investigation. "The police power is a well recognized if *not fully defined* department of constitutional law."[1] The power is, and must be from its nature, *incapable of any very exact definition or limitation*,[A] for it is that function of government which has for its direct and *primary purpose* the promotion of *public* welfare through the means

[A] As you'll read, this article repeatedly emphasizes that the "police power" is not, nor can it be, precisely defined – or *limited*. That imprecise definition necessarily implies a power that is "unlimited" and thus, seemingly contrary to the constitutional doctrine of limited government based on powers that are enumerated and defined with some specificity.

of compulsion and restraint over *private* rights.[2] [B]

Who shall say what constitutes the public welfare? Who shall say where the limits of compulsion and restraint should end? As each tomorrow shall offer *different* social, political, and economic conditions, so there shall be a *totally different interpretation* of the police power for each circumstance.[C]

The early conception of this power was broad—as broad as the whole field of *internal* regulation by which the State sought, not only to preserve the public order and to prevent offenses against itself, but also to establish such rules and regulations for the intercourse of *citizens with citizens*[D] as would insure to each the uninterrupted enjoyment of his own as far as was "reasonably consistent with a like *enjoyment*[E] of the rights of others."[3] That is to say, the police power in its broad sense was considered to be that power *inherent* in every *sovereignty*[F] to govern men and things. It is evident that,

"When one becomes a *member*[G] of society, he necessarily parts with some rights and privileges which, as an individual unaffected by his relations to others, he might retain. . . . This does not confer power upon the whole people to control rights which are purely and exclusively private, but it does authorize the establishment of laws requiring each citizen so to conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government and has found expression in the maxim, *sic utere tuo ut alienum non laedas.* From this *source*[H] come the police powers."[4]

To grant such broad and inclusive power to government without placing restrictions upon its use, would be to stand in *grave danger* of having *all rights*

[B] The article also emphasizes that "police power" is tied to an dependent upon the "public" welfare. I am increasingly suspicious that in every reference to the "public" trust, or "public" welfare, or "public" anything, the word "public" is synonymous with "nation" and "national" – which in turn suggests the "nation" of "citizens of the United States" that was created by the 14th Amendment. Within that nation/ "public," all "citizens" are subject to Congress and its "corporate, legislative-democracy". If my suspicions are valid, the term "public" is dangerous to any concept of freedom espoused by the Founders in the original Constitution.

[C] Again, the author emphasizes that no one seems to be able to officially define or limit the police power. That power is not only undefined but capable of changing dramatically on a daily and case-by-case basis. If the police power can't be defined or limited, it seems to constitute "rule by man" rather than "rule by law".

[D] If police power is intended to operate "internally" to regulate the conduct of "citizens with citizens," it would seem that if you weren't a "citizen" of the same sovereignty as the police, they would have no legitimate power over you. I.e., "police power" seems dependent on the concept of *citizenship*.

[E] The word "enjoyment" seems innocent enough, but if you read Black's Law Dictionary (7th Ed.), you'll see that term always involves "use or possession" of a right and thus implies 1) the presence of a trust, and the status of person "enjoying" a particular right as being a "beneficiary".

[F] And who is the sovereing in the United States of America? We the People. But if the "police power" is being exercised by the "government" without direct and explicitly defined delegation from We the People, it follows that the "police power" is being exercised by a sovereign *other than* We the People and by a government (and new "sovereign") *other than* that intended by the original Constitution.

[G] The concept of "membership" is very similar to "citizenship". If you're not a citizen-member of a particular society, you're presumably not subject to that society's police powers. However, the "society" created by our Federal Constitution was based on strictly enumerated and limited powers granted by the sovereign (We the People) to our "public servants," the government officials. If our officials are exercising unlimited and undefined police powers, it follows that they are enforcing the rules of a "society" other than the one created by the Federal Constitution.

[H] According to *Munn v. Illinois*, 94 U. 5. 113, this Latin phrase means "Enjoy your own property in such manner as not to injure that of another." The magic word "enjoy" suggests the presence of a trust and implies that the "source" of police powers may be trust-based. So if you were not a member, trustee, or beneficiary of the particular trust, you might not subject to that trust's police powers.

and privileges, inherent in the individual, *taken away*. Power has a way of developing beyond the sane and moderate bounds desired by the sober judgment of man. Written into the *American*[I] Constitution we find such restraint upon the use of the police power in the due process of law clauses of the Fifth[J] and Fourteenth Amendments.[5] These clauses seek. to furnish the counterpoise to that "coercive force of the community exerted upon its members for the sake of '*health, safety, and morals*' of the whole."[6] [K] We might think, then, of the police power and the due process concepts as the *two sides of the same shield* [L] —the force and the restraint of the power of the state lodged in the government. The state reaches out through the force and interferes with the life, liberty, or property of the individual *for the sake of the whole*.[M] The restraint is "a warning to the government that it must not go too far in this interference"— a warning which must be heeded.[7]

It is not a simple matter, however, to state the particular and definite offices of these two governmental factors. They are *elastic and constantly changing* concepts which can be understood only as seen in their relationship to the social, economic, and political conditions of the day in which they are considered.[N]

The term "police power" was *not used* in the Constitutional Convention,[8] nor did it appear in court decisions, so Judge Hastings tells us,[9] until Mr. Chief Justice Marshall used it in the *Brown* v. *Maryland* case,[10] in 1827. It was not immediately made current, but by 1840 the term was a popular expression to denote the *undefined* power of

[I] It's interesting that the article begins with references to the "Federal Constitution" but here references the "American Constitution". The original Constituion adopted in 1789 is absolutely the "Federal Constitution". However, it's unclear whether the "American Constitution" is synonymous or identifies an alternative constitution.

[J] Although this article begins by referencing *both* due process clauses of the 5th (adopted in 1791) and 14th (adopted in 1868) Amendments, this article analyzes only the 14th Amendment – not the 5th. There seems no obvious reason to include "another" due process clause in the 14th Amendment, unless that second kind of 14th Amendment "due process" is somehow significantly different from the previously adopted "due process" of the 5th Amendment. Comparison of the two due process clauses reveals that while the 5th Amendment reads, ". . . nor shall any person . . . be deprived of life, liberty, or property, without due process of law;" the 14th reads, ". . . nor shall any State deprive any person fo life, liberty, or property, without due process of law . . . ." See the difference? Under the 5th no person can be deprived of his various rights except by "due process" by *anyone*. Not State, local or Federal governments. Presumably, not even by private persons. But under the 14th Amendment, the "due process" clause protects against violations by the "States" – but offers no protection against violations by Federal, National or corporate governmental entities. The strong implication is that 14th Amendment "due process" is at least weaker than 5th Amendment "due process," and more importantly, may be intended for the 14th Amendment class of citizen-subjects rather than the Citizen-sovereigns of original jurisdiction.

[K] The words "health" and "morals" do not appear in the body and first 27 amendments of the Constitution. The word "Safety" appears only in Article I, Section 9 Clause 2 which declares, "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." Thus, I see no foundation in the Federal Constitution for the exercise of "coercive force" of police power against anyone based on "health, safety and morals" of the whole "community". Again, this implies that the unlimited and undefined "police power" flows from a source other than the Federal Constitution and applies to a citizenry other than that mentioned in Articles I and II of that instrument.

[L] While "police power and the due process" may be "two sides of the same shield" – which "due process" are we talking about? That of the 5th Amendment or the14th? My strong suspicion is that the modern application of police power flows from the 14th Amendment, but not the 5th.

[M] The Declaration of Independence declares that we are endowed with "unalienable Rights" to "life, liberty and the pursuit of Happiness" and further declares that that governments are instituted to "secure these rights". There is no proviso in that Declaration of the Federal Constitution adopted in 1789 to "interfere" with those rights except insofar as We the People granted limited powers to government to do so. We granted no such power. Thus the foundation for "police power" appears to be something other than the Declaration of Independence or Federal Constitution.

[N] Again, evidence of "rule by man" rather than "rule by law".

the state *not granted to the federal government*. In Mr. Chief Justice Taney's profound opinion in the *Charles River Bridge* case,[11] in 1837, this power was definitely recognized as a limit upon the doctrine of the *Dartmouth College* case.[12] The term itself he did not use, but said in defence of the States' power:

"We cannot deal thus with the rights reserved to the states and by legal intendments and mere mechanical reasoning take away from them any portion of that power over their own internal police and improvement which is so necessary to their well-being and prosperity."[13]

However, at this period of our national history the individualistic doctrines of Adam Smith and the Manchester School were dominating political and legal thinking. The tendencies of the strong and determined men to manage their own affairs without governmental hindrance found support in the courts, as witnessed by the *Dartmouth College* case. "For the first three-quarters century of our national existence the individual was hampered by few legal restrictions in pursuit of his business interests."[14] In this phase of our national life colored, as it was, by the principle of laissez faire, the police power of the state was greatly over-shadowed by the prevailing public opinion to let every man find his own life, liberty, and property, and seek protection for them as best he could, with the least possible interference by the state.

In this early period of the country's growth such a policy of "hands-off" was conducive to the rapid extension of business interests and the exploitation of the natural resources; business prospered, trade flourished, fortunes were accumulated. and as there seemed to be enough for everybody there was little demand for governmental interference. If justice or property could not be obtained in established society it was an easy matter for the individual to move west where fresh lands called for cultivation and offered unbounded freedom. The sentiments of business, "the public be damned," "all the traffic will bear," and "caveat emptor," were met with indifference rather than a call for governmental regulation.

The tendency to retain the status quo and to hinder the growth of the police power brought about the inclusion of the due process clause in the Fourteenth Amendment. By 1868 conditions had changed sufficiently so as to give business interests fear lest individual states would hinder their growth through application of the dreaded police power. The original design of the amendment was to subject all acts of the state legislatures to review by the federal courts.[15] While the wording of the amendment, and the engineering to secure its ratification, did not disclose the hopes of the sponsors, yet "there is plenty of evidence to show that those who framed the Fourteenth Amendment and pushed it through Congress had the purpose in mind . . . of providing a general restraining clause for state legislatures."[16] It was an attempt, so Professor Beard suggests, to write laissez faire into the Constitution. It was not long before clue process came to imply the prevention of arbitrary legislation and administrative acts, and the invasion of fundamental rights of the citizens. Thus the control of a vast field of legislative action, originally intended for the states, was placed ultimately in the hands of the federal courts.[17]

However, in the over-emphasis of individualization appeared causes for a swing to state control of industry. A growing disregard for the public welfare on the part of business cried aloud for redress

through the police power. Free land began to disappear. The opportunity to escape the *tyranny of an uncontrolled society*[O] was diminished. Urban life and factory conditions made protective legislation imperative. The demands of social inter-play called for more and more regulation of *business*[P] in the interest of the whole body of citizens. So the pendulum began its backward swing—its swing to the opposite extreme—to government-controlled or government-*owned* industry.[18] As early as the *Slaughter-House* cases,[19] in 1873, the Court took the attitude that the citizen must look to the state for protection of privileges and immunities flowing from state citizenship, and not to the Fourteenth Amendment and the Supreme Court. Three years later in the *Granger* cases,[20] the opinion of the Court was that *businesses* affected with a public interest were to be controlled by the public.[21] In this opinion, given [in 1876] by Mr. Chief Justice Waite, occurred the *revolutionary* statement:

"For protection against abuses by legislatures the people must resort to the polls, not to the courts."[Q]

And in spite of certain abandonments of this position, notably in *Smyth* V. *Ames*[22] and the New York bake-shop case,[23] it was becoming evident, by the time the twentieth century appeared, that the police power of the state must be used more and more if the *health, safety, morals*, and even the general *welfare* and public *convenience*,[24] of the people were to be maintained and safeguarded.[R] The technological development of the "Second Industrial Revolution" brought new perils in its train: the pollution of streams by refuse, spread of contagious diseases, and the constant danger from explosives. It made possible new forms of law violation: safe blowing, machine gun banditry, wire-tapping and submarine smuggling. It offered government striking opportunities to serve the *public* good: bacteriology revealed to it responsibilities in public health never dreamed of when the Constitution was first drafted. It was accompanied by hazardous industries which increased the number of defectives and injured for whom provision had to be supplied. It penalized old age by demanding energetic youth for its machines, raising the problems of old age dependency and technological unemployment. "If governments tried to cling to the functions assigned to them in the eighteenth century, modern society could scarcely escape disaster." [25]

This new trend of industrialization forced upon the courts a new interpretation of the police power, a conception that was justified by the conditions, no doubt, but a radically different conception than had prevailed under the *laissez faire* policy of government. *Public* control of, and public interference in, *business* was now deemed imperative. The courts approved and *public opinion sanctioned*[S] the efforts of legislative bodies to regulate the forces of the vital life of the new day. Mr. Justice Holmes expressed the attitude of the *sociological* jurist, an attitude that was soon to be held by the majority of the Court, when in the *Noble State Bank* case he said:

"We must be cautious about pressing the broad words of the Fourteenth Amendment to a dryly logical extreme. . . . The police power extends to all the great *public* needs. It must be put forth in aid of what is sanctioned by *usage*, or held by the *prevailing morality* or the strong and preponderant *opinion* to be greatly and immediately necessary to the *public* welfare."[26]

It is a natural fallacy to believe that a written constitution is a bulwark of property and rights of persons. But, in the words of Professor Merriam,

[O] How does this "tyranny of an uncontrolled society" differ from the condition we commonly refer to as "freedom"?

[P] The balance of this article repeatedly links the "police power" to "business" and "commerce". This implies that police may have no authority to "interfere" with our rights except when we are involved in those activities.

[Q] Note that this declaration says our recourse is no longer to courts for redress of grievances against abusive laws, but instead only to the "polls" (elections). This declaration is truly "revolutionary" because it signals that with this 1876 case (*Munn vs. Illinois*, 94 U.S. 113) the Supreme Court validated the existence of the 14th Amendment's "legislative democracy" and replacement for the Federal Constitution's Republic. See the point? If our only redress for greivance was in the polls (elections) rather than the courts, we 1) apparently no longer enjoyed "unalienable Rights" and standing in courts of law; and 2) must seek our redress only thru the polls of the election of the legislature. That's probably the first evidence of the "legislative democracy," folks. Note that this 1876 case was decided just eight years after the 14th Amendment was adopted. *Munn* is an important case that should be studied thoroughly.

[R] Now the police power is no longer based on mere "health, safety and morals," but has expanded to include "welfare" and even "convenience".

[S] Apparently, the untimate authority for police power is "public opinion". This is consistent with modern government reliance on "polls," mainstream media and "spin doctors".

". . . those who thus rely upon words of any constitution for such support are leaning upon a broken reed; and their sense of security is a false one. *The Constitution does not protect persons or property against unjust invasion,* or prevent governmental control and regulation of business, for after all this depends upon *interpretations and application by courts*."[27] [T]

And the courts are selected from among the ranks of men filled with the spirit of the times. We are certain to find the Constitution a growing and expanding instrument. For that very reason it is a living and not a dead Constitution. By suiting itself to different times and circumstances it lives.

So, too, the police power must continue to be elastic— capable of development—as economic, social, and political conditions vary.[28] Therefore, the rule of precedent, *Stare Decisis,* is not a sufficient basis upon which to judge the present-day meaning of this term, nor the extent of its scope. According to Goodnow, "*the government may exercise the police power unrestricted by the constitutional limitations to be found in the Bill of Rights*."[29] [U] Under this power it is possible, says Professor Merriam,[30] to *take the most of a man's income*,[V] and to do it in a perfectly legal manner. The Supreme Court of today might reverse the opinion of the Court which decided the Child-labor case in 1918,[31] if the Black 30-hour labor bill should pass Congress and be questioned as to its constitutionality. "Although such a law was declared unconstitutional by the Supreme Court of Illinois in 1895, at the present time the courts are upholding laws which forbid women working more than 8 hours a day."[32]

The one aspect of this enlarging scope of the police power which shows more clearly than any other the inability of confining its field of operation to a given narrow area, is the rapid growth of the federal police power. The federal police power has grown even faster than that of the states. Congress, of course, may establish police regulations, confining their operations to the subjects covered under the taxing power, the commerce power, and the power to control bankruptcy laws, coinage, post offices and post roads, weights and measures, and patents and copyrights." These specific powers have been extended to cover many other projects which may seem at first to be excluded,— [W]

". . . protection to industry through tariffs, banking, anti-trust laws, and to a number of other matters which have *no logical relation* to the power under which control was justified. In the words of Charles E. Hughes: 'There has been in late years a series of cases sustaining the regulation of interstate *commerce*, although the rules established by Congress had the quality of *police* regulation.' "[34]

Typical of the uses of the police power by the federal government are laws: prohibiting the transportation in interstate commerce of impure foods and drugs, misbranding articles, intoxicating liquors, prize-fight films and advertising seeking to defraud the *public*;[X] to stamp out bank notes; prohibit the coloring of oleomargarine to look like butter; regulating the manufacture of phosphorus matches; fixing warehouse and grain standards; arranging for the protection of migratory birds

[T] This is madness or treason. If the strict language and construction of the Constitution offers no protection against the "interpretations and applications" of the courts, we have rule by men (judges), not rule by law. But since the 1876 *Munn* case has already declared our only remedy for abuses by the legislatures is in the polls (elections) rather than the courts, it appears that our "Brave New Government" deprives us of both Constitution and courts when it comes to challenging the authority of our 14th Amendment masters – the Congress.

[U] Again, whatever police powers are, they are not derived from, nor obviously subject to the organic Constitution (adopted in 1789) nor the Bill of Rights (adopted in 1791). But note that while the "police power" seems initially immune to all constitutional limits – nothing is said about those amendments (like the 14th) that were adopted *after* the Bill of Rights in 1791. Again, we see the implication that police power flows from the 14th Amendment and may apply only to 14th Amendment "citizens of the United States," "U.S. citizens" and beneficiaries of the various governmental trusts.

[V] If that's the basis for your income tax, then it follows that your obligation to file and pay may flow from your status as a "citizen" subject to the "police power" of Congress under the 14th Amendment and/or your relationship to a government trust.

[W] They may have been excluded "at first" under the organic Constitution adopted in 1789 and the amendments adopted prior to the Civil War. But after the Civil War, especially with the passage of the 14th Amendment and creation of a new class of "citizens" subject to – rather than sovereign over – Congress.

[X] I am extremely suspicious that the terms "public" and 14th Amendment "citizens of the United States" are synonymous.

flying north and south over state lines; and subsidizing the states in highway construction.

As the policy of individualization ran to States' Rights and ultimately to Civil War, so a steady swing to *social control* is running more and more to centralization, and, it *may be, to dictatorship*. This fear was expressed as early as 1917 by the American Bar Association when confronted by the Child-labor law of that year.

"This case was undoubtedly the Pandora's box from which burst forth with amazing speed and ever-increasing velocity the tendency to federalize and *centralize*. . . . It was the beginning of that steady, unending, unceasing movement in *Congress* to stretch far beyond its real meaning, and far beyond what any fair construction, however liberal, warranted the *Commerce* Clause of the Constitution. This movement has progressed so steadily, has been pressed so persistently, and has gone so far that it threatens to utterly *annihilate our dual system of government*, to *utterly destroy the police power of the states*, and finally to be about to *deprive our people of the inestimable blessing of local government*, unless it is checked speedily and sharply."[35] [Y]

Many legal and political observers have seen this tendency to centralize and have called for a re-alignment of purpose and policy. But the forces which have caused this swing are strong and difficult to stay: rapid transportation, direct communication, lessening of harriers and social distinctions, complexity of problems, shifting populations, the greater ease of persuading one legislative body of the need of a law than to persuade forty-eight separate bodies, and, above all, a sense of *national* unity over-topping all *local* loyalties.[Z] There has been a gradual replacement of that philosophy of *individualism* which prevailed during the last century by a philosophy of *collectivism* "evidencing itself in governmental *paternalism*."[36] [AA]

It will be seen then, that in attempting to state what is meant by the police power we are faced by many difficult problems. *We do not mean today what was meant by the term fifty or a hundred years ago.* Something of the *social* conditions of the *moment* must be known to justify many of the operations of this power.[BB] We must sense the change in the attitude of the public which sanctions greater centralization of power and usurpation of the police power functions belonging to the states. Above all we must test the *reasonableness* of the relation between the public welfare and the deprivation which someone suffers because of the regulation. The capacity of States to control or regulate through police power measures "hinges on the Supreme Court's reading of *the* due process clause."[37] [CC] It has become a practice with this body to test *each case* on its own merits, and to say whether in *each particular case* due process of law has been absent.[DD]

One of the very famous definitions of the police power, as it is coming to be, was given by Mr. Chief Justice Shaw:

"The power vested in the *legislature* by the Constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the Constitution, as they shall judge to be for the good and welfare of the *Commonwealth*, and of the *subjects* of the same."[38] [EE]

Perhaps *no* other attempt to define this power has been *bet-*

[Y] Well, there's a warning that went unheeded, hmm?

[Z] The 14th Amendment created a single, homogenous "nation" of "citizens" to supplant the former "Citizens" of the original and separate States. Thus the observation that "national unity over-topping all local loyalties" is a polite way of saying the single 14th Amendment "nation" has supplanted the several former States.

[AA] That's a pretty succint description of the patriot movement: the individualists vs. the collectivists.

[BB] Since the police power can change moment by moment according to prevailing "social conditions," it appears that the police power is not based on any "eternal principles". Thus, the police power is purely political and is clearly not based on or derived from any biblical precepts of godly commands.

[CC] Uh-huh – but *which* "due process" clause? The 5th Amendment's or the 14th's?

[DD] The mandate that each case be decided on a "case by case" basis without regard to precedent signals that the jurisdiction of the "national" courts that oversee the "police power" and (presumably) the 14th Amendment citizens are courts of *equity* rather than courts of law.

[EE] This definition of the police power might be interpretted as saying that the "legislature" (trustees) can write administrative laws for the "Commonwealth" (the trust) for the "good and welfare" (benefits) of the "subjects" (beneficiaries) of that Commonwealth/trust. If this interpretation is valid, it implies that "police power" flows from a trust and is intended to regulate the behavior of the beneficiaries.

ter phrased.[FF] It is generally held that over and above the rights of the *individual* are certain rights of the *public person*, the State, and that the continuance and welfare of this civic whole is more to be desired than that the individual be guaranteed convenience or even *existence*.[GG] The *whole* is greater than its *parts*.[HH] It is certainly true that no government has an *ethical* right to be except as it promotes the *welfare* of its citizens, but, for this very reason, it is necessary that the State should possess the power "in *all* cases of need to subordinate private rights to public necessities." [39] [II]

However, the individual holds an inherent claim to certain rights which even the State must recognize and respect. The growth of *democracy* down through the ages is evidence of the fact that a recognition of these rights has been *won* and maintained.[JJ] The due process of law clauses in the Fifth and Fourteenth Amendments to the federal Constitution stand, today, as a measure of the scope of the police power. If the *policy*, as stated above, of the *expediency* of the police power is carried too far, without limitation, we shall follow in the footsteps of the Italian *Fascists* who have based their program on "the rights of the State, the preeminence of its authority, and the superiority of its ends." In opposition to this view, the American dream of a "better, richer, and happier life for all her citizens of every rank" can be realized if the State remains the *means* and *not the end* of attainment. In order to guard 'against the "hydra-headed tyrant" that lies sleeping in the rule of the majority, the Constitution, and the spirit of the American people, have called for a "square deal" for every citizen.[40] "In a word, due process of law is a synonym for *fair play*."[41] [KK]

We may say, then, that the due process clauses of the Fifth and Fourteenth Amendments limit or modify the exercise of the police power by demanding "a square deal" and "fair play" to every man who deserves the right. In all actions of the police power there should be an observance of the judicial *forms* and usages which by general *consent* have become the essentials of a just proceeding.[42] That is to say, if a given legislative act does not "deprive" an individual of his "life, liberty, or property" in a way that is contrary to *accepted* standards of justice and fairness, both "as to the *method* of doing it and the *purpose*[LL] for which it is done," then it may be said to come within the police powers, and not to violate the due process clause.[43] For the due process clause has been interpreted by the courts as applying to substantive law as well as to matters of procedure.[44]

In dealing with the police power the courts have worked out a technique involving the following questions: (1) Is the *purpose* of the act in question legitimate; that is, does it serve the *end* of the public health, safety, order, *morals*,[MM] or general welfare?[45] (2) Do the *means* employed *reasonably* tend to accomplish

[FF] If the previous definition is the best available, it's true meaning needs to be studied and absolutely discerend.

[GG] No "unalienable Rights" (like the right to "life") in this system of government.

[HH] The "whole" (the artifical entity we call the "collective") is greater than the "parts" (the natural persons who were created by God and endowed with "unalienable Rights".)

[II] Note that the authority for government exercising police power (and apparently acting in the capacity of trustee) to even exist seems based on "*ethical* rights" which are in turn based on the "welfare" (benefits) of its "citizens" (beneficiaries). Note also, that if the government must possess power "in *all* cases" to "subordinate private rights to public necessities," whatevever kind of government they are describing is not bound to respect God-given, "unalienable Rights".

[JJ] Whatever "certain rights" the state must recognize, insofar as those rights have been "won," it seems unlikely that those rights include "unalienable Rights". After all, we have hardly "won" the "unalienable Rights" with which we were equally endowed by our Creator.

[KK] "Fair play" sounds much like a trustee's obligation to treat all beneficaries equally. No such obligation exists in law where the issue of title and right dominate all others. In law, if you have legal title, you have legal right, and all others (and fair play) be damned.

[LL] Thus, to prove a legislative act deprives one of his "life,liberty, or property" (unalienable Rights?) one must prove the legilature actually *intended* to do so. Proving a legislature's purpose is almost impossible.

[MM] The obligation to serve their subjects' "morals" may be a serious loophole in the exercise of police power. As explained in "The Amoral Majority" articles in Volume 9 No. 3 and Volume 10 No.2 of the AntiShyster, to be a moral person, one must know the difference between right and wrong, and that knowledge seems premised on knowing God. Thus, it should be possible to defend against the police power if it can be argued that such power restricts our spiritual knowledge of God.

the end sought? (3) Do these means maintain a *reasonable balance of convenience* between the public necessity on the one hand and the degree of interference with private rights on the other? As long as the *end* is legitimate, the means provide to secure the end, and *not something else*, and the means stand the test of "*reasonableness*," then the act lies within the realm of the police power and does not violate the due process caution of *fairness*.

It cannot be clearly and definitely stated,[NN] then, to what extent the exercise of the police power affects the due process clause. *Each* case must be judged upon its own merits, and *each court may approach the whole matter on new and untried ground*.[OO] In the last analysis the police power rests upon *public* opinion—the extent of its exercise stops where public sentiment demands. For it is public opinion which actually rules a democracy.[46] It is *public* sentiment, then, which must be caught and persuaded if a just balance between these two governmental forces is maintained. Co-operation on the part of the state might well take the place of federal usurpation of the police power if *public* opinion were only so determined. "As the general police power can better be exercised under the provisions of local government,"[47] state legislatures might well *work together* in adopting measures which would create *unanimity* without summoning the help of the central government.[PP] A wave of the right type of public opinion might save us from what we seem headed for, and which Attorney-General Wickersham called "the hydra-headed tyrant of the future," the *evils of majority rule*.[48] [QQ]

An eminent political scientist of England has said of our American political condition:

"A political *democracy* confronts the most powerful economic autocracy the world has even seen. The separation of powers has broken down. . . The constituent states of the republic have largely lost their ancient meaning. New *administrative* areas are being evolved. A patent unrest everywhere demands enquiry. . . and . . . anyone who analyses the changes from the narrow individualism of Brewer and Peckham to the liberalizing scepticism of Mr. Justice Holmes and the passionate rejection of the present order which underlies the attitude of Mr. Justice Brandeis, can hardly doubt the advent of a *new time*."[49]

We are in a new time, and one which cannot be met with old methods. The police power must be used to bring security and better life to every person as against the demands of special groups, and yet the rights of the minorities must be maintained and guaranteed against too much governmental interference. This can be done successfully only as *public opinion* is caught and crystallized. "*Public opinion* is everything," said Abraham Lincoln, "without it nothing can succeed, with it nothing can fail." The police power will be capricious and deadly, or humane and equitable as public opinion is *well guided*.[RR]

[NN] The idea that that the extent of police power cannot be "clearly and definitely stated" is an absolute violate of the fundamental precepts of the organic Constitution. A law that cannot be known is not a law, it is an unlimited license for some to exercise unbridled power. Further, if such "law" can't be known, then it can't be conducive to public morality since a moral person, by definition, must *know* the difference between right and wrong. Where knowledge is impossible, so is moral choice. (See "The Amoral Majority" in AntiShyster Vol. 9 No. 3 and Vol. 10 No. 2).

[OO] So far as I know, the only courts which can try every case on "new and untried grounds" are courts of equity. Courts of law are abosolutely bound by law and strongly bound by precedent. Courts of equity judge rule by their personal conscience on a case-by-case basis. Again, since the administration of trusts is among the primary responsibilities of courts of equity, the highlighted statement is more evidence that police power is an attribute of *trust* administration. If so, it follows that if you are not a beneficiary, trustee, or member of the particular trust, trust officials will have no police power over you.

[PP] The states are now famous for making "uniform" and "standard" laws that are virtually identical in all jurisdictions. The Uniform Commercial Code is just one example of that "unanimity".

[QQ] More madness. The s.o.b.s. have created and extol the virtues of a legislative "democracy" – and yet they fear the "evils of majority rule".

[RR] Lincoln's observations on government's dependence on public opinion would not precisely apply to a a true constitutional government. Under the organic Constitution, public opinion is interesting, but no match for a strict reading of the Constitution. The Constitution controls in a Republic. In a democracy, that control is relegated to the vagaries of public opinion. But then, Lincoln was a dictator. Many of his acts were clearly unconstitutional, but he got away with them because 1) the Civil War was an "emergency" and 2) he was able to contol public opinion. But I'm sure Lincoln realized that he would not only be impeached, but possibly hung if he ever lost control of the public opinion.

Today's "police power" democracy is simi-

[1] W. G. Hastings, "The Development of Law as Illustrated by the Decisions Relating to the Police Power of the State," p. 1.

[2] Ernst Freund, "The Police Power" as quoted in "The National Government and Business," p. 12, by Rinehart John Swenson.

[3] Thomas Cooley, "A Treatise on the Constitutional Limitation," p. 829.

[4] Chief Justice Waite in *Munn v. Illinois*, 94 U. 5. 113. (*Sic utere,* etc.— "Enjoy your own property in such manner as not to injure that of another.")

[5] Daniel Webster in the Dartmouth College case, 4 Wheat. 629, identified the due process clause with "the law of the land," by which "is most clearly intended the general law, a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society."

[6] Leon Whipple, "The Story of Civil Liberties in the United States," p. 265.

[7] Ben Albert Arneson, "Elements of Constitutional Law," p. 227.

[8] Judge Hastings, *loc. cit. supra* n. 1, says that the Convention identified the power with Madison's "residuary sovereignty" or Marshall's "immense mass of legislation" left to the states. p. 19.

[9] *Ibid.,* p. 21.

[10] 9 Wheat. 210.

[11] 11 Pet. 420.

[12] 4 Wheat. 629.

[13] 11 Pet. 552, as quoted in W. G. Hastings, loc. cit. supra n. 1.

[14] Rinehart John Swenson, "The National Government and Business," p. 11.

[15] C. E. Martin, "An Introduction to the Study of the American Constitution," p. 255.

[16] Charles A. Beard, "Contemporary American History," Ch. 3.

[17] C. E. Martin. op. cit. supra n. 15, p. 256.

[18] William Bennett Munro in his "The Invisible Government," p. 62, says: "No prediction can be safer than that the momentum in either direction will automatically check itself and produce revulsion—and one which is directly proportioned to the strength of the preceding swing."

[19] 16 Wallace 36.

[20] Munn v. Illinois, 94 U. 5. 113.

[21] The opinion stated: " . . . property does become clothed with public interest when used in a manner to make it of public consequence, and affects the community at large . . . and must submit to be controlled by the public for the common good."

[22] 169 U. S. 145.

[23] 198 U. S. 45.

larly dependant on public opinion. This dependence explains government's obsession with controlling mainstream media. But new communication technologies like the internet offer alternative media and opportunity for widespread growth of "politically incorrect" public opinions. If a democracy depends on *controlling* public opinion, then the internet directly threatens the democracy's very existence. I.e., without media control, the democracy forfeits control of public opinion, truth is revealed, and the democracy perishes – or at least evolves to represent the true interests of knowledgable voters rather than the secret interests of government and its favorite corporations.

Democracy's dependance on public opinion may even explain government's attempt to control public education and resist home-schooling, private schools and voucher plans. If the democracy's survival depends on public opinion, that survival would be enhanced by an ignorant and "dumbed down" public. A Republic based on the Constitution has no need to control public opinion; a democracy based on public opinion can't survive unless that opinion is controlled.

But government control of public opinion necessary means that some of the truth is concealed from the public or replaced with lies. As a result of this restricted access to truth, the people can't possibly have the knowledge needed to know the difference between right and wrong and must necessarily live as "amoral" persons (those who don't know the difference between right and wrong). This definition of "amoral persons" (not knowing the difference between right and wrong) is synonymous with the definition for "legal insane". Thus, the amoral (ignorant) majority remains in undeniable need of government supervision and regulation. My people perish for lack of knowledge.

It may be true that most Americans are incapable of knowing the difference between right and wrong and thus becoming moral persons even if the necessary knowledge were readily available. Nevertheless, government cannot justify controlling the media and denying virtually all of us access to the truth (knowledge of right and wrong) necessary to become moral persons.

Why? Because the road to eternal salvation depends ultimately on knowing God, receiving knowledge from Him on the difference between right and wrong and becoming a moral person. Thus, government control of public opinion (restricting public access to truth) is not merely contrary to our secular *moral* interests, but contrary to our *spiritual* interests.

At first glance, it seems absurd to argue that government control of mainstream media and/or education might impact our spiritual interests. But

[24] Charles Warren in "The Supreme Court in United States History," Vol. III, p. 466, says: "When, in the last decade of the nineteenth century, it (the Court) took the radical step of expanding the old classic phrase defining the objects of the police power— 'public health, safety, and morals'—by interpolating the words 'public welfare'" it tended to accept the theory that the law must recognize the priority of social interests.[SS]

[25] Charles A. Beard in THE NEW REPUBLIC, June 18, 1930, "Government by Technologists."

[26] Noble State Bank v. Haskell, 219 U. S. 104.

[27] Charles Edward Merriam, "The Written Constitution and the Unwritten Attitude," p. 14.

[28] Ernst Freund as quoted in Ransom, "Majority Rule and Judiciary," p. 62.

[29] Frank J. Goodnow is quoted in Whipple, *op. cit. supra* n. 6, p. 264.

[30] Merriam, loc. cit. supra n. 27, p. 14.

[31] Hammer v. Dagenhart, 247 U. S. 251.

[32] J. R. Commons and J. B. Andrews, "Principles of Labor Legislation," p. 17.

[33] Art. I, Sec. 8.

[34] John M. Clark, "Social Control of Business," p. 200. Howard Lee McBain in his "The Living Constitution," p. 49, speaks of a class of laws which Congress has passed, under the sanction of the Courts, with the intent of regulating commerce. "These are," he says, "in fact police enactments." See also, Thomas Cooley, *op. cit.* supra n. 3, p. 856.

[35] As quoted in Warren, *op. cit supra* a. 24, p. 472.

[36] Swenson, op. cit. supra n. 14, p. 12.

[37] Felix Frankfurter in the Yale Review March 1933. p. 479, 'Social Issues Before the Supreme Court."

[38] Commonwealth v. Alger, 7 Cush. (Mass.) 53.

[39] W. W. Willoughby, "Constitutional Law of the United States," p. 1229.

[40] Warren, op. cit supra n. 24, p. 467, in footnote quoting Everett v. Abbott: "The doctrine reached by the court is nothing but the formulation in legal phraseology of that thing which every American so ardently desires, 'a square deal'."

[41] William Bennett Munro, "The Constitution of the United States," p. 143.

[42] Warren, *op. cit. supra* n. 24, p. 321, quotes from Missouri Pac. R. Co. v. Humes, 115 U. 5. 512.

[43] Frankfurter, *loc. cit. supra* n. 37, p. 495, quoting from Mr. Justice Brandeis.

[44] Swenson, *op.* cit. *supra* n. 14, p. 68.

[45] For cases which serve to illustrate these ends of the police power refer to: Health: the right to enforce vaccination to prevent spread of disease (Jacobsenv. Mass., 197 U. 5. 11).; requiring land to be drained (New Orleans Gas Light Co. v. Drainage Commission, 197 U. 5. 453); Safety: act requiring certain type of railroad headlights (Atlantic Coast Line Ry. Co. v. Georgia, 243 U. 5. 280); demolition of wooden buildings if fire hazard (Macquire v. Readon, 255 U. S. 257. Morals: restraint of sale of liquor (Foster v. Kansas, 112 U. S. 205): regulation of obscenity (L'Hote v. New Orleans, 177 U. S. 587). General welfare: protecting against fraud as in control of practice of medicine and the training of practitioners (Dent v. W. Virginia, 129 U. S. 114); protection against economic oppression in control of labor conditions (Bunting v. Oregon, 243 U. 5. 426); public convenience and advantage in prohibiting burials in cemeteries close to populous districts (Laurel Hill Cemetery v. San Francisco, 216 U. 5. 358); compulsory benefits in favor of economically weak as in regulation of employment agencies (Adams V. Tanner, 244 U. 5. 590); protec-

do government schools teach our children that "Thou shalt not commit adultery" and "Thou shalt not murder?" Or do they teach the "virtues" of safe sex (use of condoms), reproductive choice and abortion? While the Bible declares God regards homosexuality as an abomination, government-controlled media and schools teach homosexuality is merely an "alternative lifestyle". If God is real, government control of the knowledge disperesed by mainstream media and public schools is placing innumerable Americans at risk of losing their immortal souls. That risk is absolutely contrary to the democracy's "purpose" of protecting the public "morals". I suspect that legal arguments based on that theory might give government fits.

[SS] If our law (which was initially based on biblical principles, mandates and commands) has been changed to recognize "the priority of *social* interests," the step was truly "radical" since that change was not simply political but was fundamentally *spiritual* (a rejection of God and his values). Also, note the timing: In the last decade of the 19th century (the 1890s) – approximately one generation after adoption of the 14th Amendment. Note also that the term "public welfare" was grafted onto "health, safety and morals" as a foundation for police power. I suspect that the term "public welfare" (especially as first used in 1890s) may be "code" for whatever new government (corporate? legislative democracy? "public" trust?) and/or citizenship was created under the 14th Amendment.

tion of bank depositors from loss (Noble State Bank v. Haskell, 219 U. 5. 104); control of fares and rates of railroads (Chicago, Burlington & Quincy Railroad, 94 U. S. 155); destruction of cattle, trees, etc.. to prevent infection (Omnia Commercial Co. v. U. 5., 43 Sup. Ct. 437); restriction of the length of working days for women (Muller v. Oregon, 243 U. 5. 426).

[46] Norman Angell in his "Public Mind" writes: "Democracy . . . means that form of political society in which the collective will is recognized as the basis of government, its expression being organized through appropriate apparatus." p. 191.

[47] Swenson, *op. cit. supra* n. 14, p. 296.

[48] Warren, *op. cit. supra* n. 24, p. 473.

[49] Harold J. Laski, "Authority in the Modern State," p. 116.

Conclusion

Based on F. Harold Essert's article and other anecdotes I've observed, I'm pretty sure that the "police power" is based on and tied to the administration of one or more trusts.

Whatever the police power's foundation, as Mr. Essert implied, that power does not seem to flow directly from the body or Bill of Rights of the Federal Constitution. Although that power seems to flow from the 14th Amendment (and may only apply to 14th Amendment citizen-subjects) even that source of authority is not clearly revealed.

Mr. Essert's article was so well written and insightful that his failure to specify a precise source for the police power can't be dismissed as an oversight. Instead, the failure to expressly identify the legal foundation for the police power source implies that 1) the government is up to something that is sneaky and at least non-constitutional; and 2) government is vulnerable to public exposure of the police power's foundation. In other words, the "police power" might not be able to survive a thorough public analysis.

Although the police power is probably imposed through trickery and deception, I don't believe for one minute that this power is somehow "illegal". Therefore, I conclude that, by itself, a thorough analysis of the police power would not reveal violations of law or the Constitution sufficient to revoke that power's validity. But if the police power is not inherently illegal, why is government seemingly unwilling to reveal the true foundation for that power? In other words, if exposure would not cause the law itself to be revoked, why all the secrecy?

I suspect the answer may lie in the strong probability that the police power may only apply to persons who are members, trustees or beneficiaries of whatever entity or trust is being administered by the "police". While the police power itself might not be revocable, it may be possible to revoke our "membership" or relationship to whatever entity is being "policed". Thus, if you rescind your relationship to that "governmental" entity, it seems likely that that entity's "police" would lose any claim of jurisdiction over you.

My guess is that the "mystery" of police power is maintained to prevent the serfs from leaving the feud. I suspect that we have unwittingly "volunteered" into membership in whatever "public trust" is being policed.

But since we seem to have acquired our "voluntary" membership so unwittingly (easily), there is a very strong probability that it might be just as easy to revoke our relationship with that "public trust". If that relationship could be revoked, it follows that that entity's jurisdiction and "police power" over us would also be lost.

Our relationship to the "public trust" may be analogous to working for a Ross Perot corporation. When you work for Ross, you must wear your hair a certain length, wear a certain colored suit, tie and shoes. If you mess up and let your hair grow too long or wear the wrong colored suit, Mr. Perot's "corporate police" will punish you accordingly. However, if you quit working for Mr. Perot's corporation, you can wear your hair any length you like and Mr. Perot's "internal police" will have no authority over you.

Could it be that easy? Could we simply "quit" the "public trust" and thereby escape that trust's "police power"? The next article may offer some answers to that question. ■

Coming soon! To a Theater of War Near You!

Middle East Genocide

by Alfred Adask

My maternal grandmother was born in Norway and my maternal grandfather (though he plays no part in this story) was born in Germany. My paternal grandparents were Russian immigrants. My Norwegian grandmother practically raised me, loved me, baked for me, and never tired of talking to me. I delighted in her love, and I believed every word she said.

But Gramma had a bit of imagination and a sense of fun. I suppose that's why she started telling me when I was just four or five years old, that my Russian grandparents were related to Czar Nicholas II (who'd been overthrown in 1917 and murdered in 1918 in the Russian revolution) and therefore, I had "royal blood" in my veins.

In fact, my Russian grandparents' only relation to the Czar was that they had once been his serfs – virtual slaves. But I didn't know that, so by age eight I was secretly planning to regain my "rightful" position as heir to the Russian throne.

I was about thirteen when I read an article about the hopelessness of people exiled from the country of their birth. The article explained how exiles dreamed and plotted to return to their former homes, overthrow the oppressive government, and regain their "rightful place". But it never happens. The exiles virtually never return. Gone is gone.

I was shocked. I was young, but I knew that if the people actually exiled never managed to return home, it was certain that I – the *grandchild* of "exiles" – would likewise never "regain the Russian throne".

Damn. I'd barely entered puberty and life had already deprived me of my first fortune.

My story sounds silly but its effect was profound because I'd learned "from personal experience" that exiles never return to their former homeland. Therefore, I knew in 8th Grade that the mere existence of Israel – restored to Jewish control after fifteen centuries – was the most remarkable political event of our age, perhaps of all time. If a smart, good-looking kid like me couldn't regain the Russian throne after just three generations, there could be no natural explanation for the resurrection of Israel. I was not a "Holy roller," but logic told me that Israel's resurrection had to be God's work.

Over the next forty years, that opinion has only strengthened. The incredible complexities and implications that surround Israel, leave little doubt that Middle East turmoil is God's handiwork.

For example, there are two possible outcomes in the conflict between the Jews and Palestinians: war and peace. While Bill Clinton et al. struggle to impose peace in the Middle East, does anyone really believe peace is possible?

We have two opponents (Jews and Palestinians) who embrace mutually exclusive religions. For the Moslems, you will worship Allah, or you will perish – theirs is the "chosen religion". For Jews, if you're not born of a Jewish mother, you're little better than cattle – for they are the "chosen people". One religion plans to covert the whole world by virtue of compelled belief, the other intends to rule the world by virtue of its bloodline. This is equivalent of an immovable object (Jews) meeting an irresistible force (Moslems). How can there be peace? The truth is – unless God intervenes – that sooner or later, one of 'em has to go. Completely.

There's no doubt that Arabs would like to drive the Jews into the sea. The problem is that every time they pick a war with Israel, the Arabs are beaten so decisively – so miraculously — that it's hard to maintain their belief in Allah. Perhaps the Jews are God's "chosen people". Still, hard-line Moslems would relish an opportunity to finish what

Hitler started. And the Jews know it.

Result? Hardline Jews know that the only cure for their problem is a "final solution" for Palestinians. If they don't kill their enemy, their enemy will surely kill them. It's just a question of time. Sooner or later, the Arabs will get lucky, and the Jews will be annihilated. Unfortunately, the Jews can't kill all the Palestinians without showing themselves to be every bit as murderous as the Nazis and thus forfeit whatever international sympathy they earned after suffering the Holocaust.

So, the Palestinians would like to kill all the Jews but lack the resources to do so; the Jews would like to kill all the Palestinians, but can't risk the resultant political repercussions. Oy – such a dilemma, hmm?

Nevertheless, if peace is ultimately impossible, then sooner or later the Jews will kill all of the Palestinians, or the Arabs will kill all of Jews. Within my lifetime (and perhaps within the next few years) we will see genocide in Israel.

Well, that's too bad, but what's it got to do with me? I'm not Jewish or Palestinian. In the over-populated world of "real politik," what difference does it make if a bunch of Jews – or a bunch of Palestinians – are exterminated? In Africa, the Tutsi's and Hutu's have been carving on each other with machetes for years, and hundreds of thousands are dead. But who cares? Did the price of gasoline go up? No. Did the speed on my DSL internet connection slow down? No. Then why should I care? People die. Better them than me.

Same thing in the Middle East, right?

Wrong. The fate of Israel is probably the single most important political, philosophical, cultural and spiritual issue in all of our lives. For all the world, no issue is more important than the "final solution" to the Middle East "problem".

Consider – what happens if Israel imposes a "final solution" on the Palestinians? The entire Moslem faith – currently the world's fastest growing religion – would be shaken and at least slowed. How can you believe in Allah, if he allows a handful of infidel Jews to triumph amidst a sea of Moslems? The spiritual implications could destabilize every Moslem country from Turkey to Indonesia. Result? Revolutions in Moslem countries that failed to adequately aid the war against Israel. Thus, a real Jewish victory (a "final solution") could destabilize some or all of the Moslem Middle East.

Big deal, hmm?

Well, it is a "big deal" if you live in an industrialized country that's dependent on oil. A real Jewish victory could so destabilize the Middle East that gasoline prices might rise to $5 per gallon and a global recession (or even depression) might follow. And those are only economic consequences. With a global depression, it's likely that other non-Moslem nations might also suffer revolutions and/or be drawn into a multitude of foreign wars.

Alternatively, suppose the Palestinians (with support of surrounding Moslem nations) defeat and annihilate the Jews. Instead of being shaken, the Moslem faith would be instantly energized. Islam would instantly become the world's most dominant political force. And why not? If the Moslems annihilate the infidel's "chosen people," it could only be seen as a sign of Allah's sovereignty and Mohammed's divinity. And Moslems are serious. Give 'em a chance to take over your country, and you'd better get a prayer rug if you want to hang onto your head. But conversion to Islam goes deeper than mere "daily prayer sessions" – entire cultures will disappear in the Moslem maw.

Businesses will collapse. Industries that sell alcohol and tobacco will be wiped out. Conventional forms of entertainment will disappear. Standards of living may fall to third world levels. Thus, the cultural impact of a Jewish defeat would be felt worldwide.

And what of the Jews? If the Arabs win, a Jewish Israel will perish and with it, the Jewish faith. World-wide the Jewish religion is already floundering, probably diminishing in terms of actual numbers. Insofar as Judaism is primarily based on the "chosen people's" bloodline, the Jewish population can only grow as rapidly as Jewish women give birth to more "chosen" children. By linking their religion to bloodline rather than belief, the Jewish faith can't evangelize and spread like Islam or Christianity. If Israel were crushed, the Jewish faith would suffer a terminal blow. If Judaism survived at all, it would probably do so only an ancient, secret cult practiced by a handful of old men. Wicca would probably draw more members.

Too bad for the Jews, hmm? But what about Christianity? The Christian faith is built on the Old Testament's foundation. If the Jews are annihilated in Israel, Christianity will also be discredited and rendered spiritually irrelevant. After all, if Israel were destroyed, the Jews' claim to being the "chosen people" will be rendered laughable.

But if Jews aren't the "chosen people" who, pray tell, is Jesus? A cornerstone for the Christian faith is the belief that Jesus is the *Jewish* Messiah foretold in the

Old Testament. The Jews reject this claim and argue that Jesus, while Jewish, was a fraud and false Messiah. Christians claim the Jews screwed up big time by refusing to recognize their own Messiah. The truth remains to be seen.

But one thing is sure: If the Jews aren't the "chosen people," then the Old Testament is pure mythology and therefore there is *no* Jewish Messiah – be he Jesus Christ or Bill Clinton. Thus, if the Jews aren't the "chosen people," Jesus can't be the Messiah and Christianity is also a lie.

Further, in the wake of a Jewish defeat in Israel, Christianity will be too weakened to resist Islam's expansion. It may take a few years, but if Israel falls, Christianity will soon follow Judaism into oblivion.

America's moral stature leaves much to be desired, but can you imagine our moral climate if Christianity dies? As a Christian, can you imagine the personal impact of being forced to admit that Christ was a fraud? If you're an atheist, can you imagine the upheaval when masses of former Jews and Christians suddenly lose their faith? Sodom and Gomorrah might look like Sunday school classes compared to the carnival in a faithless USA.

But the loss of Israel, Judaism and Christianity will impact more than our faith or morality. All of Western civilization – the values, laws, social structure, political system, science, logic, and industry – are ultimately built on a biblical foundation. Loose that foundation, and the entire Western World will collapse.

In fact, I suspect the primary reason that America first recognized Israel in 1948 – and has since guaranteed Israel's survival – was because our leaders understood the devastating spiritual, philosophical, cultural and economic consequences that would follow the final destruction of the Jewish faith. It is conceivable that Jews had been so badly devastated by WWII that, without the "creation" of Israel, Judaism might've disintegrated. Thus, to preserve Christianity and the resultant "American way of life," it was vital that we recognized and supported Israel.

Are you beginning to see what an extraordinary chain of international dominoes leans on Israel? Some people believe the current Middle East conflict may even precipitate World War Three. And what sparks might ignite the "mother of all wars"? Palestinian *teenagers!* Kids throwing *rocks!* Not nuclear submarines, divisions of tanks thundering across the dessert, or biological warfare agents. *Rocks!* And for what? A patch of desert that's barely fit for raising goats. Can you explain so much potential power being packed into a desolate country the size of New Jersey without reference to God? I can't.

If the conflict in Israel weren't actually happening, can you even imagine a novelist who could write this story and make it believable? Israel's very existence is beyond science fiction. Not even Shakespeare could make this story seem possible.

And yet, despite everything I learned as a boy, the exiles have returned and regained control of Israel. But not five or ten years after exile. No. Not two or three generations later. No. *Centuries* later, the exiles have returned and even prospered. That's *impossible!* I am not a "Holy roller," but I can't imagine any author other than God getting away with this plot.

And it gets even stranger. Suppose Israel managed to win a "final" war and rid itself of the Palestinians. Then what? Parades? Dancing in the streets? Jewish munchkins singing, "Ding, dong, the witch is dead! Which ol' witch? The Moslem witch! Ding Dong, the Moslem witch is dead!"

I don't think so. Because (as in their previous victories), without God's help, it seems impossible for the Jews to win and impose a "final solution". At first, you might suppose that divine intervention would exalt and inspire the Jews. But it ain't necessarily so.

For example, in the three previous Middle East wars, Israel won so decisively and inexplicably (unless God intervened), that the Moslem faith had to be badly shaken. Maybe Mohammed was a fraud. Maybe the Jews <u>are</u> the "chosen people".

But the Jewish victories were so nearly "supernatural," that even Jews had to be astonished and secretly frightened. Why? Because, although there's some Old Testament prophecy concerning the resurrection of Israel, the majority of prophetic energy concerning Israel is found in the <u>New</u> Testament. Further, the Jews' miraculous victories have been made infuriatingly possible by the support of the world's mightiest Christian nation – the USA! From a theological perspective, that's got to drive the Jews nuts. The "chosen people" are being saved by Christian Goyim! How humiliating!

Thus, it's not only true that Christianity might perish without its Jewish foundation, it's equally true that Israel might perish without Christian support. The idea that God uses Christians to save Israel should scare every Jew almost as much as the divine implications in previous Jewish victories scared the Moslems.

Why? Because the apparent divine intervention tends to validate both the Jews' status as "chosen people" and Jesus' status as the Messiah. And that

implies that even if the Jews ultimately defeat the Palestinians, they will still soon suffer some incredibly painful "discipline" at the hands of their own God. He will presumably want to know why they (the "chosen people") refused to recognize His one true son, Jesus.

It is therefore arguable that the Jews can't win. Even if they defeat the Moslems, they may have to admit that Jesus is the Messiah. With that admission, modern Judaism dies.

Do you see why almost no one wants to fight in Israel? Do you see why the governments of Moslem, Jewish and Christian nations would be much happier with some sort of peace treaty? With peace, the world's status quo can continue undisturbed. Oil will flow, the Western world will stay prosperous and stable, multi-national corporations can continue to exploit the third world – and perhaps most importantly – not one of the major religions (Judaism, Christianity and Islam) will be threatened with exposure as a godless fraud. So long as a "final solution" is avoided in the Middle East, the secular world will continue to turn just like a TV soap opera. It'll be interesting, but no one will really get hurt.

And yet, Palestinian kids keep throwing rocks. *Rocks.*

In America, to save "just one child's life," a million mothers marched for gun control. In Israel, some kids throwing rocks may precipitate World War III. What an astonishing irony. In America, we struggle with gun control; in Israel, they seemingly struggle with "God control".

Can you think of another place on earth that is as important as that pile of rocks we call Israel? If someone nuked Washington D.C. and New York City, would the impact be as great as a "final solution" in Israel? No.

For me, the incredible power and implications that flow from that barren patch of Middle East desert only confirms what I knew back in eighth grade. It's impossible, but after fifteen centuries, the exiles have returned. And when I see the impossible, I am convinced I'm witnessing God's work.

But even if I'm wrong and God does not care or even exist, we absolutely live in "end times". Sooner or later, with God's help or indifference, there will be a "final solution" in Israel. When that happens, at least one of the world's major religions will be discredited, and possibly destroyed. Entire cultures will tremble, fracture, and possibly collapse. The lives of the atheists and the devout will be equally threatened around the world. That "final solution" may not mark the end of the world, but it will surely cause the end of the world as we know it. ■

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A man in a hot air balloon realized he was lost. He reduced the altitude and spotted a woman below. He descended a bit more and shouted. "Excuse me, can you help me? I promised a friend I would meet him an hour ago, but I don't know where I am."

The woman replied, "You are in a hot air balloon approximately 30 feet above the ground. You are between 40 and 41 degrees north latitude and between 59 and 60 degrees west longitude."

"You must be a Republican," said the balloonist. "I am," said the woman. "How did you know?"

"Well", answered the balloonist, "everything you told me is technically correct, but I have no idea what to make of your information, and the fact is I am still lost. Frankly, you've not been much help so far."

The woman replied. "You must be a Democrat."

"That's right" said the balloonist, "but how'd you know?"

"Well," said the woman, "You don't know where you are or where you're going. You've risen to where you are due to a large quantity of hot air. You made a promise which you have no idea how to keep, and you expect me to solve your problem. The fact is, you're in exactly the same position you were in before we met, but now, somehow, it's my fault."

Two opposing county chairman were sharing a rare moment together. The Democratic chairman said, "I never pass up a chance to promote the party. For example, whenever I take a cab, I give the driver a sizable tip and say, 'Vote Democratic.'"

His Republican opponent said, "I have a better scheme, and it doesn't cost me a nickel. I don't give any tip at all. And when I leave, I also say, 'Vote Democratic.'"

An optimist sees the best in the world, while a pessimist sees only the worst. An optimist finds the positive in the negative, and a pessimist can only find the negative in the positive.

For example, an avid duck hunter bought a new bird dog that could actually walk on water to retrieve a duck. He was amazed by his find, but sure no one would ever believe him. So he decided to break the news to a pessimistic friend of his, and invited him to hunt with him and his new dog.

As they waited by the shore, a flock of ducks flew by. They fired; a duck fell. The dog jumped toward the water *but didn't sink!* Instead, it walked across the water to retrieve the bird, never getting more than his paws wet. This continued all day – each time a duck fell, the dog walked across the water to retrieve it.

The pessimist watched carefully, saw everything, but didn't say a word.

On the drive home the hunter asked his friend, "Did you notice anything unusual about my new dog?"

"I sure did," responded the pessimist. "Yer damn dog can't swim."

A farmer was pulled over by a state trooper for speeding. The trooper started lecturing the farmer about his speed, and in general began to throw his weight around to make the farmer uncomfortable.

When the trooper finally got around to writing out the ticket, he started swatting at flies that were buzzing around his head.

The farmer said, "Having some problems with circle flies there, are ya?"

The trooper stopped writing the ticket and said, "Well yeah, if that's what they are, I never heard of 'circle flies'."

So the farmer says, "Well, circle flies are common on farms. See, they're called circle flies because they're almost always found circling around the back end of a horse.

"The trooper says, "Oh," then pauses and says, "Hey . . . are you trying to call me a horse's ass?"

"Ohh, no," says the farmer. "I have too much respect for law enforcement and police officers to even think about calling you a horse's ass."

The trooper says, "Well, . . . that's a good thing," and goes back to writing the ticket.

But after a long pause, the farmer says, "Hard to fool them flies, though."

What's the shortest sentence in the English language?

"I am."

What's the longest sentence in the English language?

"I do."