

LEGAL REQUIREMENT TO FILE FEDERAL INCOME TAX RETURNS

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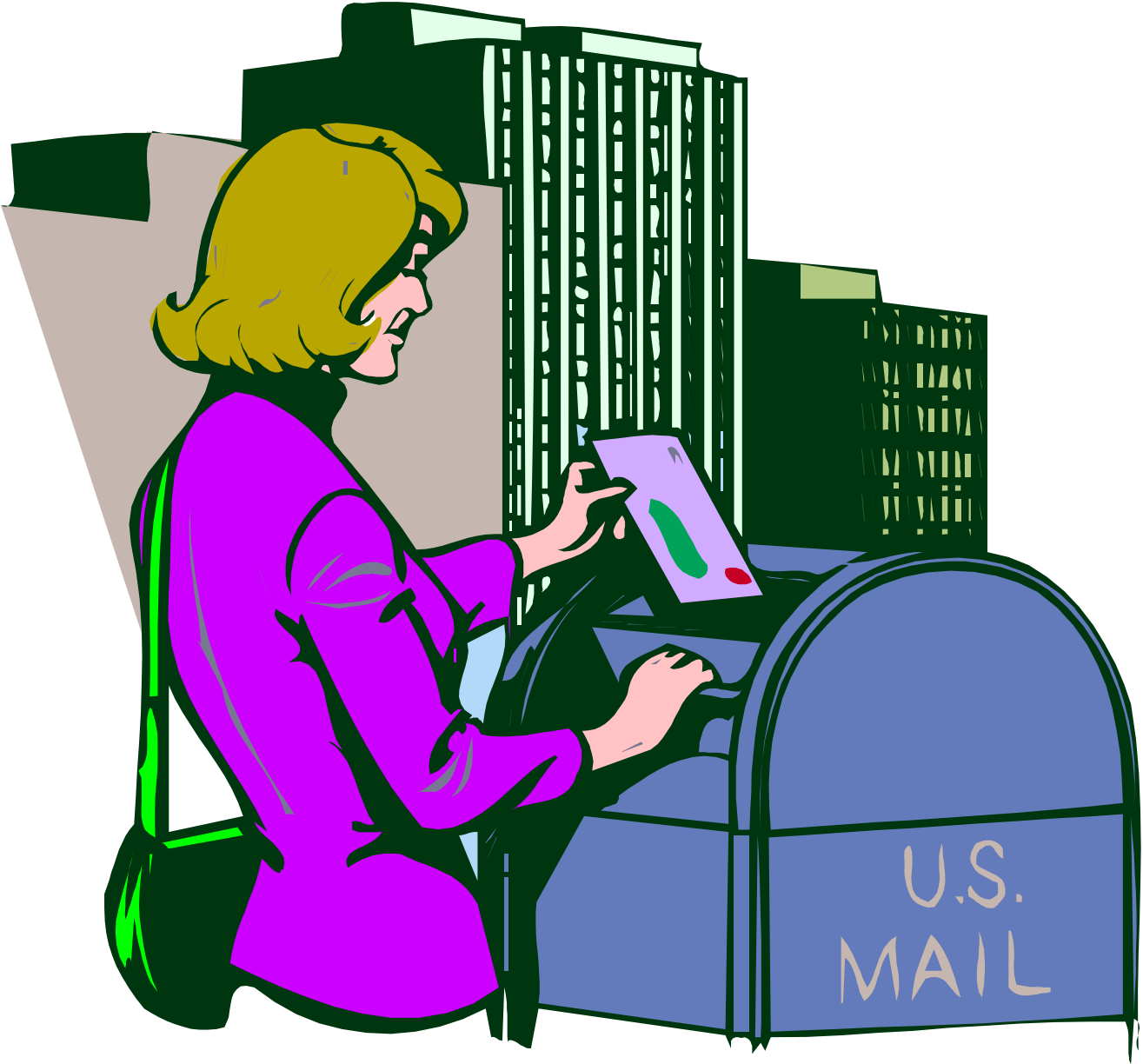


TABLE OF CONTENTS

TABLE OF CONTENTS	2
TABLE OF AUTHORITIES	3
1 Introduction	16
2 What is a “return”?	16
3 Legal Duty to File “returns”	21
3.1 Introduction	21
3.2 Definition of “taxpayer”	23
3.3 “Taxpayers” are public officers within the government whose duty to file arises from the office they occupy.....	23
3.4 “taxpayer”=“resident alien”	28
3.5 Court challenges to the legal duty to file	32
3.6 Administrative challenges to the legal duty to file returns	34
3.7 Summary.....	34
4 Criteria for a Valid “Return” to be Filed According the Government.....	35
4.1 “Returns” as defined by IRS.....	35
4.2 “returns” as defined by U.S. Tax Court.....	36
4.3 “returns” as defined by Federal Courts.....	38
4.4 Validity of “Substitute for Returns (SFRs)”	40
5 What is “income” or “gross income” subject to tax?.....	40
5.1 Two contexts for “income” and “gross income”: STATUTORY and CONSTITUTIONAL.....	41
5.2 CONSTITUTIONAL “income”	43
5.3 Duty to file attaches to receipt of STATUTORY “gross income”.....	45
5.4 STATUTORY “income” is earnings connected with the “trade or business” and public office franchise.....	46
5.5 Result of confusing the CONSTITUTIONAL and STATUTORY contexts of the term “income”.....	47
6 What to file?.....	51
7 Why It’s illegal and impossible to “file” your own tax return without violating the law.....	54
7.1 You would be impersonating a public officer in violation of 18 U.S.C. 912 to file a 1040 form.....	54
7.2 You would be committing perjury to file the 1040 form	54
7.3 Only the IRS can lawfully “file” a tax return	55
7.4 Why God says you can’t file tax returns.....	56
8 Legal Consequence of filing a return	58
9 IRS PROPOSED but not COMPELLED Assessments in Response to Filing	59
10 Statements in Lieu of Returns.....	61
11 Where to file?.....	61
12 Amending Returns that are Already Filed	63
13 Refiling of returns not processed	63
14 Substitute for Returns (SFR’s) are ILLEGAL against other than federal instrumentalities, which I am not	64
15 Criminal prosecutions for Willful Failure to File	65
15.1 Background.....	65
15.2 Defenses	66
15.3 Defenses you should avoid	67
15.4 Example motion to dismiss a criminal indictment for failure to file a tax return	68
16 Chaos in the Courts About the Requirement to File tax returns	72
17 Request for Assistance from IRS/State Revenue Agency	73
18 Conclusions and Summary.....	74
19 Resources for further study and rebuttal	76
20 Questions that Readers, Grand Jurors, and Petit Jurors should be asking the Government.....	77

TABLE OF AUTHORITIES

Constitutional Provisions

16th Amendment	47, 73
Art. 1, §2, cl. 3, §9, cl. 4.....	43
Article 1, Section 10.....	28
Article 1, Section 8, Clause 1 of the Constitution	41
Article 4, Section 3, Clause 2	28, 41
Article III.....	32
Declaration of Independence.....	49
Fourteenth Amendment.....	82
Sixteenth Amendment.....	18, 43, 44
Thirteenth and Fourteenth Amendments	44

Statutes

1 U.S.C. §204	22, 83
18 U.S.C. §912	54, 65
26 U.S.C §871	30
26 U.S.C. §§ 6014 or 6020.....	53
26 U.S.C. §§ 6103 and 6213(g).....	61
26 U.S.C. §§6901 and 6903	25
26 U.S.C. §1313	23
26 U.S.C. §1402(b)	31, 83
26 U.S.C. §1402(c)(1).....	79
26 U.S.C. §1461	23, 24, 25, 30
26 U.S.C. §162	54
26 U.S.C. §2002	47
26 U.S.C. §3401(a).....	31
26 U.S.C. §3401(a)(6).....	31, 83
26 U.S.C. §3401(c).....	68
26 U.S.C. §3406(g)	31, 83
26 U.S.C. §4412	70
26 U.S.C. §5005	23
26 U.S.C. §6011	64
26 U.S.C. §6011(a).....	61
26 U.S.C. §6012	17, 19, 21, 22, 24, 61, 64, 74, 77, 83
26 U.S.C. §6012(a)(1).....	31
26 U.S.C. §6013(g) and (h)	30, 52, 54, 80
26 U.S.C. §6014	59, 65
26 U.S.C. §6020(b)	53, 64
26 U.S.C. §6041	24, 86
26 U.S.C. §6041(a).....	24, 75
26 U.S.C. §6065	38, 77, 86
26 U.S.C. §6075	17, 78
26 U.S.C. §61	45
26 U.S.C. §6103	61
26 U.S.C. §6103(b)	16
26 U.S.C. §6201(a)(1).....	36, 58
26 U.S.C. §6204	59
26 U.S.C. §6211	53, 59
26 U.S.C. §6213(g)	16
26 U.S.C. §6330(c)(1).....	64
26 U.S.C. §643(b)	44, 46, 75
26 U.S.C. §6662(d)(2)(B)(ii)(II)	63
26 U.S.C. §6671(b)	23, 25, 28, 76

26 U.S.C. §6702	64
26 U.S.C. §6702(c) Listing of frivolous positions	63
26 U.S.C. §6751	64
26 U.S.C. §6901(a)(1)(A)(i)	20
26 U.S.C. §6902(a)	20, 25
26 U.S.C. §6903	66
26 U.S.C. §7201 through §7217	69
26 U.S.C. §7203	21, 25, 32, 38, 56, 65, 69, 72, 76, 77
26 U.S.C. §7207	34, 69
26 U.S.C. §7343	24, 25, 28, 65, 66, 68, 76
26 U.S.C. §7408(d)	67
26 U.S.C. §7508	17, 78
26 U.S.C. §7601	66
26 U.S.C. §7621	62
26 U.S.C. §7701(a)(14)	23, 53
26 U.S.C. §7701(a)(26)	18, 19, 21, 24, 28, 30, 31, 54, 65, 66, 75, 79
26 U.S.C. §7701(a)(30)	29, 30, 52, 75, 76
26 U.S.C. §7701(a)(39)	67
26 U.S.C. §7701(a)(9)	28
26 U.S.C. §7701(a)(9) and (a)(10)	29, 30, 31, 34, 48, 55, 65, 75, 81, 86
26 U.S.C. §7701(b)(1)(A)	34, 52, 65, 75, 81
26 U.S.C. §7701(b)(1)(B)	52, 67, 75
26 U.S.C. §7701(b)(3)	30
26 U.S.C. §7701(b)(4)(B)	52
26 U.S.C. §7701(b)(a)(1)	30
26 U.S.C. §7803(a)(1)(A)	53
26 U.S.C. §7806(b)	22
26 U.S.C. §861(a)(3)(C)(i)	31, 83
26 U.S.C. §861(a)(8)	20
26 U.S.C. §864	28
26 U.S.C. §871(b)(1)(A)	54
26 U.S.C. §872	64
26 U.S.C. §911	30, 34, 52
26 U.S.C. §911(d)	29
26 U.S.C. §911(d)(3)	30
28 U.S.C. §3001(15)(A)	47
28 U.S.C. §3002(15)(A)	25, 28
31 U.S.C. §5331	24
4 U.S.C. §72	25, 54
42 U.S.C. §§1981, 1982, 1988	32
44 U.S.C. §1505(a)(1)	25, 28, 35, 47, 53
5 U.S.C. §2104	25
5 U.S.C. §2105(a)	42
5 U.S.C. §552(a)(1)	25
5 U.S.C. §553(a)	47
5 U.S.C. §553(a)(2)	25, 28, 35, 53
8 U.S.C. §1101(a)(21)	54, 75
8 U.S.C. §1401	30, 32, 34, 52, 54, 65, 75
8 U.S.C. §1452	54
A.R.S. s 12-902, subsec. A	32
Administrative Procedures Act, 5 U.S.C. §553(b)	74
Corporation Excise Tax Act of 1909 (36 Stat. 112)	47
Corporation Tax Act of 1909	44
Federal Register Act, 5 U.S.C. §1505(a)	74
I.R.C.	16, 17, 18, 19, 20, 23, 31, 32, 54
I.R.C. §5011	80
I.R.C. §6020(b)	65

I.R.C. §6671(b).....	25
I.R.C. Section §7621	62
I.R.C. Section 1	54, 78
I.R.C. Section 6020(b)(1).....	40
I.R.C. Section 643(b).....	47
I.R.C. Section 6651(a)(2) and (g)(2)	37
I.R.C. Subtitle A.....	23, 25, 28, 30, 31, 32, 34, 35, 46, 47, 66, 75, 81, 82
I.R.C. Subtitle B	46
Internal Revenue Code	23, 24, 28, 35, 51, 53, 72, 73, 77, 79
Internal Revenue Code 26 U.S.C.	73
Internal Revenue Code of 1954.....	62
Internal Revenue Code Subtitle A.....	24
Internal Revenue Code, Subtitle A.....	34, 66, 68, 80
IRS Restructuring and Reform Act of 1998.....	60, 62
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983).....	49
Privacy Act, 5 U.S.C. §552a(a)(2)	65
Revenue Act of 1862.....	19
Revised Statutes 1878 - Title 3 (courts intact), Title 24 (Civil Rights intact), and Title 70 (crimes in tact)	32
Section 6651(a)(2) and (g)(2).....	58
Title 26 U.S.C.....	73
Uniform Commercial Code.....	74

Regulations

20 C.F.R. §422.104	76
25 F.R. 12108, SEDM Exhibit #05.041	22
25 F.R. 12109, SEDM Exhibit #05.041	22
25 FR 11402, 11420, 12108-12113 (November 26, 1960).....	22
26 C.F.R. §1.1-1 and §1.11-1	53
26 C.F.R. §1.1-1(a).....	28
26 C.F.R. §1.1-1(a)(2)(ii)	19, 30, 78
26 C.F.R. §1.1441-1(c)(3).....	52, 54
26 C.F.R. §1.1441-1(d)(1).....	48
26 C.F.R. §1.6012-1	22, 74
26 C.F.R. §1.6012-1(a).....	29
26 C.F.R. §1.6012-1(a)(1)(i)	29, 30, 75
26 C.F.R. §1.6012-1(a)(1)(ii)	22, 75
26 C.F.R. §1.6012-1(b)	22, 75
26 C.F.R. §1.6091-2(a).....	53
26 C.F.R. §1.6091-4.....	62
26 C.F.R. §1.6091-4(a)(2).....	62
26 C.F.R. §1.61-1	63
26 C.F.R. §1.61-2.....	63
26 C.F.R. §1.6201-1(a)(1)	36, 58
26 C.F.R. §1.871-2.....	67
26 C.F.R. §1.871-7(a)(4).....	31, 83
26 C.F.R. §1.872-2(f).....	31, 83
26 C.F.R. §301.6203-1	60
26 C.F.R. §301.6204-1	59
26 C.F.R. §301.6211-1	59
26 C.F.R. §301.6402-3(a)(1) (1983)	17
26 C.F.R. §301.7216-1(b)(1).....	61
26 C.F.R. §301.7621-1	62
26 C.F.R. §31.3401(a)-1.....	21
26 C.F.R. §31.3401(a)-6.....	31, 83
26 C.F.R. §31.3401(c)-1.....	75

26 C.F.R. §31.3402(p)-1(a).....	24
26 C.F.R. §601.702(a)(2)(ii)	35
26 CFR.....	73
27 C.F.R.	73
27 C.F.R. §26.11	23
31 C.F.R. §103.30(d)(2).....	24
Federal Register.....	53
Treasury Regulations.....	18

Rules

Federal Rule of Civil Procedure 17(b)	53
Federal Rule of Civil Procedure 8(b)(6).....	77
Hearsay Rule, Fed.Rul.Ev. 802.....	85

Cases

Alabama v. Burr, 115 U.S. 413.....	69
Allen v. Graham, 446 P.2d. 240, 243. (Ct. App. Ariz. 1968).....	32, 33
Application of Leahy, 298 F.2d. 233.....	70
Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534	51
Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936).....	49
Atlantic Land & Improv. Co. v. United States, 790 F.2d. 853, 860 (11th Cir. 1986)	20
Badaracco v. Commissioner, 464 U.S. 386 (1984)	35, 38
Bain Peanut Co. v. Pinson, 282 U.S. 499, 501, 51 S.Ct. 228, 229	44
Baker v. Montana Petroleum Co., 99 Mont. 465, 44 P.2d. 735.....	51
Barnhill v. U.S., 279 F.2d. 105.....	70
Beard v. Commissioner, 793 F.2d. 139 (6th Cir. 1986)	72
Beard v. Commissioner, 82 T.C. 766, 777 (1984), affd. 793 F.2d. 139 (6th Cir. 1986).....	38
Beatty v. C.I.R., C.A.5, 1982, 667 F.2d. 501, rehearing denied 676 F.2d. 150.....	39
Beck v. Buena Park Hotel Corp., 30 Ill.2d. 343, 196 N.E.2d. 686 (1964)	33
Beck v. Missouri Valley Drainage District of Holt County, 46 F.2d. 632, 84 A.L.R. 1089 (8th Cir. 1931).....	33
Bell v. Burson, 402 U.S. 535 (1971).....	82
Benefield v. U.S., 370 F.2d. 912	70
Blackburn v. Fisk Univ, 443 F.2d. 121	69
Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427	51
Blanc v. United States, 140 F.Supp. 481 (E.D.N.Y.1956)	33
Blount v. Commissioner, 86 U.S.T.C. 383, 386 (1986)	72
Blumenfield v. U.S., 306 F.2d. 892.....	70
Board of Education, etc. v. County Board of School Trustees, 28 Ill.2d. 15, 191 N.E.2d. 65 (1963).....	33
Bohn v. U.S., 260 F.2d. 773.....	70
Botta v. Scanlon, 314 F.2d. 392	70
Bowen v. Johnston, 306 U.S. 19, 24	69
Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174 (1926).....	43
Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, (1926).....	47
Bradley v. Chiron, 136 F.3d. 1317.....	69
Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).....	41
Brown v. U.S., 253 F.2d. 587	70
Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325	31, 55, 79
Burks v. U.S., 287 F.2d. 117	70
Cabirac v. Commissioner, 120 T.C. 163 (2003).....	40
Call v. U.S., 265 F.2d. 167.....	70
Carmine v. Bowen, 64 A. 932	74
Carson v. Dunham, 121 U.S. 421.....	69
Cheek v. U.S., 498 U.S. 192.....	68

Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880.....	51
Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337.....	51
Cirillo v. Commissioner, 314 F.2d. 478, 484 (3d Cir. 1953).....	37
City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 (1997).....	18, 42
Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 (1973).....	41
Clay v. U.S., 246 F.2d. 298.....	70
Cleveland Bd. of Ed. v. LaFleur, 414 U.S. 632 (1974) 639-640, 94 S.Ct. 1208, 1215.....	82
Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979).....	31
Colautti v. Franklin, 439 U.S. at 392-393, n. 10.....	31, 82
Cole v. Arkansas, 333 U.S. 196.....	69
Columbia v. Tatum, 58 F.3d. 1101.....	69
Commissioner v. Glenshaw Glass Co., 348 U.S. 426 (1955).....	48
Commissioner v. Jacobson, 336 U.S. 28, 49.....	48
Commissioner v. Lane-Wells Co., 321 U.S. 219 (1944).....	38
Commissioner v. Lane-Wells Co., 321 U.S. 219, 222, 64 S.Ct. 511, 513 (1944).....	72
Commissioner v. Shapiro, 424 U.S. 614, 627 (1976).....	71
Commissioner. Kunkel & Co., Inc., 3 B.T.A. 133, 137 [CCH Dec. 1062].....	63
Commonwealth, Dept. of Highways v. Fister, 376 S.W.2d. 543 (Ky. 1964).....	33
Connick v. Myers, 461 U.S. 138, 147 (1983).....	41
Connizzo v. General American Life Ins. Co., (Mo App) 520 S.W.2d. 661.....	84
Continental Accounting & Audit Co. v. Commissioner, 2 B.T.A. 761, 763 (1925).....	36, 37
Counts v. Commissioner, 774 F.2d. 426, 427 (11th Cir. 1985).....	72
County Court of Ulster County v. Allen, 442 US 140, 60 L Ed 2d 777, 99 S Ct 2213.....	84
Davis v. U.S., 385 F.2d. 919.....	70
Davis v. U.S., 742 F.2d. 171, 54 A.F.T.R.2d 84-6084, 84-2 USTC P 9808.....	17
De Jonge v. Oregon, 299 U.S. 353, 362. (1937).....	71
Dismuke v. United States, 297 U.S. 167, 56 S.Ct. 400, 80 L.Ed. 561 (1936).....	33
Division of Aid for the Aged, etc., v. Hogan, 143 Ohio St. 186, 54 N.E.2d. 781 (1944).....	33
Douglas v. Willcuts, 296 U.S. 1, 9.....	48
Dowling v. U.S., 249 F.2d. 746.....	70
Downes v. Bidwell, 182 U.S. 244 (1901).....	41
Doyle v. Mitchell Bros. Co., 247 U.S. 179, 185, 38 S.Sup.Ct. 467, 469, 62 L.Ed. 1054.....	44
Doyle v. Mitchell Brothers Co. , 247 U.S. 179, 185, 38 S.Ct. 467 (1918).....	45
Doyle v. Mitchell Brothers Co., 247 U.S. 179, 185.....	43
Doyle, Collector, v. Mitchell Brothers Co., 247 U.S. 179, 38 Sup. Ct. 467, 62 L. Ed.....	44
Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856).....	41, 67
Dunn v. U.S., 442 U.S. 100, 106-107.....	71
Edwards v. Cuba Railroad, 268 U.S. 628, 633.....	43
Edwards v. U.S., 321 F.2d. 324.....	70
Eisner v. Macomber, 252 U.S. 189, 207.....	43, 48
Eisner v. Macomber, 252 U.S. 189, 207, 40 S.Ct. 189, 9 A.L.R. 1570 (1920).....	44, 46
Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088.....	49
Evans v. Gore, 253 U.S. 245 (1920).....	44
Evans v. Gore, 253 U.S. 245, 40 S.Ct. 550, 11 A.L.R. 519.....	44
Ferdinand v. Agricultural Ins. Co., 22 N.J. 482, 126 A.2d. 323, 62 A.L.R.2d. 1179.....	84
Fernandez-Montes v. Allied Pilots Ass'n, 987 F.2d. 278, 284 (5th. Cir. 1993).....	69
Field v. U.S., 263 758.....	70
First Unitarian Church v. Los Angeles, 357 U.S. 545.....	69
Flemming v. Nestor, 363 U.S. 603, 80 S.Ct. 1367, 4 L.Ed.2d. 1435 (1960).....	33
Flint v. Stone Tracy Co., 220 U.S. 107, 55 L.Ed. 389, 31 Sup.Ct.Rep. 342, Ann. Cas.....	45
Florsheim Bros. Drygoods Co. v. United States, 280 U.S. 453 (1930).....	35, 38
Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935).....	31, 82
Franklin County v. Public Utilities Com., 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429.....	51
Freytag v. CIR, 501 U.S. 868, 896.....	69
Gardner v. Broderick, 392 U.S. 273, 277 -278 (1968).....	41
George v. U.S., 346 F.2d. 137.....	70
Gompers v. United States, 233 U.S. 604, 610, 34 S.Ct. 693, Ann.Cas.1915D, 1044.....	44

Goodrich v. Edwards, 255 U.S. 527, 535.....	43
Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303.....	51
Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527.....	49
Green v. Dept. of Public Welfare of the State of Delaware, 270 F.Supp. 173 (Del.1967).....	33
Grosso v. U.S., 390 U.S. 62.....	69
Gundlach v. U.S., 262 F.2d. 72.....	70
Guthrie v. Commissioner, T.C.Memo. 2006-81.....	40
Hagar v. Reclamation Dist., No. 108, 111 U.S. 701, 28 L.Ed. 569, 4 Sup.Ct.Rep. 663.....	73
Hamling v. United States, 418 U.S. 87 (1974).....	72
Harrell v. Tobriner, 279 F.Supp. 22 (D.C.1967).....	33
Harris v. U.S., 149 F.3d. 1304, 1308.....	72
Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964).....	18, 42
Heiner v. Donnan, 285 U.S. 312 (1932).....	82
Helvering v. Bruun, 309 U.S. 461.....	48
Helvering v. Bruun, supra, at 468-469; United States v. Kirby Lumber Co., supra, at 3.....	48
Helvering v. Clifford, 309 U.S. 331, 334.....	48
Helvering v. Midland Mutual Life Ins. Co., 300 U.S. 216, 223.....	48
Helvering v. Stockholms Enskilda Bank, 293 U.S. 84, 87-91.....	48
Hinds v. John Hancock Mut. Life Ins. Co., 155 Me 349, 155 A.2d. 721, 85 A.L.R.2d. 703.....	84
Hoeper v. Tax Comm'n, 284 U.S. 206 (1931).....	82
Holmes v. Commissioner, T.C.Memo. 2006-80.....	40
Hyche v. U.S., 286 F.2d. 248.....	70
In re Durant Community School District, 252 Iowa 237, 106 N.W.2d. 670 (1960).....	33
In re O'Donnell's Estate, 253 Iowa 607, 113 N.W.2d. 246 (1962).....	33
Ingram v. U.S., 241 F.2d. 708.....	70
Ingram v. U.S., 360 U.S. 672.....	70
Inland Navigation Co. v. Chambers, 202 Or. 339, 274 P.2d. 104 (1954).....	33
Irwin v. Gavit, 268 U.S. 161, 166.....	48
Irwin v. Gavit, 268 U.S. 161, 167.....	43
Iselin v. U.S., 270 U.S. 245, 250-251.....	71
James v. Bowman, 190 U.S. 127, 139 (1903).....	18, 42
Jordan v. De George, 341 U.S. 223, 230 (1951).....	71
Kaufman v. U.S., 394 U.S. 217, 222.....	69
Keeler v. Commissioner of Internal Revenue, 180 Fed.2d. 707, 710, C.C.A. 10 [50-1 USTC ¶9223].....	63
Kelley v. Johnson, 425 U.S. 238, 247 (1976).....	41
Kelly v. U.S., 29 F.3d. 1107, 1113-1114.....	72
King v. U.S., 282 F.2d. 398.....	70
Klunder v. C. I. R., T.C.Memo. 1991-489, 1991 W.L. 191552 (Tax Court, 1991).....	36
Knighten v. C.I.R., C.A.5 1983, 702 F.2d. 59, rehearing denied 705 F.2d. 777, certiorari denied 104 S.Ct. 249, 464 U.S. 897, 78 L.Ed.2d. 237.....	39
Larmay v. Van Etten, 129 Vt. 368, 278 A.2d. 736.....	84
Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196.....	51
Leary v. United States, 395 U.S. 6, 29 -53 (1969).....	82
Legille v. Dann, 178 U.S.App.D.C. 78, 544 F.2d. 1, 191 USPQ 529.....	84
Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.....	49
Levasseur v. Field (Me) 332 A.2d. 765.....	84
Levy v. United States, 271 Fed. 942, 943,C.C.A. 3.....	63
Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13.....	51
Lucas v. Pilliod Lumber Co., 281 U.S. 245 (1930).....	38
Machibroda v. U.S., 368 U.S. 487.....	69
Manania v. Loren-Maltese, 212 F.3d. 353.....	69
Manchester v. Dugan (Me) 247 A.2d. 827.....	84
Marchetti v. United States, 390 U.S. 39.....	70
Martin v. Phillips, 235 Va. 523, 369 S.E.2d. 397.....	84
McCaskill v. Commissioner, 77 U.S.T.C. 689, 698 (1981).....	72
Meese v. Keene, 481 U.S. 465, 484 (1987).....	31
Meese v. Keene, 481 U.S. 465, 484-485 (1987).....	31, 82

Merchants' L. & T. Co. v. Smietanka, 255 U.S. 509, 219	43
Merritt v. U.S., 248 F.2d. 19	70
Miles v. Safe Deposit Co., 259 U.S. 247, 252-253.....	43
Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954).....	81
Millsap v. Commissioner, 91 T.C. 926 (1988).....	36, 40, 58
Millsap v. Commissioner, 91 T.C. 926, 1988 W.L. 123581 (1988).....	37
Millsap v. Commissioner, 91 T.C. 926, 1988 WL 123581 (1988).....	58
Monnette v. U.S., 299 F.2d. 847	70
Moore v. Dempsey, 261 U.S. 86	69
Morrow, Becker & Ewing, Inc. v. Commissioner of Internal Revenue, 57 Fed.2d. 1, C.C.A. 5 [3 USTC ¶920].....	63
Murray v. Montgomery Ward Life Ins. Co., 196 Colo. 225, 584 P.2d. 78.....	84
Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100.....	31, 55, 79
Nichols v. United States, 575 F.Supp. 320, 322(D.Minn.1983).....	17
O'Neal v. U.S., 273 F.2d. 549.....	70
O'Connor v. Ortega, 480 U.S. 709, 723 (1987).....	41
Olmstead v. United States, 277 U.S. 438, 478 (1928).....	43
Patton v. U.S., 281 U.S. 276.....	69
Patton v. U.S., 281 U.S. 276, 292.....	72
Pauling v. McElroy, 278 F.2d. 252	69
Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A 836.....	51
Phillips v. Commissioner, 86 T.C. 433, 1986 W.L. 22098 (1986).....	37
Phillips v. Commissioner, 86 T.C. 433, 1986 WL 22098 (1986).....	58
Phillips v. Commissioner, supra at 437-438.....	37, 58
Pierce v. Somerset Ry., 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316.....	49
Poitras v. R. E. Glidden Body Shop, Inc., (Me) 430 A.2d. 1113).....	84
Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601	43
Public Workers v. Mitchell, 330 U.S. 75, 101 (1947).....	41
Rabe v. Washington, 405 U.S. 313 (1972).....	69
Rapa v. Haines, Ohio Comm.Pl., 101 N.E.2d. 733, 735	80
Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85	51
Re Estate of Borom, (Ind App) 562 N.E.2d. 772	84
Real Estate Commission v. McLemore, 202 Tenn. 540, 306 S.W.2d. 683 (1957).....	33
Reetz v. People of State of Michigan, 188 U.S. 505, 23 S.Ct. 390, 47 L.Ed. 563 (1903).....	33
Richmond v. Virginia Ry. & Power Co. 141 Va. 69, 126 S.E. 353	51
Robertson v. Baldwin, 165 U.S. 275, 281, 282 S., 17 S.Ct. 326.....	44
Roer v. Superior Court, 4 Ariz.App. 46, 417 P.2d. 559 (1966).....	33
Rosen v. U.S., 293 F.2d. 938.....	70
Russell v. U.S., 369 U.S. 749, 770-771.....	69
Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990).....	41
Rutherford v. U.S., 264 F.2d. 180	70
Rutkin v. United States, 343 U.S. 130.....	48
Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635	51
Ryan v. Scoggin, 245 F.2d. 54	69
Ryan v. U.S., 314 F.2d. 306.....	70
Sansone v. United States, 380 U.S. 343, 348	69
Scaglione v. U.S., 396 F.2d. 219	70
Schall & Co. v United States 129 F.Supp 137 141 S.D. NY (1954)	63
Schlesinger v. Wisconsin, 270 U.S. 230 (1926).....	82
Schneiker v. Commissioner, T.C.Memo. 1989-378	37
Senior Citizens League v. Dept. of Social Security, 38 Wash.2d. 142, 228 P.2d. 478 (1951).....	33
Smith v. Bohlen, 95 N.C. App 347, 382 S.E.2d. 812, affd 328 N.C. 564, 402 S.E.2d. 380.....	84
Smith v. King, 277 F.Supp. 31 (M.D.Ala.1967)	33
Smith v. Reynolds, 277 F.Supp. 65 (E.D.Pa.1967).....	33
Snyder v. U.S., D.Md.1995, 897 F.Supp. 241	39
Southern Pacific Co. v. Lowe, 247 U.S. 330, 335.....	43
Southern Pacific Co., v. Lowe, 247 U.S. 330, 335, 38 S.Ct. 540 (1918)	44
Speiser v. Randall, 357 U.S. 513, 529.....	69

Speiser v. Randall, 357 U.S. 513, 529 (1958)	71
Spreckles Sugar v. McClain, 192 U.S. 397	71
Spurlock v. Commissioner, supra at 157 n. 3.....	37, 58
Spurlock v. Commissioner, T.C.Memo. 2003–124.....	40
St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351	49
Stanley v. Illinois, 405 U.S. 645 (1972).....	82
Stanton v. Baltic Mining Co., 240 U.S. 103, 112-13, 36 S.Ct. 278 (1916)	44
State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537.....	51
State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo. 539, 41 S.W. 955	51
State ex. Re. Herbert v. Whims, 68 Ohio.App. 39, 38 N.E.2d. 596, 599, 22 O.O. 110.....	84
Steinbrecher v. Commissioner, 712 F.2d. 195, 198 (5th Cir. 1983).....	72
Steines v. C. I. R., T.C.Memo. 1991-588, 1991 W.L. 251520, Tax Court, 1991	38
Steines v. C.I.R., 1991-588 (1991).....	38
Stenberg v. Carhart, 530 U.S. 914 (2000)	31, 82
Stirone v. U.S., 361 U.S. 212	69
Stratton’s Independence v. Howbert, 231 U.S. 399, 414, 58 L.Ed. 285, 34 Sup.Ct. 136 (1913)	45, 47
Stratton’s Independence v. Howbert, 231 U.S. 399, 415	43
Stratton’s Independence v. Howbert, 231 U.S. 399, 415, 34 S.Sup.Ct. 136, 140 [58 L.Ed. 285].....	44
Stratton’s Independence v. Howbert, 231 U.S. 399, 416, 417 S., 34 Sup. Ct. 136.....	44
Sullivan v. C. I. R., T.C.Memo. 1991-492, 1991 W.L. 191583 (Tax Court, 1991).....	37
Talbot v. Janson, 3 U.S. 133 (1795).....	57
Thompson v. Shapiro, 270 F.Supp. 331 (Conn.1967).....	33
Tot v. United States, 319 U.S. 463, 468 -469 (1943)	82
True v. United States, 354 F.2d. 323, 324 (Ct.Cl. 1965).....	72
Tucker v. U.S., 279 F.2d. 62	70
Turner v. United States, 396 U.S. 398, 418 -419 (1970).....	82
Turpin v. Lemon, 187 U.S. 51, 23 S.Ct. 20 (1902)	73
Tyler v. U.S., 397 F.2d. 565	70
U. S. v. Brown, C.A.10 (Utah) 1979, 600 F.2d. 248, certiorari denied 100 S.Ct. 233, 444 U.S. 917, 62 L.Ed.2d. 172.....	38
U. S. v. Brown, C.A.5 (Tex.) 1979, 591 F.2d. 307, certiorari denied 99 S.Ct. 2831, 442 U.S. 913, 61 L.Ed.2d. 280	40
U. S. v. Evanko, C.A.6 (Ohio) 1979, 604 F.2d. 21, certiorari denied 100 S.Ct. 685, 444 U.S. 1024, 62 L.Ed.2d. 657	39
U. S. v. Irwin, C.A.10 (Wyo.) 1977, 561 F.2d. 198, certiorari denied 98 S.Ct. 725, 434 U.S. 1012, 54 L.Ed.2d. 755	39
U. S. v. Klee, C.A.9 (Cal.) 1974, 494 F.2d. 394, certiorari denied 95 S.Ct. 62, 419 U.S. 835, 42 L.Ed.2d. 61	40
U. S. v. Moore, C.A.7 (Ill.) 1980, 627 F.2d. 830, certiorari denied 101 S.Ct. 1360, 450 U.S. 916, 67 L.Ed.2d. 342	38
U. S. v. Pilcher, C.A.11 (Ga.) 1982, 672 F.2d. 875, certiorari denied 103 S.Ct. 306, 459 U.S. 973, 74 L.Ed.2d. 286	39
U. S. v. Rickman, C.A.10 (Kan.) 1980, 638 F.2d. 182.....	39
U. S. v. Silkman, C.A.8 (N.D.) 1976, 543 F.2d. 1218, certiorari denied 97 S.Ct. 2185, 431 U.S. 919, 53 L.Ed.2d. 230	39
U. S. v. Smith, C.A.5 (Tex.) 1980, 618 F.2d. 280, certiorari denied 101 S.Ct. 203, 449 U.S. 868, 66 L.Ed.2d. 87	39
U. S. v. Stout, C.A.7 (Ill.) 1979, 601 F.2d. 325, certiorari denied 100 S.Ct. 481, 444 U.S. 979, 62 L.Ed.2d. 406	39
U. S. v. Verkuilen, C.A.7 (Ill.) 1982, 690 F.2d. 648	68
U. S. v. Weir, C.A.8 (Mo.) 1982, 679 F.2d. 769	68
U.S. v. Alker, 254 F.2d. 292.....	70
U.S. v. Alvere, 470 F.2d. 981.....	70
U.S. v. Barnes, 313 F.2d. 325.....	70
U.S. v. Becker, 259 F.2d. 869	70
U.S. v. Bergman, 306 F.2d. 653	70
U.S. v. Booher, C.A.5 (Fla.) 1981, 641 F.2d. 218.....	39
U.S. v. Brooks, 303 F.2d. 851	70
U.S. v. Buras, C.A.9 (Cal.) 1980, 633 F.2d. 1356.....	68
U.S. v. Champion, 387 F.2d. 561	70
U.S. v. Claney, 276 F.2d. 617	70
U.S. v. Cook, 412 F.2d. 293.....	70
U.S. v. Davis, 369 F.2d. 775	70
U.S. v. Denton, 307 F.2d. 336.....	70
U.S. v. DiPrimio, 209 F.Supp. 137.....	70
U.S. v. Dumaine, 493 F.2d. 1257	70
U.S. v. Edelson, C.A.N.J.1979, 604 F.2d. 232	39

U.S. v. Edgington, E.D.Tex.1989, 727 F.Supp. 1083, affirmed 897 F.2d. 527, certiorari denied 110 S.Ct. 2217, 495 U.S. 952, 109 L.Ed.2d. 542	68
U.S. v. Francisco, C.A.8 (Iowa) 1980, 614 F.2d. 617, certiorari denied 100 S.Ct. 1861, 446 U.S. 922, 64 L.Ed.2d. 278.....	38
U.S. v. Gaydos, 310 F.2d. 883	70
U.S. v. Goss, 353 F.2d. 671.....	70
U.S. v. Grabinski, D.C.Minn.1983, 558 F.Supp. 1324, affirmed 727 F.2d. 681	39
U.S. v. Grossman, 315 F.2d. 94	70
U.S. v. Haimowitz, 404 F.2d. 38.....	70
U.S. v. Hicks, C.A.9 (Ariz.) 1991, 947 F.2d. 1356	68
U.S. v. Ivey, 310 F.2d. 229.....	70
U.S. v. Josephberg, S.D.N.Y.2005, 418 F.Supp.2d 297, vacated 459 F.3d. 350.....	39
U.S. v. Kerwin, C.A.5 (Tex.) 1991, 945 F.2d. 92	68
U.S. v. Kessler, 449 F.2d. 1315.....	70
U.S. v. Kimball, C.A.9 (Nev.) 1991, 925 F.2d. 356.....	39
U.S. v. LaHaye, 548 F.2d. 474	70
U.S. v. Latham, 754 F.2d. 747 (C.A.Ill.,1985).....	68
U.S. v. Lemons, 309 F.2d. 168.....	70
U.S. v. Magliano, 336 F.2d. 817	70
U.S. v. Marchointe, 309 F.2d. 435	70
U.S. v. McGee, 572 F.2d. 1097.....	70
U.S. v. Menk, 260 F.Supp. 784	70
U.S. v. Mesheski, 286 F.2d. 345	70
U.S. v. Miller, 471 U.S. 130, 136, 140 (1985)	69
U.S. v. Minker, 312 F.2d. 632	70
U.S. v. Mollet, 290 F.2d. 273	70
U.S. v. Nicholas, 224 F.Supp. 310	70
U.S. v. Nicholson, 303 F.2d. 330	70
U.S. v. One Ford, 304 F.2d. 419.....	70
U.S. v. One Pontiac, 308 F.2d. 893	70
U.S. v. Porth, C.A.Kan.1970, 426 F.2d. 519, certiorari denied 91 S.Ct. 47, 400 U.S. 824, 27 L.Ed.2d. 53	39
U.S. v. Pryer, C.A.Mo.1978, 574 F.2d. 440.....	39
U.S. v. Radue, C.A.Ala.1973, 486 F.2d. 220, rehearing denied 487 F.2d. 1401, certiorari denied 94 S.Ct. 1615, 416 U.S. 908, 40 L.Ed.2d. 113	39
U.S. v. Rector, 488 F.2d. 1079	70
U.S. v. Reynolds, C.A.7 (Wis.) 1990, 919 F.2d. 435, certiorari denied 111 S.Ct. 1402, 499 U.S. 942, 113 L.Ed.2d. 457....	38
U.S. v. Rice, 659 F.2d. 524 (C.A.Tex., 1981).....	66
U.S. v. Rothbart, 723 F.2d. 752.....	70
U.S. v. Salerno, 330 F.Supp. 1401	70
U.S. v. Sams, 340 F.2d. 1014.....	70
U.S. v. Schweitzer, D.Mont.1991, 775 F.Supp. 1355	68
U.S. v. Sette, 334 F.2d. 267.....	70
U.S. v. Shaffer, 291 F.2d. 689.....	70
U.S. v. Sheer, 278 F.2d. 67.....	70
U.S. v. Simon, 241 F.2d. 308	70
U.S. v. Slater, 545 Fed. Supp. 179,182 (1982).....	32
U.S. v. Snyder, 549 F.2d. 171	70
U.S. v. Stavros, 597 F.2d. 108.....	70
U.S. v. Stevedores, 310 F.2d. 47	70
U.S. v. Stillhammer, C.A.10 (N.M.) 1983, 706 F.2d. 1072.....	40
U.S. v. Stiner, D.Kan.1991, 765 F.Supp. 663, affirmed 952 F.2d. 1401	68
U.S. v. Stoffey, 279 F.2d. 924	70
U.S. v. Vance, C.A.11 (Ga.) 1984, 730 F.2d. 736, rehearing denied 736 F.2d. 1528	38
U.S. v. Viale, 312 F.2d. 595.....	70
U.S. v. Wade, C.A.Tex.1978, 585 F.2d. 573, certiorari denied 99 S.Ct. 1264, 440 U.S. 928, 59 L.Ed.2d. 484	39
U.S. v. White, 258 F.3d. 374, 379 (5th Cir 2001)	69
U.S. v. Whiting, 311 F.2d. 191.....	70
U.S. v. Willoz, 449 F.2d. 1321	70

U.S. v. Wilson, 214 F.Supp. 629	70
U.S. v. Woodson, 303 F.2d. 49	70
United States v. Babcock, 250 U.S. 328, 331 (1919).....	32
United States v. Babcock, 250 U.S. 328, 39 S.Ct. 464, 63 L.Ed. 1011 (1919).....	33
United States v. Bowers, 920 F.2d. 220, 222 (4th Cir. 1990).....	72
United States v. Calhoun, 566 F.2d. 969, 973 (5th Cir. 1978)	66
United States v. Carlson, 260 F.Supp. 423, 425 (E.D.N.Y. 1966)	72
United States v. Carroll, 345 U.S. 457 (1953).....	69
United States v. Dawes, 951 F.2d. 1189, 1192, n. 3 (10th Cir. 1991)	72
United States v. Gainly, 380 U.S. 63 (1965).....	85
United States v. Guest, 383 U.S. 745 (1966).....	18, 42
United States v. Harris, 106 U.S. 629, 639 (1883).....	18
United States v. Hicks, 947 F.2d. 1356, 1360 (9th Cir. 1991).....	72
United States v. Kirby Lumber Co., 284 U.S. 1	48
United States v. Lefkowitz, 285 U.S. 452, 467, 52 S.Ct. 420, 424, 82 A.L.R. 775.....	44
United States v. Long, 618 F.2d. 74. U.S. v. Mosel, C.A.6 (Ohio) 1984, 738 F.2d. 157	39
United States v. Moore, 627 F.2d. 830, 834 (7th Cir. 1980)	72
United States v. Neff, 954 F.2d. 698, 699 (11th Cir. 1992).....	72
United States v. Phellis, 257 U.S. 156, 169.....	43
United States v. Pilcher, 672 F.2d. 875, 877 (11th Cir. 1982).....	72
United States v. Pomponio, 429 U.S. 10	68
United States v. Quimby, 636 F.2d. 86, 89-90 (5th Cir. 1981)	66
United States v. Reese, 92 U.S. 214, 218 (1876).....	18, 42
United States v. Supplee-Biddle Co., 265 U.S. 189, 194	43
Updike v. United States, 8 F.2d. 913, 915 (8th Cir. 1925)	72
Van Allen Co, v. U.S., 422 U.S. 617.....	70
Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179	51
Wag-Aero v. U.S., 837 F.Supp. 1479, affm. 35 F.3d. 569	69
Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229	49
Weiner v. State Dept. of Roads, 179 Neb. 297, 137 N.W.2d. 852 (1965).....	33
West v. U.S., 259 F.2d. 868	70
West Virginia University Hospital v. Casey, 499 U.S. 83, 101 (1991).....	71
Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945).....	31, 82
Wheeler v. Commissioner, 127 T.C. 14 (2006).....	40
White v. Commissioner, 72 U.S.T.C. 1126, 1129 (1979)	72
Williams v. Shapiro, 4 Conn.Cir. 449, 234 A.2d. 376 (1967).....	33
Wilson v. U.S., 320 F.2d. 493	70
Wright v. U.S., 302 U.S. 583 (1938).....	44
Zellerbach Paper Co. v. Helvering, 293 U.S. 172 (1934).....	35, 38

Other Authorities

“U.S. Person” Position, Form #05.053.....	48
16 Corpus Juris Secundum (C.J.S.), Constitutional Law s 245	33
16A Corpus Juris Secundum (C.J.S.), Constitutional Law s 599 c	33
2 Bouv. Inst. n. 2279, 2327	49
2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992)	31, 82
36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999).....	51
About IRS Form W-8BEN, Form #04.202.....	68, 76
About SSNs and TINs on Government Forms and Correspondence, Form #05.012	61
Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001	61
American Jurisprudence 2d, Estoppel and Waiver, §27: Definitions and Nature (1999).....	74
American Jurisprudence 2d, Estoppel and Waiver, §28: Basis, function, and purpose (1999).....	74
American Jurisprudence 2d, Evidence, §181 (1999).....	84
Beard Test	35

Beard v. Commissioner, 82 T.C. 766, 777 (1984).....	35
Black’s Law Dictionary, Sixth Edition, p. 1292.....	85
Black’s Law Dictionary, Sixth Edition, p. 500.....	85
Black’s Law Dictionary, Sixth Edition, p. 563.....	80
Black’s Law Dictionary, Sixth Edition, p. 581.....	31, 55
Commissioner of Internal Revenue Service.....	53
Commissioner, Internal Revenue Service.....	53
Congressman Pat Danner of Missouri.....	53
Constitutional Attorney Larry Becraft.....	32
Constitutional Income, Phil Hart.....	45
Correcting Erroneous Information Returns, Form #04.001.....	21, 24, 75, 76
Correcting Erroneous IRS Form 1042’s, Form #04.003.....	24
Correcting Erroneous IRS Form 1098’s, Form #04.004.....	24
Correcting Erroneous IRS Form 1099’s, Form #04.005.....	24
Court Case Citations on the Nature of “income”, Family Guardian Fellowship.....	40
Court of Claims.....	72
Demand for Verified Evidence of Trade or Business Activity: CTR, Form #04.008.....	32
Demand for Verified Evidence of Trade or Business Activity: Information Return, Form #04.007.....	24
Department of Treasury.....	53
Eugene Pringle.....	50
Example response to criminal tax indictment for failure to file.....	77
Executive Order #10289.....	62
Executive Order #10574.....	62
Federal Alcohol Administration.....	62
Federal District Courts.....	72
Federal Enforcement Authority within States of the Union, Form #05.032.....	75, 76, 77
Federal Jurisdiction, Form #05.018.....	77
Flawed Tax Arguments to Avoid, Form #08.004.....	68
Form #05.001.....	51
Form #05.003.....	49
Form #05.020.....	51
Form 1040.....	64
Forms #09.073 and #12.040.....	51
Frivolous Position (Tax) Law and Legal Definition, U.S. Legal.....	64
GAO Report GAO/GGD-00-60R: IRS’ Substitute for Returns.....	65
Government Conspiracy to Destroy the Separation of Powers, Form #05.023.....	19
Government Identity Theft, form #05.046.....	51
Government Instituted Slavery Using Franchises, Form #05.030.....	66
Great IRS Hoax, Form #11.302.....	21
Great IRS Hoax, Form #11.302, Section 3.18.....	34
Great IRS Hoax, Form #11.302, Section 5.5.1, ver. 4.39.....	55
Great IRS Hoax, Form #11.302, Section 5.5.2.....	32
Great IRS Hoax, Form #11.302, Section 5.5: Why We Aren’t Liable to File Returns or Keep Records.....	77
How the IRS Traps You Into Liability by Making You A Fiduciary for a Dead Straw man.....	47
I.R.S.....	34
Internal Revenue Manual (I.R.M.).....	32
Internal Revenue Manual (I.R.M.), Section 1.2.1.3.6.....	20
Internal Revenue Manual (I.R.M.), Section 25.6.5.5.1.....	20
Internal Revenue Manual (I.R.M.), Section 3.12.3.2.2.2.4: Missing Signatures (01-01-2008).....	36
Internal Revenue Manual (I.R.M.), Section 35.2.2.11.....	38
Internal Revenue Manual (I.R.M.), Section 35.2.2.11 (08-11-2004).....	40
Internal Revenue Manual (I.R.M.), Section 4.19.17.1.3.1 (11-10-2006).....	35
Internal Revenue Manual (I.R.M.), Section 5.1.11.6.8.....	64
Internal Revenue Manual, Section 25.25.10 Frivolous Return Program.....	64
Internal Revenue Manual, Section 5.20.10 Identification and Processing of Frivolous Documents.....	64
Internal Revenue Service Form 1040 series.....	61
IRS 1040 Booklet (2001), p. 15.....	29

IRS AMDISA file.....	35
IRS Due Process Meeting Handout, Form #03.008	53
IRS Form 1040	20, 22, 28, 32, 34, 35, 37, 51, 52, 53, 54, 55, 58, 62, 63, 64, 73, 75, 76, 80
IRS Form 1040 plus 2555	34
IRS Form 1040A	53
IRS Form 1040NR	28, 54, 75, 76
IRS Form 2555	52
IRS Form 2848 Power of Attorney	55
IRS Form 4549-CG, Income Tax Examination Changes	37
IRS Form 4852	20
IRS Form 5344	37, 58
IRS Form 8278	64
IRS Form 8278: Assessment and Abatement of Miscellaneous Civil Penalties.....	64
IRS Form 8300	24
IRS Form W-2, 1042S, 1098, and 1099	21, 24
IRS Form W-2C	20
IRS Form W-4	24, 28, 31, 76
IRS Form W-8BEN	22, 75, 76
IRS Forms 5344(CG)	38, 59
IRS Forms 5344(CG), Examination Closing Record	37
IRS Forms W-2, 1042, 1098, 1099.....	85
IRS Forms W-2, 1042-s, 1098, and 1099	24, 75
IRS Letter 915(DO)(CG).....	37, 59
IRS Letter 915(DO)(CG) (the "30-day letter").....	37
IRS Notice 2010-33: Frivolous Positions	64
IRS publications	32
IRS Published Products Catalog (2003), Document 7130.....	28, 52, 55
IRS Published Products Catalog (2003), Document 7130, p. F-15	55
James Madison, The Federalist No. 51 (1788).....	43
M. Saltzman, IRS Practice and Procedure, par. 10.02, p. 10-8 (2d ed. 1991)	36, 37
Master File Decoder	35
National Archives or Records Administration	53
Non-Resident Non-Person Position, Form #05.020	75
Office of Chief Counsel, Notice – CC 2007-005, dated February 4, 2007.....	40
PAULSEN, ETHICS (Thilly’s translation), chap. 9	43
Peymon Mottahedeh of Freedom Law School	34
Privacy Act System of Records 24.030	53
Proof that There Is a “Straw Man”, Form #05.043.....	66
Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2.....	43
Rebutted Version of the IRS “The Truth About Frivolous Tax Arguments”, Form #08.005.....	64
Reorganization Plan 26 of 1950	62
Reorganization Plan 3 of 1940	62
Requirement for Consent, Form #05.003	35
Requirement for Due Process of Law, Form #05.045	47
Resignation of Compelled Social Security Trustee, Form #06.002	25, 76
Rev. Proc. 88-1, and 89-1	74
Revenue Ruling 2005-59.....	35
Revenue Ruling 2005-59: Valid Return; Election to File Joint Return	35
SCALIA, J.	41
SEDM Exhibit #05.037	40
SEDM Exhibit #05.041	29, 34, 45, 74
Senator Elihu Root	73
Senator Elihu Root of NY, 1913	73
Social Security Trust	47
Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic, “resident”	52
Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic, “return”	76
Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “gross income”	40

Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “income”	40
Sovereignty Forms and Instructions Online, Form #10.004, Instruction 4.15: Submit a Tax Statement Annually if You Aren’t Filing a Return	61
SSA Form SS-5	24
Statutes Dependent on Regulations	77
Tax Court	17, 60, 72
Tax Deposition Questions, Form #03.016, Section 13	53
Tax Form Attachment, Form #04.201	61
TD8734	48
The “Trade or Business” Scam, Form #05.001	28, 66, 75
The Informer (Harry Combs)	64
Thomas Jefferson: 1st Inaugural, 1801. ME 3:320.....	43
Treasury Decision 2303.....	44
Treasury Order 150-01	62
Treasury Order 150-02	62, 66
Treasury Order 150-02, SEDM Exhibit #04.014.....	66
Treasury Order 150-27	53
Treatise on the Law of Public Offices and officers, p. 609, §909; Floyd Mechem, 1890	25, 66
U.S. Tax Court	25
United States Tax Court	37
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.....	34
Why I Am Not Legally Liable to File Affidavit, Form #07.103	16, 54
Why Penalties are Illegal for Anything But Federal Employees, Contractors, and Agents, Form #05.010.....	32
Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011	65
Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006.....	29, 31, 32, 75, 76
Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008 .	28, 63, 66, 75

Scriptures

1 Sam. 8:4-8	51
2 Chron. 36:1-17	56
Exodus 20:3.....	50
Exodus 23:32-33	50
Ezekial 20:10-20	51
Ezekiel 16:41.....	50
Isaiah 39	56
James 1:27	50
James 4:4	50
Judges 2:1-4	50
Matt. 5:33-37	57
Prophet Isaiah.....	56
Prov. 22:3	57
Prov. 29:26.....	50
Prov. 29:4.....	50
Prov. 3:30	43
Psalms 49:6-20.....	57
Rev. 17:5	50
Rev. 19:19	50

1 Introduction

It is quite common for the IRS and state revenue agencies to send out requests to file tax returns. These requests are often ambiguous, in that they:

1. Purport to define a legal requirement to file but do not identify a liability statute.
2. Do not identify the statute or law that imposes the alleged tax.
3. Do not identify the Information Return that prompted the mailing of the request to file.
4. Do not establish the status of the recipient of the notice sufficiently in order to prove that he is “liable”.

The notices routinely mailed out therefore are deficient and presumptuous. Worst yet, failure to respond to them may invite alleged penalties, which in most cases are illegally administered. Most Americans have a great deal of difficulty responding to these notices because they have not taken the time to research the legal requirements for complying and in many cases, do not know how to do the legal research necessary to come to the truth of the matter.

This memorandum of law will therefore thoroughly analyze the legal requirement for filing federal income tax returns. It will do so by analyzing the I.R.C., federal district and circuit and Supreme Court rulings, and various other resources. We will end the memorandum with a series of questions aimed at a government revenue collection agent which will demonstrate for him that there simply is no requirement for most Americans to file a tax return.

If, after reading this memorandum, you would like something even more detailed to give to a state or federal tax collection agency in response to their request to file a tax return, we recommend the following link, which exhaustively explains why you aren't required to file and is formatted in such a way that it also serves the double purpose of a notice of default that you can serve upon the agency claiming you have the liability to file:

[Why I Am Not Legally Liable to File Affidavit, Form #07.103](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

2 What is a “return”?

The Internal Revenue Code defines the term “return” as follows:

[26 U.S.C. §6213\(g\): Restrictions Applicable to deficiencies; petition to Tax Court](#)

(g) Definitions

For purposes of this section -

(1) Return

The term “return” includes any return, statement, schedule, or list, and any amendment or supplement thereto, filed with respect to any tax imposed by Subtitle A or B, or chapter 41, 42, 43, or 44.

[TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter B > § 6103](#)
[§ 6103. Confidentiality and disclosure of returns and return information](#)

(b) Definitions For purposes of this section—

(1) Return

The term “return” means any tax or information return, declaration of estimated tax, or claim for refund required by, or provided for or permitted under, the provisions of this title which is filed with the Secretary by, on behalf of, or with respect to any person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists which are supplemental to, or part of, the return so filed.