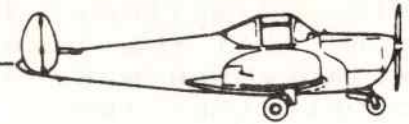


COUPE CAPERS

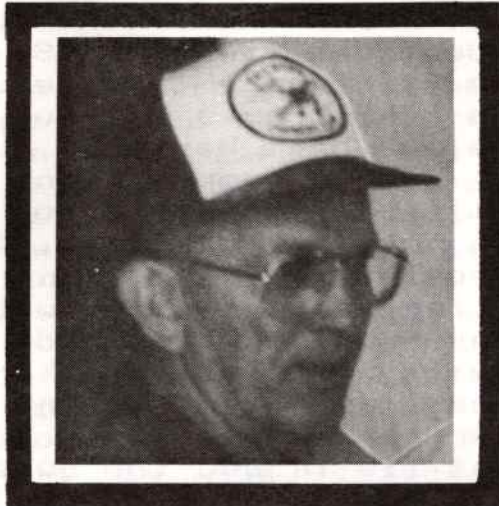
NEWSLETTER OF THE ERCOUCPE OWNERS CLUB



Volume 12, Number 9, February 1984

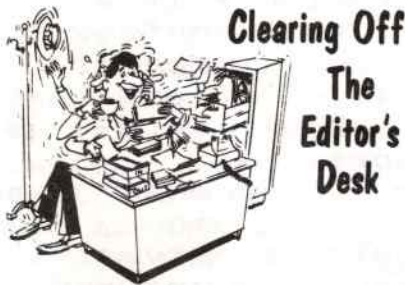
24 Hour Phone (919) 471-9492

Editor : Skip Carden



KEN HEATH - January 1984

It is with a heavy heart that I report the passing of KEN HEATH. Ken and Fran have been a mainstay of this Club for many years, true Coupers who have given so much of themselves. Ken a true craftsman and Ercoupe expert will be missed by us all. Our prayers and thoughts go out to Fran as we share her loss.



There have been many articles written recently concerning the use of auto fuel in airplanes and especially small airplanes. They all seem to draw or leave the same ideas, that the oil industry, aircraft manufacturers and engine manufacturers are all against our using auto fuel in airplanes. One may ask why, are they so vocal in their objection to this? The answer is as clouded as the issue.

I recently read a novel that was supposed to be fiction, but as I read the

fiction seemed to become real. the Just of the story was that the CIA and US government was being controlled by a group that called themselves the Mother Company, which was in reality an association of all the energy companies in the world and of course all the action that was portrayed was only that which would benefit Mother Company. They would start wars to spur the use of gasoline and petroleum products and overthrow governments that would not give them what they wanted, in short they controlled the world. Recently I had the opportunity to hear a young man who had spent a great deal of time in Central and South America and the tales he told gave me shivers. Countries that can not effectively feed their people are allowing US businesses to make huge corporate profits and granting concessions through bribes. Any opposition is called communist infiltration. I now think back to my novel and how the Mother Company overthrew a government that wanted to take over their oil interest and how they raised the oil prices at will purely for the profit of the stockholders and I wonder?? if these things can happen in South and Central America then why not in the US, where their control and enormous wealth are rampant, I believe in free enterprise but I don't believe in making victims of the consumers.

What has all of this got to do with flying and using auto gas? Well as I see it a great deal. Why sell auto gas for \$1.10 a gallon when you can sell a cheaper to produce fuel

Known as aviation fuel for \$2.10 a gallon. Just makes sense that the less you sell the more you make yes that is correct the less you sell because less and less people are able to fly and thus using less fuel, but that doesn't matter to the oil folks they are still making the same or a greater profit as before. they now have a great surplus of all fuels due to conservation efforts and more fuel efficient autos so instead of lowering the prices they still are over a dollar a gallon for autos. What will happen will they lower prices, not likely they have grown fat and used to large profits so a reduction in price is not likely instead they will close a refinery and lay off all the workers or start another oil embargo or start some type of peace keeping effort (WAR) somewhere or there will be a large fire or several tankers will mysteriously sink. sound like a novel, well just you keep your eyes open and watch what will happen in the next 24 months. They have even tried to discredit the EAA and the FAA saying that the auto fuel testing was not complete and that the approval was obtained with political pressure (when they do this it is called lobbying and the oil lobby is the largest and richest in the world). Don't look for Mr. Helms to last to long as he has offended Mother Company. And now even more stc's have been issued so in retaliation the oil companies announce that they will no longer make 80 oct fuel available. Why doesn't the government make them supply this fuel lord knows there are a lot of planes still flying that can use it and at almost \$2.00 a gallon there must be a profit in it but alas we the consumers get it in the end. Wouldn't it be interesting to know how much taxes EXXON,

Moble, Shell and all the others paid last year? if you could find out you would be amazed as they paid almost no tax on the huge profits that were generated by ripping off the public, in fact this is why the equal tax bill will never be passed by Congress, if it were and the major corporations in the US paid their fair share then we could all not pay for a year or two.

Well what has this to do with our dilemma on the question of to use auto fuel or to not use auto fuel. A lot of people have been using auto gas for some time without saving much and they know that it will run better make the engine last longer and get better mileage. I was at a recent fly-in and the owner of the field had a large 250 gallon tank at one end of the field and was overheard to be saying that if you pulled your airplane up to it it was airplane gas, if you pulled your car up and refueled it it was car gas and if they put in the tractor, it was tractor gas. I must confess that this is probably one of the most sensible solutions that I have heard about auto gas and airplanes.

The recent articles appearing in national publications give lots of facts and figures and speak of the small portion of fuel used by private aviation (less than .4%) then why all the hassel about auto fuel you would think they would be glad to unburden themselves from making aviation fuel. There are also those looking into alternate fuels such as alcohol and propane but most airplanes that we have today are based on the liquid fuel principal and the other possibilities are for the future. At this point the EAA is the only group that has made any effort in making auto fuel legal to use. NASA has tested small engines on auto fuel and found no

apparent problem other than a tendency to form carburetor ice sooner with auto fuel. Then why doesn't NASA undertake the testing and certification of engines and airframes for auto fuel? a step in this direction by then could be what we have all waited for.

In closing I just want you to remember that the name of the game is bucks and to whom and in what quantity they go. For instance if all aircraft that could burn auto fuel next year would the hourly savings would be between \$5.00 and \$12.00 per hour and this would total \$300,000,000.00 and would help general aviation come out of their slump. Last year total aircraft production was off by 49% Cessna and Piper have closed their plants and will probably not open again this year. Cessna and Piper raised the prices of all single engine aircraft (the bulk of the market in terms of numbers) and effectively killed a dying market. Cessna decided to raise the price of the 152 by \$2,000.00 a unit that was already overpriced and then decided to put all of their market power on the bus Jet Citation (big bucks per unit) what happened was a softening market and now bus jets are off 60% of last year and looks like it will deepen even more. The engine makers are still selling engines designed in the late 30's and have not made any effort to improve on what they have or to design a new more powerful and lighter fuel efficient engine all that I can see that has happened is that there has been an across the board price increase in all parts.

Boy wouldn't it be great if we could see Mr. Honda interested in building airplanes? I can see it now a composite airframe with a Honda watercooled engine that would get 50 miles to the gallon and

that you could tow home and keep in the garage with radios that would cost about the price of a CR and be 10 times more reliable and of course would burn auto gas, diesel or in a pinch kerosene, a well I can dream can't I. After this editorial I guess I will have to disappear for a while so Mother Company, the engine makers and Cessna and Piper can't find me. Send all mail to Elmer Mudd % General Delivery Ft. Bear Yukon Territory, if I can smuggle out another editorial by carrier goose I will, but until then just hang in there (and hang then if you get the chance).

SKIP

P.S. This was written over a month ago. What is happening to Mr. Helmes now??? Read the latest NEWS they are trying to discredit him that's what, I wonder who started all this-----, I wonder ?????

P.P.S. Helmes has Resigned!!!!

Regional News

THE WISCONSIN ERCOUPER

Fellow Flyer:

Here it is, December, the flying year just about all through and time for me to clean off the desk to make room for 1984.

I sure do hope that you have had the finest Christmas ever and wishing you the happiest and safest New Year.

Unfortunately, I was unable to make the Fon du Lac fly-out on Dec. the 11th but, even if I would have been able, the weather was definitely of the scud running variety around here. One of our northern scouts couldn't make it either due to weather. Sorry about that Don Barneson.

The patches are in and everyone who ordered them ahead of time should have them by now. I still have quite a few left so, anyone interested can still get them for \$3.00 each.

On December 1st I received a very nice phone call from OUR Vice-President, Ron Jewett of Phoenix, Arizona inviting any or all of our Wisconsin Wing to a fly-out at Deer Valley Airport, Phoenix. The dates are April 13-14-15, 1984. If I don't get a chance to fly there, Ann and I must just drive there to enjoy the Arizona Coupers' hospitality. What a nice way to wipe off the winter doldrums.

The latest I have heard from our President, Jon Hiles (letter of Dec. 6th) was that Minden, Neb. is the site for the 1984 Nationals again. Not enough votes for a different destina-

tion due, I believe, to the excellent service and care that was received there this year.

One of our Coupers, Oscar Deutsch, 645 1st St., Hartford, Wis. 63027 phone 414-673-3126, recently slipped and broke his left ankle. Not the great thing to happen to anyone. I am sure that he would like to hear from you. Get well soon, Oscar.

I take this opportunity to welcome some new members to our Wing and donors to the well being of the Wisconsin Ercouper Newsletter.

Dave and Naomi Perrin, Box 38, Edmund, Wis. 55535 Coupe N 2877 H.

Chester L. Smigielski, P.O. Box 202, Lombard, Ill. 60148 Coupe N 2606 H.

I hope that you folks enjoy our fly-outs as much as I do.

Most of our fly-outs here can very readily be classed as Region 5-6 fly-outs. Our friends south of the border are certainly very welcome additions to our efforts. There have been some occasions when if they hadn't flown in, I would have been quite alone. Thanks fellows.

I have also been made aware that Jon Hiles is assisting in the sale of a 1969 Mooney Cadet and a 1966 Alon A2. Both planes are hangered and will change ownership for \$9500.00 each. Anyone interested can get more information by calling 513-864-1041 anytime.

Now, as I promised in the November Ercouper, here is a calendar of our fly-outs for 1984 as close as I can get it for now:

April 8, Janesville; May 13, Palmyra; June 10, Wausau; July 15, Bayfield; Aug. 12, Sturgeon Bay; Sept. 9, Manitowoc; Oct. 14, Prairie du Chien; Nov. 11, (open).

If any changes or corrections are desired, please let me know. I try to set these flights up to satisfy you, not me. As I have said before, this is your organization, NOT MINE, therefore, it should be the way YOU want it.

Next month I plan on sending each of you a complete list of all the Coupers involved with the Wing. It may prove to be of some value to you when you are out pushing holes in the sky.

Skip Allen of Bayfield wrote to let me know that anyone making the fly-out can camp on the field if they so desire. There are a couple of more conveniences available for those with diverse interests. Sounds to me that the July fly-out could prove to be mighty interesting.

By now, nearly every member of the Wing has made at least one of the scheduled fly-outs since the wing became active. The one thing that I would like to hear is "why not try this out for the next fly-out." You can either send your idea to me or, bring it up the next time we get together. You can bet that no idea will be put in file "13" until tried. I feel that someone has an idea that they would like to see tried out. Who knows? It may be yours.

Here's wishing you clear skies and a good tail wind.

Bob Dermody

MEMBERS IN THE NEWS

John Toms, (Uncle Sam) was awarded the OLDEST PILOT AWARD at the recent EAA Chapter 3, ANTIQUE & CLASSIC FLY-IN held in Camden, S.C. Congratulations to John!

Hints 'N Tips

THE ANCIENT MARINER

Milestones for 1946:

- Harry Truman was president.
- Television was 'Just around the Corner' and 4-years in the future for most of us.
- The Flying Boat of Mr. Hughes was being 'fitted-out' at its drydock on terminal Island. Another year and a half would pass before it would make its one and only flight.
- A '46 Ford sold for \$950.
- The Korean War was 4-years away.
- The DC-6 was just entering service with United.
- The Vietnam War was 20-years in the future.
- The 'new' piper J-3, Aeronics Champ Taylorcraft and the big Fairchild-24 were modern sights at the local field.

And, that year, a perky low-wing all metal tricycle *CONVERTIBLE* Sport Coupe craft was the talk of EVERYMAN. At last, so the ad said, mom and pop could fly as easily as driving a car—and it would go 20 miles on a gallon of gas. What economy (car gas was 17¢; aviation was 50¢).

The Ercoupe is old—No, even older than old—it's an ANCIENT MARINER of the sky. It's an ANTIQUE! Does this come as a shock to you that something as Modern looking as an Aircoupe is 38 and going on 40-years old! Assuming you own a 415-C,D—and chances you do—since some 4,311 were stamped-out in 1946.

Recently, I took ownership of a 415-D SN 2369, NC999746. It glistens in its new suit of Imeron. The engine did as the seller said, "leak a little oil; a common occurrence for all Continentals." And according to the logs it had only 1,326 hrs. since new. According to the logs it was not flown for 14-yers, so, all-in-all, it appeared to be a better than average example. It had been chromated and no internal corrosion was noticed. It looked good.

The instrument panel was typical of the period with lots of odd-holes filled with dials, some so clouded with age it was difficult to read them. But on the whole, the craft does look nice and—what's more—flies with grace and delightful harmony. Except for that "little oil", and an antiquated panel. . .

So with the first blast of cold air, I decided to do a "little work". We removed the engine, broke open the crankcase and let daylight flood its interior for the first time since 1946. Also, the instrument panel is to be updated with a Kenney. Next, the wings and tail were removed and placed in storage. The fuselage was towed on a special trailer to a heated garage.

Our A & P helped swing the engine off and soon it was broken open. Agass! All the main bearings were worn down to their copper bases; the crank and cam shafts were heavily scored. The pistons were caked with a thick layer of carbon and the rings did little to stop the oil from blowing by. In short, the engine was worn out and it only had 1,329 hours on it. Overhaul is supposed to be after 1,800 hours. A zero-time rebuilding project is obvious.

Removal of the instrument panel was next. Once it was out, an inspection of the electrical wiring was made. It too was a horror! All frayed, chaffed, and bruised as were the pneumatic and hydraulic tubing. In short, the very CORE of the

A/C was ROTTEN.

What is the moral of the story? ROT! ROT! ROT! *Cosmetics are no longer an acceptable answer to age.* No longer can you up-date it by zipping in a new Airtex interior, painting the exterior, and "topping" the engine. your ship is not just old, it is an ANCIENT ANTIQUE! Think about it. Where were you when your plane was built? Many of you were not even alive! Reviewing the "Milestones of 1946" (at the head of the article), will put the ANTIQUITY of your Ercoupe in perspective. Even if it had been stored in a closed hanger for these 3+ decades, it would have corroded, rusted, and rotted. "Dust-to-dust." Time decays all.

Why am I so alarmed? The answer simply is Aircoupes are now coming apart in flight far too frequently; something that rarely happened when they were new. Read Dave Kenney's letter, **HINTS 'N' TIPS**, in COUPE CAPERS, Vol. 12 Number 6, 1983.

The two most common causes of crashes-according to the F.A.A. statistics—are:

1. ENGINE FAILURE

2. STRUCTURAL FAILURE

—both causes are simply an indication of *old age*!

Dear reader, when the plane was new so was the engine and so was the aluminum and bolts. When the A/C was designed, it's life expectancy was thought to be 20-years. Now the entire surviving fleet, with few exceptions, is twice that age.

WARNING. *These measures must be done immediately for your life depends on it!!*

1. **DISMANTLE THE ENGINE.** Break-open the crankcase and visually inspect all parts. Magniflux the crank and cam shafts, and micrometer all parts to specifications. Do this regardless of hours on your C-85. If it leaks any oil, your engine may already be a terminal case. Remember, it's not tachtime that kills an engine, it's old man time, and time has run out!
2. **REPLACE WING ROOT BOLTS (8),** and remove the horizontal stabilizer. Inspect bolt holes for wear and elongation, tears, and distortions. If necessary, rivet reinforcement skins to area of questionable integrity. Then replace all 4-bolts holding stabilizer to tail cone. Never use bolts over. The old bolts have hidden internal stress and fatigue. Metal crystalizes (rots with age and is invisible to a casual glance. Use approved "AN"-bolts and nuts (castellated).
3. **REPLACE ALL ELECTRICAL WIRING, PNEUMATIC LINES, FUEL AND HYDRAULIC HOSES.**
4. **REMOVE ENGINE MOUNT** (sans engine, of course), sandblast, inspect for cracks and corrosion, repair or replace if necessary, and if "OK" prime and return to firewall. Use *new* bolts and nuts. Never reuse any bolt and nut no matter how good they seem.

Of course, all this must be done under the watchful eye and **APPROVAL** of a Certified A & P.

NOW, this winter, is the time to do this critical work. Keep 'em flying and keep alive in '84.

Harry Lapham
Arbutus Village G06
Johnston, PA 15904

MAILBOX

Dear Skip,

After extensive study and research of the Constitution, we have come to the conclusion that we cannot legally or morally support the graduated income tax. We feel duty-bound to inform as many as we can about the gross injustice of the income tax as it is being applied.

We thought perhaps this article might be of great value and information to many who feel "there's something wrong", but can't quite put it together.

We would greatly appreciate your reading this article with an open mind and giving us your opinion, as well as advising us if you can publish it.

Now—to another subject. In recent weeks there have been several plane crashes in this vicinity—(mostly due to bad weather, of course) involving personal acquaintances of ours. Several of these have yet to be located, although in one case in particular, the Denver airport had the plane on radar and knew it was approximately 15 miles from Leadville, and another aircraft in the area was in radio contact with the pilot who said he was icing up and going to "set her down".

In thinking about this, my husband came up with the idea if these planes, especially the one above mentioned, had been equipped with some sort of flare expelling device (similar to the type used in the service), the light could have been seen for miles, especially by other aircraft, and the location could have been pin-pointed almost immediately. We certainly would like to have something of this sort on our Ercoupe, but are neither electronically, or mechanically enough inclined to figure out the details. It was suggested the flares could be mounted in such a way that they could be activated by the pilot by the push of a button, when he was aware that he was going down-or possibly they could be made to go off on contact, if for some reason the pilot did not or could not activate in time. Also, there could be a series of different colors to denote the direction the plane was traveling while going down.

There are all sorts of possibilities that an inventive mind could come up with, but we thought we'd give this idea to you to present to your readers to see if someone could come up with a workable, practical solution, which we feel would save many, many lives in years to come. Does anyone know if this has ever been considered in the past?

Sincerely,

Charles W. Martin

LEFT AILERON....

Frank Saletri's transition package: Two large sponges for the pilot who wishes transition to Ercoupes. Transition pilot glues sponges to floorboard where he is used to rudder pedals.

On final, he puts his feet on the sponges. On approach he uses left aileron-right sponge/ right aileron-left sponge.

Chuck Ferris
3265 Santa Maria Road
Topanga, CA 90290

All material submitted for publication must be received thirty (30) days before you want it to appear. Editing and preparation will begin the first (1) day of the month and the Newsletter mailed around the fifteenth (15) day of the month. All material must be typed or legibly handwritten. Photos and material will not be returned unless accompanied by a large self addressed stamped envelope.

MUST YOU PAY INCOME TAX?

FOR INDIVIDUALS, INCOME TAX IS A VOLUNTARY TAX

The above statement makes many people skeptical when they read it. However, the basic reason for the truth of the statement is really very simple.

THE U.S. CONSTITUTION FORBIDS THE FEDERAL GOVERNMENT TO IMPOSE ANY TAX DIRECTLY UPON INDIVIDUALS.

INDIVIDUALS VOLUNTARILY IMPOSE AN INCOME TAX UPON THEMSELVES WHEN THEY FILE AN INCOME TAX RETURN.

Read on and learn why. You will be glad you spent a few minutes to learn about these important facts.

AMERICANS ARE CONFUSED AND DECEIVED

Before World War II, individuals' wages were not considered to be subject to income taxes. During the war a "Victory Tax" was imposed on wages as an emergency measure to help pay for the war. The people did not realize that government could not constitutionally impose any tax directly on them, so they assumed that individuals and their earnings could be taxed directly.

The Internal Revenue Service intentionally promoted this misunderstanding of taxing power through clever wording of its statements, publications and propaganda news releases. Consequently, Americans have been deceived into believing that they are required to pay an income tax which is laid on them directly by government. However, when the IRS's publications, U.S. Supreme Court decisions and the Internal Revenue Code (income tax law) are studied carefully, they show that for individuals, paying income tax is voluntary and that the filing of tax forms is also a voluntary action that is not required by law.

CONSTITUTIONAL LIMITATIONS ON TAXING POWER

In order to understand why paying income tax and filing tax forms are voluntary actions for individuals, it is essential to understand the limitations on federal taxation embodied in the United States Constitution. The statesmen who wrote the Constitution were fully aware of the dangers to liberty in allowing a central government to impose taxes directly upon individuals or upon property.

Tyranny resulting from direct taxation of individuals had led to the American Revolution only 12 years earlier when all the taxes collected amounted to less than 5% of the colonists' earnings. This tyranny was referred to in the Declaration of Independence where in describing the reasons for the revolution, the founding fathers stated: "He (King George III) has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance."

Because of the knowledge of these facts, the framers of the Constitution included not one, but two limitations in the Constitution that absolutely forbid the federal government to impose any direct taxes upon individuals or upon property. All direct taxes are required to be "apportioned", which means that they must be laid upon the state governments in proportion to each state's population.

The limitations forbidding direct taxation of individuals are found first in Article I, Section 2, Clause 3, which states: "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers..." and again in Article I, Section 9, Clause 4, which states: "No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken." These basic sections of the Constitution have never been repealed or amended. The Constitution still forbids direct taxation of individuals and property.

16th AMENDMENT MISINTERPRETED (DELIBERATELY)

Deceptive statements by IRS spokesmen and other propagandists have intentionally created great confusion as to whether these limitations on direct taxes are still in effect. They incorrectly claim that the 16th Amendment (the income tax amendment) changed the constitutional limitations on direct taxes and authorized an income tax as a direct tax without apportionment. The U.S. Supreme Court rejected these claims in the case of *Brushaber v. Union Pacific R. R. Co.*, 240 US 1, (1916), when they ruled that the 16th Amendment created no new power of taxation and that it did not change the constitutional limitations which forbid any direct taxation of individuals.

The Court stated that the nature of income tax is identified by the wording of the Amendment itself, which says: "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." The Court explained that since it is a tax "without apportionment", the income tax cannot be a direct tax (a tax on individuals or on property), because the Constitution still requires that all direct taxes must be "apportioned".

INCOME TAX IS AN EXCISE TAX

If the income tax is not a direct tax, what kind



of tax is it? The *Brushaber* decision, which has never been overruled, cleared up the misunderstanding by stating "...taxation on income was in its nature an excise..." and it further stated "...that taxes on such income had been sustained as excises in the past." The ruling established that income tax is constitutional as an excise tax, not as a direct tax. According to the Court, income tax is still an excise tax (primarily a tax on corporations). The IRS relies on the *Brushaber* decision to prove the constitutionality of the income tax, but ignores the Court's ruling that income tax is an excise tax.

Now the question arises: Can an excise tax be laid on individuals by government? The answer is definitely NO! Remember, as discussed earlier, the Constitution absolutely forbids any federal taxes to be laid directly on individuals. Then who or what is subject to an excise tax? The U.S. Supreme Court in *Flint v. Stone Tracy Co.*, 220 US 107, defined excises as "...taxes laid upon the manufacture, sale, or consumption of commodities within the country, upon licenses to pursue certain occupations, and upon corporate privileges."

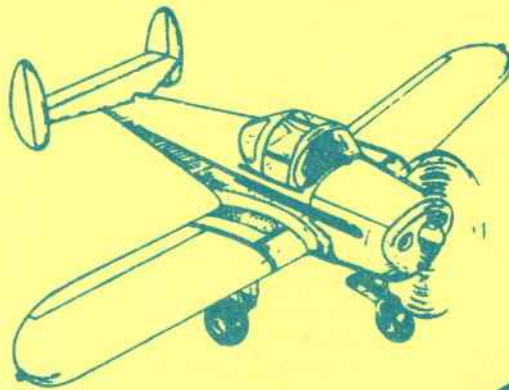
Individuals are not commodities or corporations, so the only way an individual could be even indirectly subject to an excise tax is if he were granted a license to engage in an occupation of special privilege, such as a lawyer. The Court has ruled that a lawyer is granted a license of special privilege by government to act as an officer of the court and that money earned in the exercise of that privilege is subject to an income (excise) tax. All occupations that one could lawfully pursue without the existence of government, are occupations of common right and are not subject to an income (excise) tax. For example: laborer, factory worker, salesman, plumber, electrician, doctor, merchant, nurse, secretary, truck driver, waitress, etc.

INDIVIDUALS ARE NOT "REQUIRED"

Section 6012 of the Internal Revenue Code tells who "shall" file income tax returns. Without

Ercoupe Owners Club

FLY IN



WHAT: The Arizona "Fun in the Sun" Annual Fly-In
WHERE: Deer Valley Airport, Phoenix, Arizona
WHEN: April 13, 14 and 15, 1984
INFO: Free poolside party, Friday, April 13, 7:00 P.M. for the

Early Birds!
Free Transportation to all activities and motels
Motels available at reasonable rates at check in table
Camping - call or write for further information
Registration, Saturday, April 14, 8:00 A.M. till noon
Food and refreshments available on the field
"COUPES" judging & flying activities Saturday afternoon
Awards Banquet Saturday evening at the banquet
dinner at the Deer Valley Airport restaurant. Door
prizes galore!! \$10.00 per person.
Coffee and donuts provided for Sunday A.M. departures
represented! Will you take the challenge?
Any Questions? Contact any folling member:

THE ARIZONA COUPE GROUP 582-5861
Ron Jewett, Region 3 EOC Representative
3935 W. Country Gables Dr.
Phoenix, Arizona 85023
Phone: (602) 938-5254
Bud Warner, President
Jo-An Cooper, Group
Arizona Coupe Group
Phone: (602) 995-4177

MOTELS: Deer Valley Village Motel
nearest Airport 602-869-9110
Super 8 - Kings Inn, 1-800-843-1991
Motel 6, 602-863-1668
Possible rooms with members
Call Mal Woodworth 602-942-2653

careful analysis, the wording of the section appears to require all individuals earning \$1,000 or more to file returns. The section states: "Returns with respect to income taxes under subtitle A shall be made by the following: (1) (A) Every individual having for the taxable year a gross income of \$1,000 or more, except..." Everything that comes in to an individual is not legally defined as "income". To be "income", money must be a gain or profit made in the exercise of a government granted privilege, such as lawyers' fees. The IRS Code, if carefully analyzed, clearly shows that wages, salaries and tips are not "income".

The section states that returns "shall" be made by every individual having a certain amount of "income". It does not say that returns are "required" to be made by them. Courts have repeatedly ruled that "shall" means "may" when used in statutes (laws).

In the decision on **Cairo & Fulton R. R. Co. v. Hecht**, 95 US 170, the U.S. Supreme Court stated: "As against the government, the word 'shall' when used in statutes, is to be construed as 'may', unless contrary intention is manifest."

In the decision of **Gow v. Consolidated Coppermines Corp.**, 165 Atlantic 136, the court stated: "If necessary, to avoid unconstitutionality of a statute, 'shall' will be deemed equivalent to 'may'."

If you, as an individual, were required to file a return and supply information under oath, all of which could be used as evidence against you in any criminal case, the requirement would be unconstitutional because it would violate your 5th Amendment right not to be compelled to be a witness against yourself. It is clear that individuals are not required to file returns, even if they have "income" of \$1,000 or more.

IT'S VOLUNTARY, SAYS IRS

Here are a few examples of the tricky and deceptive wording used by the IRS in their own publications that confirm the voluntary nature of income (excise) tax. IRS publication #21 that is widely distributed to high schools acknowledges that compliance with the law requiring the filing of a return is voluntary and at the same time suggests that the filing of a return is mandatory when it states: "Two aspects of the Federal income tax system - voluntary compliance with the law and self-assessment of tax - make it important for you to understand your rights and responsibilities as a taxpayer. Voluntary compliance places on the taxpayer the responsibility for filing an income tax return. You must decide whether the law requires you to file a return. If it does, you must file your return by the date it is due."

A former IRS commissioner stated in a 1040 instruction booklet: "Each year American taxpayers voluntarily file their tax returns..." The U.S. Supreme Court also confirmed the voluntary nature of income tax in the case of **U.S. v. Flora**, 362 US 145, when it stated: "Our system of taxation is based upon voluntary assessment and payment, not upon distraint" (force).

The term "voluntary compliance" appears to be contradictory, but careful analysis shows the words to be accurate and appropriate. An act is voluntary when one does it of his own free will, because he is forced by law to do it. If a law applies to an individual, his compliance with the law is mandatory, not voluntary. However, individuals engaged in occupations of common right are not subject to the income (excise) tax.

For them, compliance with the law is voluntary, not mandatory, because the law does not apply to them.

NO CRIMES FOR INDIVIDUALS

Since individuals are not subject to an income (excise) tax, they cannot be subject to tax related criminal penalties. All the criminal penalties in the Internal Revenue Code are contained in Chapter 75. Section # 7343 of that chapter, defines a "person" who is subject to criminal penalties. An individual is not listed as being a "person" subject to criminal penalties for failure to file a return, failure to pay income tax, or any other tax law violation.

Section #7343 states: "The term 'person' as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs." Only those people who are required to act on behalf of a corporation or partnership, are listed as being a "person" subject to criminal penalties. If an individual is not in that capacity, he is not required to act and is not subject to any criminal penalties under the Code.

HOW CITIZENS ARE TRAPPED

Now you might ask, if these statements are true, how are individuals sent to jail for Internal Revenue Code violations? Judges, all of whom are government employees, are dependent upon preservation of the "system" for their power and benefits. In order to uphold the "system", they frequently twist the law against citizens in tax cases. Since jurors do not generally understand the law and are misguided by those corrupt judges' instructions on the law, they frequently vote "guilty" in tax cases when no crime has actually been committed. If one is not subject to the income (excise) tax, he or she is not committing a crime by not filing a return or by not paying the tax.

People should remember the following important facts. **When an individual files an income tax return, he is considered to have subjected himself to the tax by his own action of filing a return** (the legal principle of implied assumpsit). The voluntary action of filing is considered to be acknowledgement that he is required to file as a "taxpayer" and is therefore subject to the tax. Anyone who admits to being a "taxpayer" is caught in the trap like definition of the word in Code Section #7701 (a)(14) that states: "The term 'taxpayer' means any person subject to any internal revenue tax."

DAMAGING EFFECTS OF INCOME TAX

In the past, America prospered and became the greatest and richest country in the world when individuals paid no income tax and government's revenues were raised by constitutionally authorized taxes on certain goods and services and on corporations. But now, money is taken from productive sector of society by the income tax scam to support the non-productive sector, foreign aid, give-aways and a bloated, needless bureaucracy. The income tax paid by citizens sharply reduces their earnings; they then buy less, causing business to decline, leading to unemployment and depression, thus lowering the standard of living for all Americans. The income tax has created havoc in America's

economy, in addition to the loss of liberty and the harassment of our people by the IRS's oppressive collection tactics.

The collection of the income tax by extortion-like methods based on deception and enforced by fear and intimidation is as un-American as the origin of the income tax itself, which is the second plank of Karl Marx's Communist Manifesto.

Abuses of the rights of American citizens by judges and bureaucrats administering the income tax law is a disgrace to our country. History has proven that governmental abuses of citizens' rights, if unchecked, always lead to tyranny. Deceiving citizens into voluntarily subjecting themselves to a tax they do not owe is a fraud. When individuals who do not voluntarily subject themselves to the income (excise) tax by filing returns, have assessments of tax laid on them directly, it is a **blatant violation of the constitutional limitations forbidding the direct taxation of individuals**. If the IRS then confiscates the individuals' wages or property by levy and seizure to settle the unconstitutionally laid tax claims, the action is **pure theft under color of law**.

WHAT YOU CAN DO

The U.S. Constitution is the supreme law of the land. It was written to create a government of limited powers for the primary purpose of securing citizens' rights to life, liberty and property. The Declaration of Independence states that it is the duty of citizens to oppose and resist abuses of their rights. These violations of citizens' rights can be stopped if enough people become informed of these facts. **SHOW THIS INFORMATION TO YOUR FRIENDS!** Copy this article. Show it to citizens' groups and organizations. Inform the news media. Call radio talk shows. The American people must be informed of these facts so they can take action to preserve their rights.

The Constitution is a precious document of our heritage of freedom. Its guarantees of liberty are only as effective as the will of the people to enforce them.

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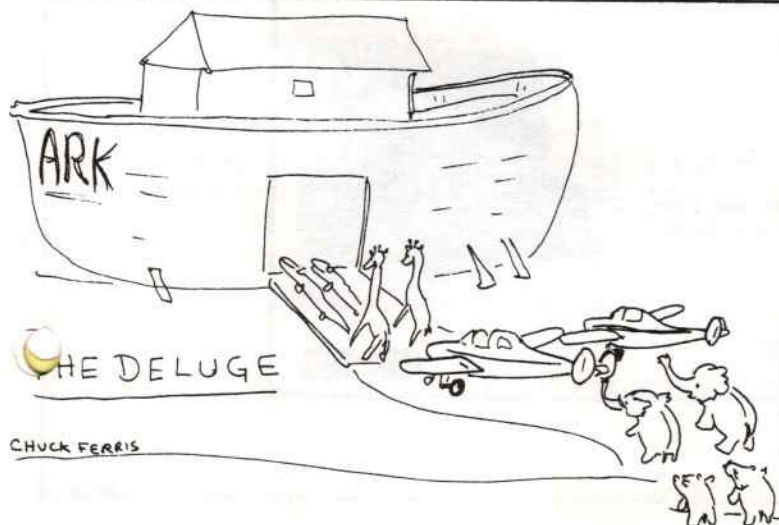
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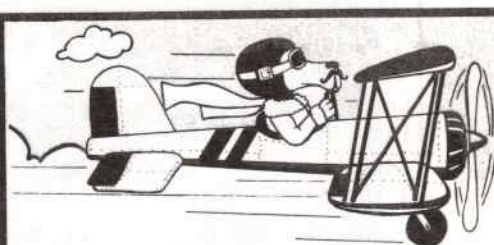
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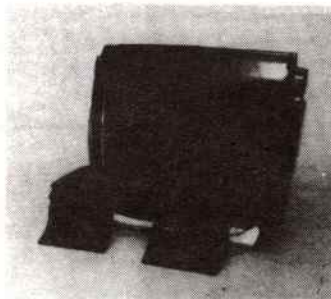
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