

Who are the IRS & USA?

by Dan Meador

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In essence, the article demonstrates that constitutionalist researchers like Dan Meador are systematically chipping away at the lies and misinformation our government uses to deceive the American people into accepting obligations and burdens that have little or no legitimate legal foundation.

Here, Mr. Meador is simply asking government, "Who the H___ are you guys?" To most, that question may seem silly. To some who are more astute, however, the question is profound.

Since the article is really a legal document (FOIA request) it's dry reading. Nevertheless, it offers more evidence that the constitutionalist onslaught on the IRS is not only growing more sophisticated but will soon topple the IRS.

A Freedom Of Information Act (FOIA) request was initiated by Dan Meador of Ponca City, Oklahoma on June 14, 2000 to uncover the answers to the questions, "Who is the Internal Revenue Service?" and "Who is the United States of America?"

These questions may seem like nonsense to many Americans. Everyone knows the answers.

But do we? Researchers have discovered that many common terms have been defined in law quite differently from the meanings we commonly attribute to them and that presumptions we make, often with encouragement from government, lead us to conclusions and actions which are not in our best interest and are contrary to the intent of America's founders as prescribed in the Declaration of Independence and the Constitution for the united States.

Our misunderstanding of such entities as Internal Revenue Service and United States of America have resulted in the people falling more and more under the control of the few special interests who dominate our federal government. Meador's FOIA request drives to the heart of these misunderstandings. His request is directed to: Margaret P. Grafeld, Information & Privacy Coordinator Office of Information Resources Management Programs and Services; Melanie Ann Pustay, Deputy Director, Office of Information and Privacy; Director of Disclosure Services, FOIA Request Division and Chief Disclosure Officer, Internal Revenue Service.

The request included:

1) documents establishing the [Federal] United States of America that first appeared as a principal via the Act of Oct. 23, 1918, c. 194, 40 Stat. 1015, that amended § 35 of the Criminal Code of 1909 (The 1918 amendment had first appearance of the phrase "... or any corporation in which the United States of America is a stockholder . . .");

2) documents that revised the coalition or political compact of territories and insular possessions, and/or the municipal corporation charter or charters, that have modified *geographical composition* and/or powers of this [Federal] United States of America since its inception;

3) documents that authorize the [Federal] United States of America as a principal of interest, whether for civil remedies or criminal prosecution, in Oklahoma and other States of the Union, other than where there is fraud against a corporation in which the [Federal] United States of America owns stock (See current 18 U.S.C. §1001; 18 U.S.C. § 80, 1940 ed.);

4) documents that establish the Internal Revenue Service as an agency of, or agent for, Government of the United States other than in the District of Columbia, insular possessions of the United States, and maritime jurisdiction of the United States;

5) documents that authorize

the Internal Revenue Service to seize property in Oklahoma and other States of the Union other than under authority of 26 U.S.C. §§ 7302 & 7327 and 26 CFR § 403. (Do not include authority authorized at 26 U.S.C. §7701(a)(12)(B) and other authority relating exclusively to the District of Columbia and/or insular possessions of the United States);

6) documents that authorize Internal Revenue Service personnel to carry guns, effect arrests, and execute warrants in Oklahoma and other States of the Union other than in instances that might have a nexus relating to maritime trafficking of controlled substances (26 U.S.C. §§ 7302 & 7327 and 26 CFR §403);

7) documents that authorize the Department of Justice to litigate for collection of delinquent taxes administered by the Internal Revenue Service in Oklahoma and other States of the Union other than what might be applicable under authority of 26 U.S.C. §§ 7302 & 7327 and 26 CFR § 406;

8) documents that authorize the Department of Justice to criminally prosecute for matters relating to internal revenue laws of the United States administered in Oklahoma and other States of the Union by the Internal Revenue Service other than what might have a nexus relating to maritime trafficking in controlled substances (26 U.S.C. §§7203 & 7327 and 26 CFR§ 403);

9) documents that authorize the Department of Justice to defend Internal Revenue Service personnel in civil or criminal actions prosecuted in Oklahoma and other States of the Union other than what might relate to instances where there is a nexus relating to maritime trafficking in controlled substances (26 U.S.C. §§7203 & 7327 and 26 CFR § 403);

10) documents that autho-

rize the Department of Justice to defend the Internal Revenue Service in civil or criminal actions prosecuted in Oklahoma and other States of the Union other than instances where there is a nexus relating to maritime trafficking in controlled substances (26 U.S.C. §§ 7203 & 7327 and 26 CFR § 403);

11) documents that authorize the Department of Justice to defend the [Federal] United States of America in civil or criminal actions prosecuted in Oklahoma and other States of the Union, or in the U.S. Court of International Trade, other than where there is fraud against a corporation in which the [Federal] United States of America owns stock (18 U.S.C. § 1001) and finally,

12) documents that establish the United States resident agent of the [Federal] United States of America.

The request is supplemented by the following:

Discussion


The above requests go to the heart of the Federalism scheme on the side of Government of the United States. The state side, i.e., Cooperative Federalism, is also known, but the manner in which governments of States of the Union accommodate Federal usurpation of power goes beyond the scope of this Freedom of Information Act request.

The Constitution of the United States enumerates powers of a governmental entity designated and known as the United States; it vests precious little authority in the original United States of America established by the Articles of Confederation then mentioned in .the Preamble and Article 11 of the Constitution. Through the Nineteenth Century, as is the case today at 18 U.S.C. § 3231, 26 U.S.C. § 7402 & 28 U.S.C. §§ 1345 & 1346, the 'United States' was and

is the lawful principal of interest in matters relating to Government of the United States.

The 'United States of America' that first appeared as a principal via the Act of October 23, 1918 appears to have been established via mutual assistance agreements and/or political compacts between territories and insular possessions of the United States some time after 1909. Cumulative evidence suggests that this entity is actually the 'Federal United States of America', not to be confused with the original. This entity is defined as a "State" in the Interstate Agreement on Detainers Act (22 Okla. Stat. § 1347, Art. II(a)), and is clearly distinct and separate from the "United States" in various Attorney General delegation orders, particularly 28 CFR § § 0.64-1, 0.64-2 & 0.96b. It is defined as an "agency" of the United States, i.e., it is a political subdivision of the United States (See notes following the current

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18 U.S.C. § 1001) even though the U.S. Supreme Court defined the constitutionally unincorporated insular possessions as “foreign” to the United States in insular tax cases decided in the early Twentieth Century.

From 1789 through the early 1930s, the “United States” was properly named as principal of interest in civil litigation and criminal prosecution where the United States was a party of interest. The “United States of America” seems to have been substituted, without lawful authorization required by Article I § 8, clause 18 of the Constitution, in the 1934-37 timeframe.

By 1926 when the first edition of the United States Code was published, Congress had all but abandoned Article I delegated authorities in favor of plenary power in possessions of the United States. States of the Union seemingly accommodated the shift, albeit with some resistance, through the early years of the

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great depression, then for all practical purposes capitulated with advent of New Deal legislation in 1933.

In the last half of the Twentieth Century in particular, Federal encroachment on the tax front was primarily through the Internal Revenue Service, successor of the Bureau of Internal Revenue, (BIR) Puerto Rico.

Inception of this entity was May 1, 1900 when the first civil governor and executive council of Puerto Rico established five bureaus, then later the five were merged into one. BIR, Puerto Rico and BIR, Philippines administered the China Trade Act (international trade agreements relating to opium, cocaine and citric wines) after 1904. BIR, Philippines ceased to formally exist when the Philippines was granted independence in 1946. The Bureau of Internal Revenue encroached into the Continental United States, i.e., States of the Union, to enforce Federal maritime drug laws under color of 1914 & 1918 legislation, then via Reorganization Plan No. III of 1940, took over administration of the Federal Alcohol Administration Act after the U.S. Supreme Court declared that state and Federal enforcement agencies no longer had concurrent jurisdiction for enforcement of liquor laws (U.S. v. Constantine, Dec. 1935).

From 1862 through implementation of the Internal Revenue

Code of 1954 (Reorganization Plan No. 26 of 1950 & Reorganization Plan No. 1 of 1952), assessors and collectors were appointed for internal revenue districts of the United States much the same as U.S. Attorneys are presently appointed for judicial districts. Assessor and collector offices were abolished by the reorganization plans, then BIR, Puerto Rico, renamed Internal Revenue Service by Treasury order in 1953, stepped in to fill the gap. Published statements by the Commissioner of Internal Revenue in the Federal Register and older editions of the Internal Revenue Manual confirm that Congress never legislatively created a Bureau of Internal Revenue, i.e., Internal Revenue Service, so IRS obviously has no lawful authority in States of the Union even if the current IRS isn't in direct lineage of BIR, Puerto Rico.

At any rate, the delegation of authority from the Secretary of the Treasury to the Commissioner of Internal Revenue, as head of IRS (the office seems to have been shifted from an office of Government of the United States to the Government of Puerto Rico via the reorganization plans) has never been geographically applicable in States of the Union. In the last year, Internal Revenue Code taxing authority has been unraveled sufficiently that we now know most applications.

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Normal tax, inheritance tax, and other "income taxes" in Subtitles A & B of the Internal Revenue Code fall into two broad categories. First, nonresident aliens and foreign corporations with items of income from sources within the United States are subject to these taxes, then Citizens and residents of the United States and domestic corporations are subject to Subtitles A & B taxes on items of income from foreign sources and from insular possessions of the United States. The Larken Rose memorandum posted on the www.taxgate.com web site provides thorough documentation relating to application of these taxes.

Social welfare taxes in Chapter 21 are applicable only in the District of Columbia and insular possessions; the government personnel tax in Chapter 24 is applicable to officers and employees of government of the United States, governments of the District of Columbia and insular possessions, and officers of corporations in which the United States has a proprietary interest. In 1935, the U.S. Supreme Court declared the first effort to impose a social welfare tax scheme in the several States unconstitutional, then the subsequent legislation, i.e., the Social Security Act of 1935, was promulgated under auspices of Congress' plenary power in possessions of the United States. See definitions of

"State", "United States", and "citizen" at 26 CFR § 31.3121(e)-i to verify geographical application.

Consult 26 CFR §§ 31.6001-1 through the end of Part 31 to verify that the Internal Revenue Service should virtually never have direct contact with "employees" subject to withholding at the source under auspices of Chapter 24 of the Internal Revenue Code. Administration of these taxes is primarily between the officer or employee and the agency financial or withholding agent, the Treasury Financial Services Administration, and in the extreme, the Attorney General in his capacity as Solicitor of the Treasury. The Treasury Financial Services Manual posted on the Department of Treasury web site exposes a world of sin relating to the government personnel tax and qualified state and local taxes. Even if IRS was legitimately an agency of Government of the United States, the notion that IRS or any other government agency can administratively seize property, seize bank accounts, garnish wages or otherwise take property without judicial process, as secured by the Fifth Amendment, is an outrage to the dignity to the American people. Judicial process necessary to determine contested liabilities is prescribed in Chapter 76 of Title 26 and Chapter 176 of Title 28.

Even where property is seized in admiralty jurisdiction,

which depends on there having been criminal use of the property (26 U.S.C. § 7302), requires judicial forfeiture of anything with value in excess of \$2,500 (See 26 CFR § 403).

The Bureau of Alcohol, Tobacco & Firearms and the Drug Enforcement Administration share roots with the Internal Revenue Service, all in one way or another springing from the Bureau of Internal Revenue, Puerto Rico. ATF was directly split from IRS in 1972 via Treasury order.

Per 1993 pleadings of a Department of Justice Tax Division trial attorney by the name of Richard R. Ward, we know the Internal Revenue Service is not an agency of Government of the United States, but of the [Federal] United States of America. Thus the loop is closed with sufficient documentation to prove the case. (Diversified Metal Products, Inc. v. Bow Company Trust et al Civil No: 93-405-E-EJL (USDC, Idaho)).

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