

Federal Income Tax

Federal income tax is a complex, and at times confusing, subject. Its history is convoluted. Many court decisions in the last 50 years concerning income tax have been mistaken at best, and plainly dishonest at worst.

Although the Internal Revenue Code is 100% Constitutional, its [mis]application by the Executive Branch [The US Department of the Treasury and its minion, the Internal Revenue Service] has been blatantly unconstitutional – and as such, plainly illegal. The US Department of Justice has been criminal in its prosecutions of people its attorneys know have never had any US income tax liability. Congress and state legislatures have turned their heads from this horrid and unlawful behavior because tax assessment and collection, no matter how unlawfully or immorally pursued, fill the troughs from which Representatives and Senators buy American voters and from which the states are subsidized with “free money”.

The fact that the government routinely perverts the law in these matters, does not mean that we are barred from a proper understanding of the law, or that we must join with government officials and act in complicity with their criminal conduct. Quite the opposite is true. It is the duty of each American Citizen to ferret out the truth and stand upon it – and demand that our government officials act only within the law. Original Intent is dedicated to assisting you to that end. So then, what is the legal truth concerning “income tax”?

A Rose by any other name...

The term “income tax” is a broad umbrella term that embraces all manner of taxes that bring revenue into the US Treasury. Within that broad category are:

- Income tax
- Import duties
- Taxes upon certain commodities
- Taxes upon certain regulated matters
- Taxes upon employers
- Taxes upon employees

You will note that within the broad category of Income Tax is a specific tax called “income tax”. Each time the government brings a charge against a person for “tax evasion”, the first question the person should ask is, “What tax do you allege I’m evading?” When they say, “Income tax”, the prudent person will ask, “Which specific form of income tax?” The government should be asked to open the tax code and turn directly to the specific tax to which they are referring.

What Taxes are in the Internal Revenue Code?

The Internal Revenue Code (IRC), also known as “Title 26”, is broken down into 11 “subtitles”, with one appendix at the end. The subtitles are designated “A” through “K”. Subtitles “A” through “E” levy various taxes, and “F” is the subtitle concerning Procedures and Administration. Subtitles “G” through “K”, and the appendix, are irrelevant to any discussion of taxes for the general public. Subtitles “A” through “E” are as follows:

- Subtitle A – Income tax
- Subtitle B – Estate and Gift tax
- Subtitle C – Employment tax
- Subtitle D – Miscellaneous Excise taxes
- Subtitle E – Alcohol, Tobacco, & Certain Other Excise taxes

Of interest to most Americans are subtitles A and C. These are the two taxes with which most Americans must contend with when they look at their paychecks and when April 15th rolls around.

The astute observer will note that each subtitle addresses a specific type of tax. In other words, the subtitle A tax is separate and distinct from the subtitle B tax, which is a separate and distinct tax from the tax imposed under subtitle C, and so on. Given this “plain as the nose on your face” reality, we ask you why employers withhold a tax imposed under subtitle C all year long, but come April 15th the worker files a Form 1040 which addresses a completely different tax – the one imposed under subtitle A? If you haven’t figured out the answer, it’s because the tax “experts”, such as CPA’s and payroll managers, don’t have a clue about tax law and they (wanting to look “professional”) simply parrot what the IRS has told them is correct. [See [Debunking IRS Tax Lies](#) in this site.] The fact that one glance at the list of IRC subtitles renders the proposition absurd is of no concern to these “experts”. Needless to say, such people are not “experts” if they do not know that “income tax” and “employment tax” are two separate and distinct taxes, and they are not “professionals” if, after being informed, they screw their eyes tightly shut and continue to support the plunder of Americans for a tax that workers do not owe.

Income Tax

In this section we do not address the broad category of all taxes that bring in revenue, but only subtitle A “income tax”.

Despite all the controversy concerning income tax, subtitle “A” is really rather simple once it is placed in its proper context. Subtitle “A” contains the various sections that impose an income tax on individuals, corporations, partnerships, etc., as well as the formulas for the rate of the taxes imposed.

Most Americans today feel that the IRC applies to everyone. No matter how many Americans believe it to be true it is still factually and legally inaccurate. **The IRC only applies to “taxpayers”**. This is a pivotal point. Let’s see what the federal courts have said on this issue:

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

Economy Plumbing and Heating Co. v. United States, 470 F. 2d 585 (1972)

As you can see, the IRC does **not** apply to everyone. Of course we really haven’t resolved anything because most Americans also believe themselves to be “taxpayers”. Why do they believe that? Because they’ve been **told** that they are. And not just told by this person or that, but told by **everyone!** Geez...everyone can’t be wrong – can they? To the chagrin of Americans who have taken the time to actually read the law, they find out that, “yes”, everyone who said he or she is a taxpayer was wrong.

What is the general definition of “taxpayer” provided in the IRC?

26 USC §7701(a)(14) - The term "taxpayer" means any person **subject to** any internal revenue tax. [emphasis added]

So...how do you know if you’re “subject to” an internal revenue tax? Ordinarily the first step would be to ask an expert, but as we’ve already covered, today’s “experts” are little more than mouthpieces for the IRS. Asking them would not be terribly useful if you’re looking for factual and objective answers. The second way would be to read the law for yourself; but where to start? Unfortunately, the best place to start is with a basic concept that you’ll not find stated in any tax law book anywhere.

The first concept that you need to learn about tax law (and law in general) is “**context, context, context**”. This is not the only legal principle you may need to know, but is certainly the preeminent one.

All laws, and the specific words within the laws, must be seen in the context of the subject being addressed **and** considered within the context of jurisdictional limitations of the government.

The context of the subject should always be considered; e.g. a law dealing with medical care requirements should not be presumed to apply to a human being if the statute you're reading is contained within the Agriculture Code.

Concerning jurisdictional limits; the government may write a law that applies properly to one party, but exceeds its authority when applied to you. A prime example of this is the annual tax that many counties levy upon the personal property of businesses. Such laws are written for corporations and certain other "legal fictions", but do not apply to real live Citizens. Real live Citizens have a Constitutional right to own property and cannot be taxed on the exercise of a Constitutionally secured right except through certain very narrow methods that are not currently being used in this country.

How do we then apply these newly acquired principles (i.e. "contextual setting" and "jurisdictional limits") to income tax? First we must take stock of the following jurisdictional fact:

The IRC only applies to money or other forms of property that are within the lawful reach of federal and state taxing authority.

Read that again. Read it as many times as it takes for that reality to embed itself in your mind. Now, let's turn it over and look at it from the opposite view.

The federal and state governments cannot tax anything that lies beyond their lawful taxing authority.

O.K., we've got that; so how do we now determine what is within the government's authority, and what is not? Fortunately, the question is not too hard to answer.

The federal Constitution only recognizes two categories of taxation. One is a **direct tax** and the other is an **indirect tax**. [See the US Constitution, Article I, Section 2, Clause 2; Article I, Section 9, Clause 4; Article I, Section 8, Clause 1.] As far as American law is concerned, these are the only two classes of taxation. For us, they are the equivalent of the northern and southern hemisphere – together they are the whole ball of wax.

Here's a solid definition of "direct tax" from the US Supreme Court:

"Direct taxes bear upon persons, upon possessions, and enjoyment of rights"

Knowlton v. Moore, 178 US 41

Virtually all taxes in this country are indirect taxes and not direct taxes. While many people will tell you that the test for determining if a tax is indirect is

that it can be passed along to another person (such as sales tax), we feel that the more useful and accurate test is if you can choose to avoid the “taxable activity”, and thus avoid the tax altogether. ***If one cannot avoid a tax without sacrificing the ordinary affairs of life, the tax is not indirect, but is direct.*** [See the section on [Sales Tax](#) within this site for common misconception concerning that tax.]

Without going into the complete legal history of taxation and its Constitutional limits (which can be viewed within this site at [Constitutional Issues of Taxation](#)), suffice it to say that the only direct tax that may currently exist in this country is the tax allegedly authorized by the 16th Amendment. We say, “***may*** currently exist”, because the federal courts are in conflict as to whether the 16th Amendment authorized a special direct tax, or simply reinforced a pre-existing government power concerning an indirect tax. However, we need not get sidetracked with that issue because the 16th Amendment has no bearing on the ordinary compensation of the average American. Taxes under the 16th Amendment only deal with corporate dividends and other forms of distribution of corporate profit derived from capitol investment.

The earnings of private Citizens in the course of their private affairs was not taxable before the 16th Amendment, and the same was true after:

“It is not, in view of recent decisions, contended that this [16th] amendment rendered anything taxable as income that was not so taxable before.”
Evans v. Gore, 253 US 245 (1920)

So...if the 16th Amendment does not provide the government with the authority to tax the ordinary compensation of the average American, then whatever power the government may or may not have in that matter must be specified in the original body of the US Constitution (which inherently includes the concepts embodied in the Declaration of Independence). This brings us right back to the “direct” versus “indirect” issue.

If we acknowledge that a tax under the 16th Amendment is the ***only*** possible direct tax in effect upon income (i.e. a specific species of income - corporate distributions), then all other taxes upon any other species of income would be an indirect tax. This means that we need to explore indirect taxes to determine exactly what they are and if they affect our earnings.

The US Constitution specifies three forms of ***indirect taxes – imposts, duties, and excises*** (US Constitution, Article I, Section 8, Clause 1). In general, the terms “impost” and “duties” apply to articles moving in commerce. Since your earnings likely do not fall into that category, we must then turn to the final form of indirect tax – the ***excise*** tax.

The question of what is an excise tax has been well settled by the federal courts. The term “excise tax” has been consistently held to be synonymous with “privilege tax”.

“The term ‘**excise** tax’ and ‘**privilege** tax’ are synonymous. The two are often used interchangeably.”

American Airways v. Wallace, 57 F.2d 877, 880

In other words, if you are to be “liable for”, or “subject to”, an excise tax, you must **first** avail yourself of some privileged status or activity. Although there are various definitions provided in law dictionaries and in court decisions concerning what a “privilege” is, we prefer this plain English approach for tax matters:

Privilege - Any activity, or eligibility for an activity, which requires submitting an application to a government entity, or for which the providing of a SSN and/or TIN is mandatory (i.e. penalties and/or other consequences can legally be instituted for failing to provide the identifying/account number).

Another simple (but more expansive) **definition of a “privilege” is any activity that is outside of or beyond one’s unalienable rights**. Of course that requires us to know what our rights are! We are sure that some of you are now feeling a bit uncertain because you really don’t know what your rights are. While we can’t list every activity that would fall within the sphere of a Citizen’s rights, we can list some unalienable rights that relate to taxation generally and this discussion specifically:

Taxation Key, West 53 – The legislature cannot name something to be a taxable privilege unless it is first a privilege.

Taxation Key, West 933 – The Right to receive income or earnings is a right belonging to every person and realization and receipts of income is therefore not a “privilege that can be taxed”.

“The property that every man has is his personal labor, as it is the original foundation of all other property so it is the most sacred and inviolable...to hinder his employing [it]...in what manner he thinks proper, without injury to his neighbor, is a plain violation of the most sacred property”.

Butcher’s Union Co. v. Crescent City Co., 111 US 746

“Included in the right of personal liberty...is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal

employment, by which labor and other services are exchanged for money and other forms of property”.

Coppage v. Kansas, 236 US 1

Hopefully these definitions and citations illustrate the distinction for you between a privilege and an “unalienable right”, at least as far as taxation is concerned.

Accordingly, if you steer clear of situations that fall into the definition of privilege, then you will not be involved in a privileged [excise taxable] activity. [Your first response to this might be that you cannot work without providing a SSN. For more information on that specific subject, see the section, [Employment Taxes](#), within this site.]

Since taxes upon any (non-16th Amendment) income are excise taxes, we would ask you this question: “What privileged activity have you been involved in?” If your answer is “none”, and you’re getting irritated, you’re seeing things clearly.

How You Keep Making Yourself Liable

Although the average American doesn’t know it, they repeatedly declare themselves liable for state and federal income tax. This is a classic example of “what you don’t know **will** hurt you!”

Whenever a person who is in control of paying you money asks for an “identifying number” (e.g. SSN, TIN, EIN, ITIN; see 26 CFR 301.6109-1(a) for definitions) what that person is really doing is asking you to declare that the money he is about to pay you is subject to federal and state taxing jurisdiction. Because there is no law that allows a third party to determine your tax status, the person who will be paying you is asking a reasonable question (especially if they are a taxpayer). Of course the problem is that the practical application of the process has been perverted into a “demand” as opposed to a “request”. This is particularly odd in light of the fact that the Secretary of the Treasury, in his own tax regulations, states that the requester may **only request** the number.

26 CFR 301.6109-1(c) - If the person making the return does not know the taxpayer identifying number of the other person, such person must request the other person’s number. A request should state that the identifying number is required to be furnished under authority of law. When the person making the return, statement, or other document does not know the number of the other person, and has complied with the request provision of this paragraph, such person must sign an affidavit on the transmittal document forwarding such returns, statements, or other documents to the Internal Revenue Service, so stating.

Let's make a few observations about this section. First, the word "request" is used three times; "demand" is never used. Second, the requestor must request a number from you in writing. Although the request must say that the number is required under law, one must remember that the tax code **presumes** that all transactions are taxable. A non-taxable transaction is never addressed by the code. The reason for the "request" (and not a demand) is that the IRC must give a nontaxpayer the opportunity to refuse to give an identifying number. If it were otherwise, the IRC would be found unconstitutional by the courts. ***If a Citizen asserts his nontaxpayer status, and refuses to give a number, the Secretary's own regulations limit the requestor's response to one thing, and one thing only - the submission of an affidavit.***

One should take special note that the regulation does not permit the requestor to fire a person for refusing to provide a number, or to withhold payment on goods received or services rendered until a number is provided. Such actions are not lawfully permitted under the regulations. People who engage in such conduct are acting outside of and beyond the regulations of the Secretary (which they purport to be the motivation for their actions). Is it not disingenuous (as well as illegal) for the requestor to claim that you **must** provide a number because he claims to have a fervent desire to obey the regulations of the Secretary, but then turn around and fire you, or withhold a payment owed, even though such an action is not the remedy specified by the Secretary in his regulations? What such people are really saying by their actions is that they want to obey the regulations only when it suits them, but are willing to completely disregard the regulations when it does not.

In our minds such people are not only criminals, but they are the very worst kind of petty tyrant – they would hold a person's earnings or livelihood over that person's head until the person submits and changes his lawful status to that which the petty tyrant thinks it should be. For the sake of good manners we will refrain from commenting on what we think should be done to a person who blackmails an American Citizen out of his lawful and legal status and coerces him into the unlawful confiscation of his property. Having said that, let's continue.

There is no provision in law for the person making the payment to demand a number and ***more importantly, unless the payments are in the form of interest, dividends, or patronage dividends, or unless you are an alien, there is no law that permits backup withholding.*** However, since so many Americans give out their SSN (or other identifying number) at the drop of a hat, we need to understand what it means to give out the number.

First, we need to distinguish between giving the number out for identification purposes (such as for a credit report) and giving it out for tax purposes. Giving the number out for identification purposes may not be advisable, but since this

discussion is about taxation, we will address only that aspect. How can you tell when an identifying number is being requested for tax purposes? The common thread is that if you asked the requestor why he wants the number, he would tell you that he needs it because IRC requires him to get it. If his motivation is from the IRC, he's asking for tax reasons.

So...how do you respond? The basic legal theory is this: If you have a good faith belief that the money being paid to you is not subject to state or federal taxing authority, you should not provide a number **because** providing the number is something that one only does if one has a good faith belief that the money being paid to them **is** subject to state or federal taxing authority! In other words, if you know that the payment is not subject to the **tax**, why would you provide a **tax** identification number? Feeling stupid? That's O.K.; we've all been there!

Of course the problem of petty tyrants still exists. [For assistance with such matters, click on [Contact Us](#).]

The Consequences of Information Returns

Whenever you provide an identifying number to a requestor, you provide him with the necessary information to submit a **valid** information return. ***A return (including an information return) is not valid if it does not possess an identifying number.***

Information returns are reports (sent to the IRS) of payments that are subject to the taxing authority of the federal and state government. These reports are typically submitted on Treasury Department Forms 1099 and W-2 (although there are other less commonly used forms).

Form 1099 typically reflects payments made to an "independent contractor" and the Form W-2 is used to report "wages". However, no matter which information return form is filed, or what type of payment it is reporting, ***the mere submission to the IRS of a valid information return constitutes presumptive evidence that the amounts shown on the form are subject to federal and state taxing authority.***

We just discussed the fact that if payments made to you are not taxable, there is no legal reason for you to provide an identifying number, and you should not do so; to do so is tantamount to declaring that the payment is subject to taxation. In the same vane, if payments made to you are not taxable, then no report of the payment [i.e. an information return] is required to be made to the IRS. This can readily be seen in the IRC, as follows:

Section 3406 of the IRC is the section that authorizes backup withholding. Backup withholding may only be instituted concerning “**reportable payments**”. Please take careful note that this section does not say that backup withholding may be instituted concerning **any payment**, or **all payments**, but only when the payment is specifically defined as a “**reportable payment**”. This is a perfect example of the word games the Treasury department loves to play in the tax code.

Section 3406 goes on to list the other sections of the IRC that address “reportable payments”. These sections are typically thought to be stand-alone provisions authorizing information reporting (as opposed to backup withholding). These sections are:

6041, 6041(a), 6041A, 6041A(a), 6045, 6050A, and 6050N

However, as you can see, these sections are not “stand-alone” in their authority to file information returns. They are tied into the definitions provided in §3406.

It is interesting to note that none of the sections listed above use the language “**reportable payments**” – only “payments”. If one did not know that “reportable payments” are defined in §3406 as the payments made under the sections shown above, one would never know that the word “payments” (used in the sections listed above) actually means “reportable payments”! [Don’t you just love how the Secretary of the Treasury attempts to obscure simple facts that would help the average Citizen make sense of the tax code?]

Before any reporting may lawfully be performed, it must first be determined whether the payment is actually reportable. A payment can only be subject to the reporting requirements of the IRC if the payment is first determined to be within the taxing authority of the government. And who do you suppose determines that? If you are a Citizen, and the payment relates to something other than interest, dividends, or patronage dividends from corporate activity, then it is **you**, and only **you**, who has the legal authority to determine if the transaction is taxable to you! There is no law anywhere in existence that designates anyone other than you to determine your tax status. ***If you decide the payment is not taxable to you, then you are under no legal duty to provide anyone with an identifying number, nor are they required to file an information return.***

If you do not provide an identifying number, the requestor cannot provide the IRS with a valid information return. If they cannot provide the IRS with a valid information return (and you don’t file any other federal or state returns), then the IRS has no presumptive evidence that you have received any money (or other property) that is subject to federal or state taxing authority and they have no legal authority to take any action in reference to you. And guess what? The IRS agrees

with that. In the case of US v. Lloyd, IRS Criminal Investigator Gary Makovski testified under oath:

"If no information [return] or [tax] return is filed, [the] Internal Revenue Service cannot assess you."

As you can see, information returns are powerful documents that are misused and misapplied consistently to create the false legal justification for concluding that a Citizen owes a tax he likely never really owed.

Information returns are made possible by you giving out your identifying number whenever you are asked, without being aware of the consequences of your action. The misuse and misapplication of information returns is also buttressed by petty functionaries and petty tyrants blackmailing law-abiding Americans into surrendering their numbers.

Why Do Companies Demand a Number?

The truly sad part of the entire "information return" issue is that most companies have no intention of putting you in a compromised position when they file an information return!

- Do you think your employer really cares whether the money they pay you is taxable to you?
- Do you think a business really cares whether you have a SSN or not?
- Do you think the guy writing a check to you really cares whether your business has a TIN?

Let us assure you that the answer to these questions is "no". They unlawfully demand a number from you because they are ignorant, or cowards, or both. Most people (including so-called "experts") don't know one tenth of what you now know having read this far.

CPAs are led to believe that everyone who earns a living is a taxpayer, so that's the position they take when a company asks them what must be done to comply with the law. Of course the company is foolish to ask a CPA what must be done to "comply with the law" because CPAs are not qualified to give legal answers; CPAs can only tell the company what actions comply with the regulations – but then again the CPA is not qualified to tell anyone if the payments made to you are within the taxing authority of the government.

Tax attorneys are little better. They will dodge a direct question about whether or not you're a taxpayer because they know that such a determination is not theirs (or the company's) to make, but they will quietly suggest to the company that it get rid

of you or stop doing business with you if you raise the issue that you are not a taxpayer.

Most companies file information returns for two reasons. First, to provide documentary support for the deductions they are taking on their tax returns. Secondly, for the purpose of maintaining uniform accounting procedures. We recognize that these firms have been socialized to believe that information returns are as necessary as breathing. Unfortunately, ignorance is no excuse for blackmailing their workers and vendors out of their unalienable rights and the practice must stop. It should be noted that an information return is **not** required in order to substantiate a deduction on the company's tax returns.

Only one person is legally allowed to determine your tax status, and that's **you**. But if you exercise your legitimate legal right, then finding work gets very challenging. So who's to blame?

First and foremost, the government; it has the attorneys, the judges, the jails, and ultimately, the guns – and it routinely uses them all to harass and attack anyone who threatens the public perception of taxation. Secondly, the government sets the criteria for what is taught to CPA's. Thirdly, the government consistently puts out pamphlets, brochures, bulletins, publications, etc., that are **intentionally** designed to mislead CPA's and the public about the true meaning of the law. **IRS attorneys work very hard to find language to use in those documents that does not misquote the law, but misrepresents the actual meaning and application of the law.** [For more information on this, see [Debunking IRS Tax Lies](#) within this site.]

I suppose we could also blame CPA's and tax attorneys generally, but they are part of a very self-interested group that is particularly vulnerable to the truth. In other words, if the truth took hold across this great land tonight, CPA's and tax attorneys would be out on the street tomorrow looking for honest work. Needless to say, it is a rare member of their profession who has the integrity to even look at the facts, no less admit the truth publicly.

The next group is the "dominant media". We defined the dominant media as those information outlets that are well established and collectively provide news and other information to a vast majority of the public. Examples of entities that would fall within our definition of "dominant media" are CNN, NBC, ABC, CBS, The Los Angeles Times, The New York Times, etc. These information outlets have erected a "wall of separation" between the public and the truth about federal income tax. They cooperate in a conspiracy of silence on this issue. Further, they portray anyone who knows these truths as some sort of anti-government crackpot, thus insuring that the truth of the issue is obscured behind the false and malicious smear-job done on the reputation of the messenger. Because of the intentional

“lock-out” of tax researchers and their data from dominant media outlets, what should have taken only a few years to rectify, has taken decades and is still not complete.

And now we get to who is ultimately responsible. Go outside and look at your neighbor. It is him (or her), and millions like him, that are truly responsible for this egregious situation. These are your fellow Citizens; yet each and every day they act as if they are the enforcement arm of the government. Each and every day many of these seemingly “ordinary people” engage in blackmailing their fellow Citizens out of their rights. This situation must stop. Our “neighbors” must be made to see that such abusive and illegal actions are not acceptable to their fellow Americans.

Having said this, we must remember that most of the people who are engaged in such unconscionable conduct are either ignorant of the true nature of their actions, or they are afraid for their own jobs. We must find a constructive way to inform our neighbors of the issues (such as tell them about this website) and to help them overcome their fears so that they can stand beside us in the fight for liberty. ***We must find a way to demonstrate to them the truth that every time they diminish the rights of others, they diminish their own freedom as well.***

And remember, these problems will not be solved by browbeating a few people into seeing things our way. These problems will be permanently resolved only when enough Americans are made aware of the issues, and see them clearly, that identifying numbers are no longer “demanded” and every Citizen is respected in their legal right to determine their own tax status.

To Whom Does US Individual Income Tax Apply?

Needless to say, this is a pretty good question. However the question is not half as important as the answer. So how do we get the answer? One of the best ways might be to turn to the legal professionals who publish the tax code (and the rest of the United States Code).

The **United States Code Annotated** is a multi-volume publication that includes the complete text of the United States Code, together with case notes of state and federal decisions that demonstrate the application of specific sections of United States law and provides cross references to related sections, historical notes and library references. It is the inclusion of this “additional information” that distinguishes the “Annotated” version from the regular United States Code. The United States Code Annotated is the publication most widely used by attorneys, legal scholars and others researching United States law and it has been in use at least as long as the income tax laws have been on the books.

In the index to the Annotated Code, under the heading “Citizens”, you will find the subheading “Citizenship”. Under “Citizenship”, if you scan carefully for all the cites

that contain a "26" in bold type (That would be Title 26 United States Code; also known as the Internal Revenue Code), you will only find two cites, both referencing "gift tax". If there is a reference to the "gift tax" under "Citizenship", then why is there no reference to the "income tax" under that same heading? Keep reading!

Now then, if we go to the index heading "Income Tax", and then find the subheading of "Citizens", we note that there are only two cites: (a) citizens about to depart the United States and (b) citizens living abroad. Why do the only references to "income tax" for "Citizens" have to do with citizens about to leave the country and citizens living abroad?

Next, under the heading "Income Tax", we move to the subheading "Aliens", and find a cross-reference to the major heading of "Aliens". When we locate the heading "Aliens", and then the subheading "Income tax", we find ***nine pages*** of Title 26 laws that apply to aliens. Among the Internal Revenue laws [Title 26] affecting aliens are such familiar sections as "deductions", "exemptions", "gross income", "joint returns", "withholding of tax", and much more.

In our research, we have found that indexes, parallel tables, and tables of content can often times be more revealing than the actual text of the law. Why? Because of the "unwritten rule" we stated earlier about reading and understanding law – ***context, context, context!*** Indexes, such as that found in the United States Code Annotated, have to take into account broad issues of context in order to determine proper applicability and remain accurate for the legal professional. For 80 years the United States Code Annotated has been telling us the contextual truth. Most Americans just haven't been listening.

Since the tax code is a compilation of excise [privilege] taxes, one might properly observe that while a Citizen is exercising a right when working in this country, it is a privilege for a non-citizen to do so.

We should also point out that this reality dovetails perfectly with a Citizen's right to declare his own status for domestic income tax purposes. By permitting a Citizen to declare his own status, the tax code allows the nontaxpayer/Citizen to avoid a tax that does not apply to him. [It should be noted that without such an "escape hatch" for Citizens, the IRC would be unconstitutional.] Conversely, if an alien refuses to provide a number, the "payor" can simply include an affidavit with their information return, and if the IRS later determines that the person is liable for the tax, then the IRS can institute the proper proceedings against that person for the collection of the tax.

Summary

Although federal taxation is a topic of considerable complexity, Original Intent has condensed the essential and significant elements to what you see in this treatise. It is our hope that this information will assist you and others in the proper administration of your own tax issues. The issues we have addressed are the following:

- 1) The term “income tax” can be used by the US government and its courts to describe revenue laws generally, or it can be used to describe a specific type of tax.
- 2) 16th Amendment “income” and the ordinary “compensation for labor” of the average American are **not** the same thing.
- 3) Each subtitle (A through E) of the IRC imposes a completely different type of tax and subtitle C taxes are **not** the same tax as subtitle A taxes.
- 4) No tax law can apply to you if in doing so it would violate one or more of your “unalienable rights” (unless it is a direct tax).
- 5) One of your unalienable rights is to exchange your labor for other forms of property (including money) without having to give a percentage to the government. The only way the government can tax such compensation is with a direct tax, and Congress has **not** imposed a direct tax upon compensation for labor.
- 6) You need not provide an identifying number if you’ve determined the transaction is not taxable.
- 7) No reporting is required if you’ve determined that the transaction is not taxable to you.
- 8) If the person making a payment to you wants to report the payment even after you’ve made the determination that it not a taxable transaction, that person may do so without a number and must affix the appropriate affidavit to the information return. [Click on [Contact Us](#) for the affidavit.]
- 9) Under the regulations created by the Secretary of the Treasury for tax matters, a person making a payment to you has no other remedy than the steps specified in item 8 if you refuse to provide a number. Actions such as firing you, or withholding payments owed, are not lawful options because no law specifies such conduct as a remedy.
- 10) It is our responsibility to inform our friends and neighbors of these truths. Sending them the URL for this page [www.originalintent.org/fedincometax.shtml] is one great way to do that! Most are ignorant or afraid or both. We should endeavor to cure their ignorance and give them sufficient information and support so that they need no longer fear the IRS.
- 11) Despite the illegal and immoral conduct of the government [most notably the Treasury Department, the IRS, and the US Department of Justice, Tax Division] the truth is that US Individual Income Tax applies primarily to aliens and only to working American Citizens in very narrow circumstances that are not generally applicable to the public at large.

SPREAD THE WORD! SEND THIS URL TO A FRIEND!