

COVER PAGE

PRESIDENT'S ADVISORY
PANEL
ON FEDERAL TAX REFORM

March 15, 2005

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TO: The President's Advisory Panel on Federal Tax Reform
1440 New York Avenue NW
Suite 2100
Washington, D.C. 20220

FROM: Gary Austin, Individual
33361 S. Cattle Tank Road
Marana, AZ 85653

RE: Request by the President's Advisory Panel on specific topics:

1. Headaches, unnecessary complexity, and burdens that taxpayers, Both individuals and businesses face because of the existing system.
2. Aspects of the tax system that are unfair.
3. Specific examples of how the tax code distorts important business or personal decisions.
4. Goals that the Panel should try to achieve as it evaluates the existing tax system and recommends options for reform.

Enclosure: Copy of letter dated June 21, 2004 to 5 IRS agents to accomplish the discussion of the above 4 topics.

cc: Dennis Hastert, Speaker of the House
235 Cannon House Office Building
Washington, DC 20515-1314

Representative Jim Kolbe
2266 Rayburn House Office Bldg.
Washington, DC 20515-0308

Representative John Shadegg
306 Cannon House Office Bldg.
Washington, DC 20515-0303

Representative Rick Renzi
418 Cannon House Office Building
Washington, DC 20515-0301

Representative J.D. Hayworth
2434 Rayburn House Office Building
Washington, DC 20515-0305

Representative Ed Pastor
2465 Rayburn House Office Building
Washington, DC 20515-0304

Representative Raul Grijalva
1440 Longworth House Office Building
Washington, DC 20515-0307

Representative Trent Franks
1237 Longworth House Office Bldg.
Washington, DC 20515-0302

Representative Jeff Flake
424 Cannon House Office Building
Washington, DC 20515-0306

Senator Jon Kyl
730 Hart Senate Office Building
Washington, DC 20510-0304

Senator John McCain
241 Russell Senate Office Building
Washington, DC 20510-0303

June 21, 2004

To: Mr. John D. Schroeder, Special Agent
Internal Revenue Service, ID #86-17140
300 W. Congress, Suite 2M
Tucson, AZ 85701

Re: U.S. Constitution and Related Supreme Court decisions serve as
controlling authority on lawful application of the income tax.

Dear Mr. Schroeder and colleagues, Anthony, Mike, Melissa and Patrick (aka Bob):

We are sending you a copy of our last motion for Reconsideration. We will most likely be turned down, but that is not the point. We will take every issue as far as we can to build our record. The circumstantial evidence that we have compiled against the government will be incriminating evidence as we present it.

This present certified packet of evidence will become part of our IRS master file. Our cumulative delivery of evidence will all be a part of our defense and part of our cross-examination of John D. Schroeder. Mr. Schroeder, we believe that you and your associates are probably worthy fellow American citizens, but just misinformed or lacking in the big picture. This packet of information should raise questions that any American citizen would have to wonder about the truth and not just rely on what someone tells you to be the truth. You all are fairly young and have not been informed of the truth from your boss. Hopefully your above-average paychecks have not blinded you to your sense of wonder or more specifically your spirit of truth as an American citizen.

As stated above, the U.S. Constitution and related Supreme Court decisions serve as controlling authority on lawful application of the income tax. Last June 27, 2003, I sent my Letter of Affirmation. I raised the U.S. Supreme Court case of *Pollock v. Farmers Loan & Trust Co.* (copy of certified letter, dated June 27, 2003 enclosed). Not only did this decision by the U.S. Supreme Court invalidate the 1894 income tax act, it re-emphasized the meaning of the constitutional restrictions on direct taxation. Namely that direct taxes must be apportioned according to representation to be legal. This leads up the the 16th Amendment, the federal income tax attempt to neutralize the *Pollock* decision by amending the U.S. Constitution. Although the 16th Amendment has clearly been used as both the basis for implementation and continued enforcement of the federal income tax system, the truth is that the 16th Amendment, by the U.S. Supreme Court's own admission, did not eliminate constitutional limitations of federal taxing power (i.e. representational apportionment of direct taxes or uniformity of indirect taxes). In *Brushaber v. Union Pacific R.R.*, 240 US 1, 36 s. ct. 236, decided on January 24, 1916, the Supreme Court said:

But it clearly results that the proposition and the contentions under it [the 16th

Amendment]1, if acceded to, would cause one provision of the Constitution to destroy another; that is, they would result in bringing the provisions of the Amendment exempting a direct tax from apportionment into irreconcilable conflict with the general requirement that all direct taxes be apportioned. Moreover, the tax authorized by the [16th] Amendment, being direct, would not come under the rule of uniformity applicable under the Constitution to other than direct taxes, and thus it would come to pass that the result of the Amendment would be to authorize a particular direct tax not subject either to apportionment or to the rule of geographical uniformity, thus giving power to impose a different tax in one state or states than was levied in another state or states. This result, instead of simplifying the situation and making clear the limitations on the taxing power, which obviously the [16th] Amendment must have been intended to accomplish, **would create radical and destructive changes** in our constitutional system and multiply confusion. (Emphasis added)

In other words, the *Pollock* decision, decided prior to the 16th Amendment, clearly and unequivocally states that direct taxes (such as an income tax) are unconstitutional unless apportioned according to representation. The *Brushaber* decision decided subsequent to the 16th Amendment reinforced the earlier *Pollock* decision. A direct tax not apportioned would still be unconstitutional and void. This defense is lost as many others in constant confusion and scheming complex misinterpretations.

This means that the U.S. Constitution mandated that direct taxes on a person's labor must be **apportioned** and according to the Supreme Court, this constitutional mandate was in no way repealed, modified or changed by the 16th Amendment. I encourage you to take the time to study the Supreme Court decisions as listed and supplied in this packet.

1. *Brushaber v. Union Pacific R.R. Co.*
2. *Stanton v. Baltic Mining Co.*
3. *Eisner v. Macomber*
4. *Flint v. Stone Tracy Co.*
5. *Doyle v. Mitchell*
6. *Tyler v. U.S.*

Also, by no mistake, we have presented conclusive evidence that the 16th Amendment was fraudulently ratified in 1913. The Truth-in-Taxation researchers have already extensively researched the correspondence in the National Archives in Washington D.C., but most recently have returned and found that the index of records showed the records were available for 1903 through 1912 and for 1918 and after. However, the index contained the statement "**No Longer Available**" for the years 1913 through 1917. This systematic cover-up is but one more act of tyranny! How do you feel about working for

and upholding such inconceivable and intolerable behavior from our government? You are American citizens as well, you should be equally outraged! Your children have to contend with the country that we have become and we leave as a legacy. Mr. Benson, as well as other researchers, have certified, notarized copies from this time period which also includes the start of the unconstitutional federal reserve. I can not see how any red-blooded American that is aware of these facts would not be outraged at the removal of key legal and historical documents from the National Archives. Don't take my word for it or what you are told. **Do the research yourselves.** You are performing duties in your everyday work that are not taken lightly by American citizens. You have the duty to at least acquaint yourselves with the truth by putting in the effort of the applicable research.

As always, your silence to all these issues is but one more sign of guilt, but I know you are taught as a practice of protocol that any citizen outside of the IRS establishment would be anti-American (which I deeply resent being called to some that you have interviewed on my behalf). In the government's opposition to our Motion to Quash Grand Jury Handwriting Exemplars, we were compared by Mr. Roetzel in two cases, *Gilbert v. U.S.* and *U.S. v. Hopkins* to bank robbers and a convicted murderer of a police officer. It is inconceivable to me the length the D.O.J. will go to obscure the truth and defraud the Courts and reinterpret the Constitution as if it was written in secret code.

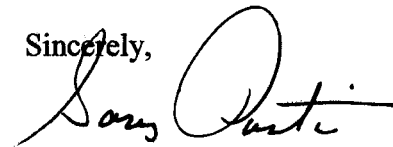
We are sending you two CDs. One of a former CID agent, Joe Banister, which I hope all of you will seriously listen to. Also, a small CD on the 861 evidence which was sent to us by an attorney and we have had two attorneys personally tell us this is the best evidence they have seen compiled. Over half a million of these 861 CDs have already been distributed all over the country and many more are being sent out as we speak. This is definitely something that you will have to reckon with.

Please review Charles P. Beall's partial transcript on the United States Supreme Court cases dealing with the legal definition and lawful application of the income tax. The IRS relies heavily on contradictory and nonsensical lower court decisions where citizens were stripped of their Constitutional rights by false and misleading defense attorneys and over-zealous prosecutors who's agenda was fraudulently misapplied to enforce unconstitutional income tax laws. Also included in this packet is the History of the Federal Reserve Bank. A study of Corporate Influence. In 1913, the unconstitutional privately owned federal reserve system was established. The 1984 Grace Commission report submitted to President Ronald Reagan reports that 100% of what is collected in income tax by the IRS is absorbed solely by interest on the federal debt--money that goes to the privately owned bankers and owners of the federal reserve system. It doesn't go towards any legitimate function of running our country. In fact, the national debt increases at the present rate of 1.58 billion every 24 hours, with a total debt of over 7 trillion which is mathematically impossible to ever pay off or even pay down. All of these statistics are obtained and available from the U.S. Department of the Treasury. Your children and grandchildren have huge mountains of debt piled on them from way before they are born! Born into slavery to pay interest on a huge debt that they didn't have anything to do with and that can never be settled in the present system. So the

government might expect there would be or should be some U.S. Citizens who are now in question of who the IRS really works for. In fact one of the most famous statements ever is: "Give me control over a nations currency and I care not who makes its laws." -Baron M.A. Rothschild, London--Bank of England, one of the founders of our federal reserve system. At one time Congress was a shareholder, and may still be. Also, Hitler's personal bank account and the SS senior group leader, Himmler's circle of friends (Nazi Fund) shareholders on Page 5, FRB History of Shareholders. You should read *The Creature from Jekyll Island* by G. Edward Griffin. It explains the secrecy surrounding who and how the federal reserve system was sold to our Congress under the guise of being good for "the people". I have extra copies if you are interested in reading it. Respectfully, I have to ask the question, who is defrauding who?

Please review the questions listed on the "Show Me The Law" website (printout enclosed). Can you answer those questions? Also read Congressman Ron Paul's speech. He is from Texas. He is one of the few in Washington, D.C. trying to get some things changed instead of just being there to line his own pockets. He is telling how it is per the Constitution and how it should be. Last, but not least, I will also make mention of the copy you all are receiving about another IRS agent of 19 years now joining the Truth-in-Taxation Movement! (Clifton Beale) All the information we have been sending and telling you is not what we are dreaming up. It is coming from all venues for your education as well as ours.

Sincerely,

A handwritten signature in cursive script that reads "Gary Austin". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Gary Austin