

STATE OF NEW YORK
STATE TAX COMMISSION
ALBANY, NEW YORK 12227

PAUL B. COBURN
SECRETARY
Telephone: (518) 457-6162

August 12, 1986

Marie Ansley
Lamb Lane Box 17
Tennent, NJ

Re: File No. 62344

Dear Ms. Ansley:

Please take notice of the Default Order of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to Section(s) 1312 & 690 of the Tax Law, any proceeding in court to review this decision must be commenced within 4 months from the date of this notice.

Inquires concerning the computation of tax due or refund allowed in accordance with this decision may be addressed to the undersigned.

Very truly yours,

PAUL B. COBURN
SECRETARY TO THE
STATE TAX COMMISSION

cc: Taxing Bureau's Representative

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :
of :
Marie Ansley : DEFAULT ORDER
: 86-P-19
for Redetermination of a Deficiency or Revision of :
a Determination or Refund of NYS & NYC Personal Income Tax :
under Article(s) 22 & 30 of the Tax Law :
for the Years 1980 - 1982. :

Petitioner(s) Marie Ansley filed a petition for redetermination of a deficiency or revision of a determination or refund of NYS & NYC Personal Income Tax under Article(s) 22 & 30 of the Tax Law for the Years 1980 - 1982. File No. 62344.

Under Section 601.5 of the State Tax Commission Rules of Practice and Procedure, a notice was served on the petitioner(s) to file a perfected petition. Notice to file the perfected petition was sent to the last known address of the petitioner(s). Petitioner(s) failed to file a perfected petition. A default has been duly noted.

Now on motion of the Secretary to the State Tax Commission, it is
ORDERED that the petition of Marie Ansley be and the same is hereby
denied.

DEFAULT ORDER
ADOPTED BY THE STATE TAX COMMISSION
ALBANY, NEW YORK
AUGUST 12, 1986

STATE OF NEW YORK
STATE TAX COMMISSION
ALBANY, NEW YORK 12227

PAUL B. COBURN
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Telephone: (518) 457-6162

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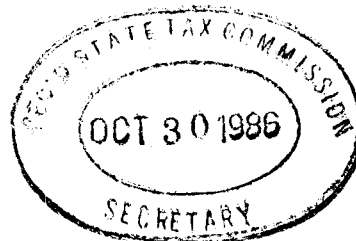
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Now on motion of the Secretary to the State Tax Commission, it is ORDERED that the petition of Marie Ansley be and the same is hereby denied.

DEFAULT ORDER
ADOPTED BY THE STATE TAX COMMISSION
ALBANY, NEW YORK
AUGUST 12, 1986

NATIONAL CITIZENS LAW & RESEARCH ASSOCIATION

LOS ANGELES, CA, MIAMI, FL, DENVER, CO, WESTBURY, NY, PHILADELPHIA, PA,
BOZEMAN, MT, SEATTLE, WA, BOISE, ID.

RECORDS & DOCUMENTS DIV.

TO: Attention Mr. P. Coburn **LAWFUL AFFIDAVIT**

DATE Oct 16, 1986
CERT. * P 383 447 883
RE: File # 62344

Please attach this Constructive Notice of Objection as part of my permanent record.

Constructive Notice of Objection.

The following facts exist with regards to the above referenced matter.

1. Your agency has refused to answer certified inquiries or responses numbered:
P 644-606-691, P 744-408-326, P 744-407-130 and P 436-122-935
2. I have continually requested that your agency prove its jurisdiction over my person as pertaining to your alleged complaint or crime I have committed, to which you have also refused to respond or prove.
3. I object to and deny your "DEFAULT ORDER" as without the scope or authority of a duly elected officer/judge of the court.
4. The attached page document, entitled "Legal Notice & Affidavit", is to be considered as my good faith answer to your attempts to extort my private property without "Due Process of Law" and is to remain as part of the permanent record of my file.

Respectfully Submitted.

Marie Ansley

ALLODIAL CITIZEN Marie Ansley
CITY Tennent

ADDRESS Box 17
STATE NJ ZIP 06763

BE IT KNOWN THAT, Marie Ansley DID APPEAR BEFORE ME ON THIS 16th DAY OF 16th Oct. 19 86 AND BEING DULY SWORN DID SIGN THE FOREGOING AFFIDAVIT INSTRUMENT.

SIGNED Maureen Walker

NOTARY PUBLIC

NATIONAL CITIZENS LAW & RESEARCH ASSOCIATION

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BOZEMAN, MT, SEATTLE, WA, BOISE, ID.

RECORDS & DOCUMENTS DIV.

TO:

LAWFUL AFFIDAVIT

DATE _____
CERT. * _____
RE: _____

NEW YORKER PROVES TAX UNLAWFULLY COLLECTED

ED. NOTE: THE FOLLOWING IS A REPRODUCTION OF A CERTIFIED LETTER (RETURN RECEIPT REQUESTED) TO THE I.R.S. FROM A N. Y. PATRIOT:

MS. VOGHT: THIS IS A FOLLOW-UP TO MY PREVIOUS LETTER, WHICH WAS IN RESPONSE TO YOUR LETTER WITH ACCOMPANYING REPORTS EXPLAINING WHY YOU "BELIEVE" ADJUSTMENTS SHOULD BE MADE IN THE AMOUNT OF "TAX" ALLEGEDLY DUE FOR THE YEARS 1982, 1983 and 1984. THESE LETTERS REPRESENT A FORMAL CONSTRUCTIVE NOTICE.

THE ADDITIONAL EVIDENCE WILL SUPPORT THE FACT THAT I, AN UNFRANCHISED, SOVEREIGN INDIVIDUAL WORKING IN THE PRIVATE SECTOR, EXCHANGING SERVICES (LABOR/PROPERTY) FOR A RETURN OF EQUAL VALUE (PROPERTY) IN THE FREE MARKET OF THE PRIVATE SECTOR AT AN AGREED-TO FAIR MARKET VALUE OF EXCHANGE, AM NOT A "PERSON LIABLE" FOR ANY TAX IMPOSED BY TITLE 26 USCA, PER SECTION 3401, 3402, 3403, 6001, 6011, or 6012.

As THE NEW YORK STATE TAX LAW CLEARLY SEPARATES THE "GAINS, PROFITS, AND INCOME DERIVED FROM SALARIES, WAGES, OR COMPENSATION FOR PERSONAL SERVICES..." (AS FOUND IN ARTICLE 16, SEC. 359, SUBSECTION 1) AND THE "...SALARIES AND COMPENSATION OF ALL PUBLIC OFFICIALS AND JUDGES..." AND "...COMPENSATION RECEIVED BY ANY INDIVIDUAL ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED THIRTY-NINE, FOR PERSONAL SERVICE AS AN OFFICER OR EMPLOYEE OF THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY THEREOF," (AS FOUND IN SUBSECTIONS 4 AND 6 RESPECTIVELY), AS EXPLAINED IN MY PREVIOUS LETTER TO YOU, I WILL NOW EXPLAIN WHY THESE CLEAR, PRECISE DEFINITIONS ARE REQUIRED BY LAW.

FIRST, LET ME INFORM YOU THAT THE COURTS HAVE CONSISTENTLY HELD THAT ARTICLE 16 OF THE NEW YORK STATE TAX LAW IS MODELED ON THE FEDERAL TAX LAW, 26 USCA (INTERNAL REVENUE CODE 1954) 1 ET SEQ. AND THE DEFINITION OF GROSS INCOME PARALLELS THAT IN THE FEDERAL ACT. BEARING THIS IN MIND I WILL NOW EXPLAIN WHY THE DEFINITION OF GROSS INCOME MUST SEPARATE "GAINS, PROFITS, AND INCOME DERIVED FROM..." AND THE "...SALARIES AND COMPENSATION..." ITSELF AS IT APPLIES TO THOSE INDIVIDUALS WORKING IN THE PRIVATE SECTOR AND CIVIL SERVANTS, RESPECTIVELY. THE NEW YORK STATE CONSTITUTION, ARTICLE 1, SECTION 17, READS (IN PART):

"LABOR OF HUMAN BEINGS IS NOT A COMMODITY NOR AN ARTICLE OF COMMERCE AND SHALL NEVER BE SO CONSIDERED OR CONSTRUED."

THE ONLY CLASS OF CITIZENS OF THE STATE OF NEW YORK WHICH ARE PRECLUDED FROM SUCH PROTECTION ARE CIVIL SERVANTS (THOSE SPECIFICALLY DEFINED IN SUBSECTIONS 4 AND 6 OF ARTICLE 16, SECTION 359, OF THE NEW YORK STATE TAX LAW) VIA ARTICLE 16, SECTION 5, OF THE NEW YORK STATE CONSTITUTION, WHICH READS:

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TO:

LAWFUL AFFIDAVIT

DATE _____

CERT. # _____

RE: _____

PAGE 2

"ALL SALARIES, WAGES, AND OTHER COMPENSATION, EXCEPT PENSIONS, PAID TO OFFICERS AND EMPLOYEES OF THE STATE AND ITS SUBDIVISIONS AND AGENCIES SHALL BE SUBJECT TO TAXATION."

THIS TAX CONFORMS TO THAT FOUND IN SUBTITLE "C" OF TITLE 26 USCA AT CHAPTER 24 AND IS THE ONLY TAX COLLECTED AT THE SOURCE BY THE PROCESS OF "WITHHOLDING." IT IS NOT PART OF SUBTITLE "A", UNDER THE GUISE OF THE SIXTEENTH AMENDMENT TO THE CONSTITUTION PRESUMED RATIFIED IN 1913.

THUS, I AM NOT A "PERSON LIABLE" FOR ANY TAX IMPOSED BY TITLE 26 USCA, PER SECTION 3401, 3402, 3403, 6004, 6011, or 6012. BEAR IN MIND THAT THE FEDERAL GOVERNMENT CANNOT OVERRULE A RIGHT RECOGNIZED AND DULY SECURED BY THE SOVEREIGN STATE OF NEW YORK, IN WHICH I RESIDE.

Marie Ansley

ALLODIAL CITIZEN Marie Ansley
CITY Pennant

ADDRESS Bell
STATE NY ZIP 05763

BE IT KNOWN THAT, _____

DID APPEAR BEFORE ME ON THIS 16th

DAY OF Oct. 19 86 AND BEING DULY SWORN DID SIGN THE FOREGOING AFFIDAVIT INSTRUMENT.

SIGNED Maurice Willey

NOTARY PUBLIC

Uniformity and Equality

"...each excise must apply to all persons performing the same act or enjoying the same privilege, and a distinction founded upon an immaterial difference is consequently unconstitutional; that the legislature cannot impose an unreasonable excise upon the doing of an act which it has not the power to prohibit; and, it has sometimes been held the permissible subjects of excise are confined to such undertakings as one may not lawfully follow in the exercise of a natural right without aid from the government and without affecting the rights or interests of others in such a way as properly to call for governmental regulation; and that consequently the legislature cannot constitutionally lay an excise upon such natural rights as the performance of simple labor or the making of simple contracts." *Atchison R.R. Co. v. Clark*, 60 Kan 826, 58 Pac. 477; *Muhlenbrinck v. Commissioners*, 42 N.J. L. 364; *Opinion of the Justices*, 196 Mass 602, 85 NE 545

IRS COLLECTION SUMMONS

"You are hereby summoned and required to appear before an officer of the Internal Revenue Service to give testimony and to bring with you and produce for examination the following books, records, papers, and other data relating to the tax liability for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the period shown.

"All documents and receipts you possess or control that reflect income you received for the year(s) _____.

These documents and records include, but are not limited to, Forms W-2 Wage and Tax Statement, Forms 1099 in interest or dividend income, employee earnings statements, and records of deposits with banks or other financial institutions;

"Also include any and all other books, records, documents and receipts for income from, but not limited to the following * sources: wages, salaries, tips, fees, commissions, interest, rents, royalties, alimony, state or local tax refunds, annuities, life insurance policies, endowment contracts, pensions, estates, trusts, discharge of indebtedness, distributed shares of partnership income, business income, gains from dealings in property; and any other compensation for services including receipt of property

other than money. This includes any and all documents and records pertaining to any income you have assigned to any other person or entity."

* NOTE: IRS admits that these items are sources, not "income." They become "income" for an individual if he enters them as "income" on an income tax return.

IRS CODE

The underlined words in the following reprint of §3452(f) of the IRS Code show that Congress acknowledges that IRS forms can be revoked and that an individual's status can be changed by giving notice of the change.

"(f) Exemption Certificates--

"(1) In general--

"(A) Delivery--An exempt individual or exempt recipient may deliver an exemption certificate to a payor at any time. Such certificate shall be in such form and contain such information as the Secretary shall prescribe.

"(B) Change of Status--Any person who ceases to be an exempt individual or exempt recipient shall, not later than the close of the 10th day after the date of such cessation, notify each payor with whom such person has an exemption certificate of such change in status. No notice shall be required under the preceding sentence with respect to any payor if it reasonably appears that the person will not thereafter receive a payment of interest, dividends, or patronage dividends from such payor.

"(2) Effectiveness of Certificates--

"(A) General Rule--Except as otherwise provided in regulations prescribed by the Secretary, an exemption certificate shall be effective until--

"(i) revoked, or

"(ii) notice of change in status is provided pursuant to paragraph (1)(B)."

IRS EMPLOYEE LETTER

Dear Employee:¹

This letter is directed to you from the Internal Revenue Service to clarify the legal requirements regarding W-4 Regulations. Also, to alert you to the penalties which may be assessed for supplying false or fraudulent information, even for a short period of time.

An employee can claim exemption from withholding only if:

1. They did not owe any Federal income tax last year and had a right to receive ALL income tax withheld, AND²

2. They do not expect to owe any Federal income tax this year and expect to have a refund of ALL income tax withheld.²

You cannot claim exempt or additional allowances simply to adjust for a large amount of tax withheld at the beginning of the year. You can claim only what you are legally entitled to.

To determine your correct withholding, complete the worksheet on the back of the W-4.³ The Internal Revenue Service has the authority to request you to justify information on your W-4. If an individual does not justify any withholding allowances or claiming exempt, the employer will receive a determination letter with instructions to withhold at the rate of single with one allowance.

The following penalties may be assessed for supplying false or fraudulent information on your W-4.

1. A civil penalty of \$500 may be assessed to any individual who decreases the amount of tax withheld by filing a W-4 for additional allowances or exemptions from withholding, without a reasonable basis.

2. A criminal penalty of \$1000 and imprisonment for one year may be assessed to any individual who willfully supplies false or fraudulent information on their W-4.

The Tax Reform Act of 1984 has broadened the penalties for employees supplying false or fraudulent information on their W-4's. It is now possible to prosecute for willful evasion where prosecution for a false W-4 is also available.

If you need further information, contact the Internal Revenue Service, Taxpayer Service at (312) 435-1040.

The W-4 Regulations apply to all employees.⁴ The Internal Revenue Service will enforce these Regulations and penalties.

Sincerely, J. R.

Starkey, District Director

1. Omitted is the criti-

cal distinction between public and private employment, leaving a very misleading impression that all workers owe a tax on compensation, which such concept has no support of law.

2. Private sector.

The IRS deceptively omits a difference between public and private employment, thus creates a misleading impression that is opposite of intent and limit of law. Cautiously acknowledged is the fact that if an individual owes no tax collected by W-4 withholding, then they can properly claim exemption from such, but attempts to cloud the issue with reference to penalties that are only applicable to those who are subject to same, that being government workers, not private citizens.

3. ONLY government workers are subject to tax collected by the W-4 withholding process; private individuals not having benefits of government employment do not owe such tax as they retain rights secured by both state and U.S. Constitution. A private employer is then subject to civil and criminal penalties if amounts are withheld.

4. Human labor is NOT a commodity. Labor is property. Tax collected at the "source" for the tax on compensation-of service is an "excise" (indirect, progressive/graduated) on privilege of government employment. Any "direct" tax on the "source" must be equal (apportioned). Private citizens' right to sell their property (labor) is not taxable.

M. Ansley
Box 17
Tennent, N.J.



F.A. Bartholdi, Statue of Liberty

Paul B. Cahoon
State of New York
State Tax Commission

Albany, N.Y.
12227

Fold at line over top of envelope to the right
of the return address.

CERTIFIED

P 383 447 883

MAIL