

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WE THE PEOPLE FOUNDATION INC.,)
2458 Ridge Road, Queensbury, NY 12804;)
WE THE PEOPLE CONGRESS, Inc., 2458)
Ridge Road, Queensbury, NY 12804;)
ROBERT L. SCHULZ, 2458 Ridge Road,)
Queensbury, NY 12804; JOSEPH BANISTER,)
2282 Sunny Vista Dr., San Jose, CA 95128;)
JOHN TURNER, PO Box 612, Paradise, CA)
95967 and other persons similarly situated)

Plaintiffs)

v.)

UNITED STATES; U.S. TREASURY)
DEPARTMENT, Main Treasury Building, 1500)
Pennsylvania Ave. NW, Washington, D.C. 20220, John)
W. Snow, Secretary; INTERNAL REVENUE)
SERVICE, 1111 Constitution Ave. NW, Washington,)
DC 20224, Mark Everson, Commissioner; and)
U.S. DEPARTMENT OF JUSTICE, Main Justice)
Building, 950 Pennsylvania Ave. NW, Washington,)
DC 20530, John Ashcroft, Attorney General)

Defendants)

AFFIDAVIT

CASE No. 1:04CV01211

Robert L. Schulz, being duly sworn, deposes and says:

1. I am a plaintiff in the matter captioned above and I make this affidavit in support of plaintiffs' Complaint.
2. The purpose of this affidavit is to present to the court the evidence of plaintiff's Petitions for Redress regarding defendants' abuse of its taxing, war-making, money-making and police powers and the evidence of defendants' failure to respond to the Petitions.

3. The evidence presented here shows plaintiffs have been engaged for the last four years in a most serious-minded, earnest, dignified, highly appropriate and constitutionally protected process of Petitioning the government for a Redress of Grievances regarding the direct, un-apportioned tax on labor, the Iraq Resolution, the USA Patriot Act and the private central bank.
4. In addition to the Petition process reflected here, individual plaintiffs and organizations have been petitioning defendants on one or more of these four issues.

**Plaintiff's Petition for Redress of Grievances Regarding Defendants' Abuse of
Their Taxing, War Making, Money Making and Police Powers**

5. On May 5, 1999, a process of petitioning the federal government for a Redress of Grievances relating to the direct, un-apportioned tax on labor was initiated by plaintiff Schulz in his individual capacity and in his capacity as Chairman of the We The People Foundation for Constitutional Education, Inc. ("WTP"). A very respectfully drawn letter was delivered to the IRS Commissioner Charles Rossotti, President Clinton, Senate Majority Leader Lott and Speaker Hastert. Enclosed with each letter were copies of three research reports, including the reports by Joseph Banister (a Certified Public Accountant) who had recently been forced to resign from his position as a Special Agent in the Criminal Investigation Division of the IRS because he asked his superiors at the San Jose office of the IRS for some answers to questions he developed about the IRS's authority to force people to file a tax return and to pay the income tax, and they refused to answer his questions or even discuss his concerns), Bill Benson, a former agent of the Illinois Department of Revenue who had recently obtained certified and notarized copies of all the official documents relating to the ratification of the 16th (Income Tax) Amendment to the U.S. Constitution, proving that the state legislators had unlawfully and unconstitutionally seized power from the People in their states by violating their state

constitutions in ratifying the income tax amendment to the federal constitution and that fraud was committed by the Secretary of State in declaring that the amendment had been properly and legally ratified by $\frac{3}{4}$ of the state legislatures), and Bill Conklin (a college professor who had recently obtained a decision from the 10th circuit Court of Appeals that that held that filing a tax return was voluntary). WTP wrote that they were sponsoring an academic symposium on July 1st and 2nd, that the authors of the research reports would be there to present the methodology and conclusions of their research, and that "We respectfully request that you, as the elected heads of the Executive and Legislative branches, identify the people with the best legal minds to argue against these conclusions and have those people participate in the symposium." A copy of the May 5, 1999 letter is attached as [Exhibit M](#). **Not one of the recipients of that letter bothered to respond** – they did not even acknowledge receipt of the invitation!

6. The Petition process continued with WTP's June 4, 1999 letter to IRS Commissioner Rossotti, and Messrs. Clinton, Lott, and Hastert with its reminder: "We continue to await word from you as to the identity of the knowledgeable people that will represent the federal government at the symposium and who will argue against the conclusions of Messrs. Banister, Benson and Conklin." A copy of the June 4, 1999 letter is attached as [Exhibit N](#). Not one of the recipients of that letter bothered to respond.

7. The symposium was held as planned with C-SPAN providing a live TV broadcast of the presentations by Messrs. Banister, Benson, Conklin and by Lowell Becraft (the attorney from Huntsville, Alabama). Messrs. Rossotti, Clinton, Lott, and Hastert not only decided not to identify anyone to participate in the discussions to contradict the authors if their presentations were incorrect, they decided not to even acknowledge their receipt of the invitations. A copy of the C-SPAN tape is attached as [Exhibit O](#).

8. As a result of the government's failure to appear at the July symposium, the question arose from the audience, live on C-SPAN, "What does a free people do when they have evidence that the government may be abusing its power and will not justify its behavior?" Plaintiff Schulz, who was moderating the event, answered the question on national television. He said that the People would meet again, in November 1999 at the National Press Club, that WTP would again invite the government to send its experts to address the evidence and answer the questions, and that if the government again ignored WTP's Petition for Redress WTP would then decide on the appropriate next step that could be taken by the People to deal with the seemingly fraudulent and illegal operation of the income tax system. WTP said that WTP would try again, at that time and place, to get the government to answer the questions that had been raised by the various tax law researchers.

9. The process of WTP's Petition for Redress of Grievances relating to the federal income tax continued with WTP's October 13, 1999 letter to Messrs. Rosssotti, Clinton, Hastert, and Lott, wherein WTP said that in light of the preponderance of the evidence and the absence of any response or rebuttal arguments by the government, a "Citizen's Summit" had been scheduled for November 13, 1999 for the purpose of preparing a "Remonstrance," and that "We would welcome any written statement from any official from the political branches of the government." A copy of the October 13, 1999 letter is attached as [Exhibit P](#). **Not one of the recipients of the October 13th letter bothered to respond – they did not even acknowledge receipt of the letter.**

10. On November 13, 1999, scores of people from sixteen states assembled at the National Press Club in DC. They decided on the appropriate next step to take in the process of Petitioning the government for a Redress of Grievances regarding the federal income tax system. They put the finishing touches to a written Petition for Redress of Grievances, which they called a

"Remonstrance" – a strongly worded statement of grievances to be submitted to the government. Those present at the "Citizens' Summit" signed the Remonstrance and decided that it would be served on the leaders of all three branches of the federal government on April 13, 2000. A videotape of the Nov 13, 1999 meeting is attached hereto as [Exhibit Q](#).

11. The process of WTP's Petition for Redress continued with WTP's February 1, 2000 letter to Messrs. Rossotti, Clinton, Lott, and Hastert wherein WTP put them on notice saying that, "The failure of a representative government to justify its actions left the People with no alternative but to go forward with their critical analysis and further dissemination of information to the general public ...At the conclusion of the November 13, 1999 Citizens' Summit To End The Illegal Operations of The IRS, those in attendance signed five copies of the Remonstrance [a written Petition for Redress of Grievances] and agreed...arrangements should be made for the personal delivery of the Remonstrance [to President Clinton ... Senator Lott ... Speaker Hastert and ... to the Chief Judge of the U.S. Supreme Court] ...a delegation from the people of America [consisting of two or more ordinary, non-aligned citizens from each of the fifty states] will be at the White House, the Capitol and the U.S. Supreme Court building on April 13, 2000...." A copy of the February 1, 2000 letter is attached as [Exhibit R](#). **Not one of the recipients of the February 1st letter bothered to respond – they did not even acknowledge receipt of the letter.**

12. The process of WTP's Petition for Redress continued. On April 13, 2000, a delegation of people representing all 50 states paid their way to Washington DC to be on hand in support of the service of the Remonstrance on the leaders of all three branches of the federal government. While the rest of the delegation waited outside, Mr. Banister and Mr. Schulz, and a videographer (Burr Deitz), met in the White House with Jason Furman, the Executive Director of the National Economic

Council (NEC). He accepted service of the Remonstrance (the written Petition for Redress of Grievances regarding the income tax) for President Clinton, and he promised to have the staff of the NEC and White House lawyers and historians review the evidence. He expressed his agreement to have the experts from the Executive branch (presumably the IRS and DOJ) participate with WTP's experts in a June 29, 2000 conference the Foundation was arranging for that purpose.

13. While the rest of the delegation of People representing all 50 states waited outside, Mr. Banister and Mr. Schulz (and the videographer Burr Deitz) then met in the Capitol with Dr. William Koetzle, representing Speaker Hastert's policy office, and then went to a meeting with Keith Hennessey, Senator Lott's policy director. Dr. Koetzle and Mr. Hennessey each accepted service of the Petition for Redress of Grievances for Speaker Hastert and Senate Majority Leader Lott. They promised to have the experts at the House Ways and Means Committee and the Senate Finance Committee review the evidence, and they expressed their agreement to have those experts participate in the upcoming June 29th conference.

14. Attached as [Exhibit S](#) is a copy of a videotape of the April 13, 2000 meetings in the White House and in the Capitol. A copy of the Remonstrance, together with its transmittal letter is attached hereto as [Exhibit T](#).

15. On June 2, 2000, over the telephone, Mr. Furman, the President's representative, told Schulz, "The legality of the income tax is not a high priority item at the White House and we will not be participating in any conference on the subject." Schulz asked, "You mean to tell me that if the income tax is illegal, that is okay? It is okay for the IRS to be doing what it was doing to People without authority?" Furman's only response was that the Executive branch would not be

participating in any conference on the subject. A similar response was received from Dr. Koetzle and Mr. Hennessey.

16. WTP then decided that the appropriate next step in the petitioning process would be to publish an open invitation. On June 19, 2000, WTP published an "Open invitation to President Clinton, Senator Lott and Speaker Hastert " to send their representatives to the June 29, 2000 conference at the National Press Club "to argue against the conclusions of Bill Benson, Joseph Banister, Larry Becraft and Bill Conklin, and in opposition to [WTP's] three propositions." See [Exhibit U](#) for a copy of the message as published in the Washington Times. There was **no response from the White House or the Capitol**. The government did not send anyone to address the evidence and answer WTP's questions at the June 29, 2000 conference. [Exhibit V](#) is a VHS tape recording of the June 29, 2000 conference at the National Press Club.

17. In light of the government's continued silence and evasion of WTP's Petition for Redress of Grievances regarding the allegedly fraudulent origin and allegedly illegal enforcement and operation of the federal income tax system, WTP then decided that if the government wasn't going to answer the questions and respond to the Petition for Redress, WTP would start educating the general public about what credentialed professionals, tax law researchers and businessmen were saying and doing regarding the fraudulent origin and illegal operation of the income tax – i.e., about the substantial and apparently credible body of evidence.

18. On February 14, 2001 WTP respectfully invited Commissioner Rossotti to send his experts to participate in a meeting with WTP at the Crystal City Hilton Hotel on February 17th to either convey IRS's position on the issues or to tell us when his experts would be available to address the issues.

No one from the IRS responded to WTP's invitation. [Exhibit K](#) is a copy of WTP's February 14, 2001 letter to Commissioner Rossotti. [Exhibit K-2](#) is a video tape of the Project TOTO meeting.

19. On July 7, 2000, February 16, 2001, March 2, 2001 and March 23, 2001, as the appropriate next step in the petitioning process, the Foundation published full-page messages in USA TODAY and the Washington Times. These messages were educational in nature. They contained information WTP believed to be factual and issues which the government refused to address, no matter how respectful and how often WTP tried to get them to do so. Our messages, as published in USA TODAY presented facts, not opinions. WTP reasonably concluded they had reached the point where the government's silence equaled admission to the allegations and facts. See [Exhibits W, X, Y and Z](#).

20. During the evening of March 30, 2001, Schulz received a telephone call from David Cay Johnston of the New York Times. He asked, "Do you know the Senate Finance Committee has scheduled a hearing on your [USA Today] ads next Thursday and they will have large blow-ups of your ads on easels?" Schulz told Mr. Johnson, "No, I was not aware of that." Johnston asked, "What are you going to do about it?" Schulz said, "I don't know. What can I do about it?" Johnston advised Schulz to call the Committee Monday morning and ask to be put on the witness list to testify because "the media will be very interested in hearing your side of the story."

21. On Monday morning, April 2, 2001, Schulz faxed the request to the Senate Finance Committee. [Exhibit H](#) is a copy of Schulz's April 2, 2001 request to be added to the witness list. It reads in part:

"The purpose of this letter is to formally request witness status for myself and each of the individuals featured in the ads we published on February 16, 2001,

March 2, 2001 and March 23, 2001: the ex-IRS agents Joseph Banister, Sherry Jackson and John Turner; the employers David Bosset, Nick Jesson, Dick Simkanin, Al Thompson and Leonard Roberto: and the tax researchers Bill Benson, Larkin Rose [sic] and John Kotmair.

There is strong evidence the IRS is disobeying the law and forcing citizens to pay taxes they are not, by law, required to pay. Unless we are granted witness status, Thursday's hearing will lack one thing: THE TRUTH.

Please know that we are a research and educational Foundation that does not give advice to taxpayers; we offer no "de-tax" products or services. We have studied the literature and research of others and have formulated certain propositions to summarize their findings regarding the legal authority of the IRS to collect certain taxes. We have sponsored four symposiums at the National Press Club in DC, to discuss and debate these propositions. Each time we respectfully requested of Commissioner Rossotti, Senator Lott and Speaker Hastert that they have their most knowledgeable people participate in the conferences to argue against the conclusions of the researchers. We had copies of the research reports delivered to their offices. Each time we were ignored by these gentlemen; we did not receive an acknowledgment of their receipt of the invitations. Each time the government chose to pass on an opportunity to show the researchers the errors of their ways, to embarrass the researchers and to put the issues to bed. However, C-Span did not ignore us. It broadcast the July 1999 symposium live and rebroadcast its recording of the event four times in the days following the event.

On April 13, 2000, a delegation of people representing ALL FIFTY STATES hand delivered a two-page REMONSTRANCE to Keith Hennessey for the Senate Majority Leader Trent Lott, to Dr. William Koetzle for Speaker Denis Hastert, and to Jason Furman for President Clinton. Each official promised to have the research reports reviewed by their experts, and each official expressed agreement to have their experts attend our forth conference on June 29, 2000. However, on June 2, 2000, Jason Furman told me: "The legality of the income tax is not a high priority for the White House and we will not be participating in any conference on the subject." Messrs. Hennessey and Koetzle also lost interest.

We have been forced to ask publicly; "At what point does the government's evasion of specific allegations of fraud and the illegal operations of the income tax system become admission?"

Please, Mr. Chairman, hear our side of the issue. The People need to get to the truth. The people appear to be on a collision course with the government over the issue of "taxation without legislation."

With respect, we ask that we be notified today by facsimile (518-656-9724) of your answer. "

22. Chairman Grassley responded that afternoon by faxing a letter to Schulz, dated April 2, 2001, advising that **“the witness list was closed,”** and suggesting that Schulz submit his statement to the Committee for insertion in the record of the hearing.

23. On Wednesday, April 4, 2001, an article appeared in the St. Petersburg Times. The reporter had called Senator Grassley and asked him why the Foundation was not going to be allowed to testify at the Hearing the next day. Senator Grassley was quoted as replying, **“Because their message will detract from the message we are trying to convey.”**

24. Schulz did submit a statement to the Committee. The statement included these words: **“We again respectfully request the Senate to please identify its most knowledgeable people and have them meet with the tax researchers in a public forum to discuss and debate the issues with the researchers, show where they are in error, embarrass them, and put the whole matter to rest.”** A copy of the written statement Schulz submitted to the Committee is attached as [Exhibit I](#).

25. Schulz’s statement to the Senate Finance Committee had twenty (20) exhibits attached to it. **However, none of the exhibits were included in the record of the hearing.** One of the exhibits was a copy of a letter from Senator Inouye’s office, dated June 26, 1989 and a copy of Schulz’s letter to Commissioner Rossotti, dated February 14, 2001. Attached hereto as [Exhibit J](#) is a copy of Sen. Inouye’s letter which reads in part:

“...I am writing in further response to your inquiry regarding the precise provisions of the Internal Revenue Code (IRS [sic]) that render an individual liable for income taxes...**Based on the research performed by the Congressional Research Service, there is no provision which specifically and unequivocally requires an individual to pay income taxes.**”

26. Joseph Banister, Bill Benson, Larken Rose and Schulz attended the April 5, 2001 hearing but they were not allowed to testify. Before the hearing began Schulz submitted the required number of copies of a Statement for the record of the hearing ([Exhibit I](#)). Again, the statement had twenty (20) exhibits attached to it. None of the exhibits were included in the record.

27. On April 5, 2001, greatly enlarged copies of plaintiff's USA TODAY ads were, in fact, on easels before the Senators and the audience. Schulz, Banister, Larken Rose and Benson attended the hearing, asked to testify, but were not allowed to do so. The only person to speak at the hearing about the Foundation's Petition process was J.J. MacNab, one of the witnesses on the first panel. **She reminded the Senators that the WTP organization had, on numerous occasions, asked the government to answer its questions. She then suggested to the Chair that the government answer WTP's questions. The Committee did not respond. It totally ignored Ms. MacNab's suggestion. However, a moment later both Senator Grassley and Senator Baucus (the only two Senators present) said there are "a lot" of people in their states who have "been bothering them" about the constitutionality of the income tax.** In effect, the message the Committee conveyed was that anyone who raises questions about the validity of the income tax laws were "schemers, scammers and cons," and had to be dealt with swiftly and harshly and that a federal SWAT TEAM was necessary to be on the lookout for websites that were raising questions about the validity of the tax laws and to move in to shut them down as fast as they found them on the Internet. [Exhibit L](#) is a copy of the transcript of the hearing. See especially pages 25 and 26.

28. On March 16, 2001, Schulz delivered a letter to Commissioner Rossotti, letting him know that on April 9, 2001, hundreds of American citizens would gather at the front door of the IRS building

located at 1111 Constitution Ave., Washington DC on April 9, 2001. In the March 16 letter, WTP had respectfully requested Commissioner Rossotti to meet with the People who would peaceably assemble on April 9 and to either address the issues or tell the People when the experts at the IRS would be available to meet with the People's experts to address the evidence and answer the questions regarding the legality of the income tax system. [Exhibit AA](#) is a copy of the March 19, 2001 letter.

29. On April 9, 2001, hundreds of Americans gathered at the front door of the IRS headquarters building in support of the People's Petition for Redress of Grievances regarding the federal income tax system. The Commissioner refused to come out of the building to let the People know when the IRS experts would meet with us in response to the People's Petition for Redress. He was inside the building, but refused to come out. [Exhibit BB](#) is a videotape record of the April 9 event.

30. On April 11, 2001, Schulz received a telephone call from Katie Emery at USA TODAY, advising him that USA TODAY would not be publishing any more of WTP's ads because her legal department had been contacted by the IRS who said WTP's ads were urging people to "break the law." Schulz pressed USA TODAY to put in writing the reason they were refusing to publish WTP's ads. Finally, by e-mail, Schulz received a note saying the ads, "could be misleading."

31. On June 11, 2001, Schulz personally delivered a letter to President Bush ([Exhibit CC](#)) at the White House. Copies of the letter were also hand-delivered to Speaker Hastert and Senate Majority Leader Daschel at the Capitol. The letter recited the numerous requests made by We The People Foundation For Constitutional Education to the Executive and Legislative Branches since May 1999 to answer the People's Petition For Redress of Grievances. The letter also provided a factual account of the government's resulting behavior, which ultimately resulted in Schulz's decision to embark on

a hunger fast until either he died or until the federal government agreed to meet in a public forum to answer the people's questions regarding the fraudulent and illegal income tax system. **There was no response from any of the recipients of the letter.**

32. On July 1, 2001, Schulz started his hunger fast and delivered a follow-up letter to President Bush ([Exhibit DD](#)), with copies to Speaker Hastert and Senator Daschel. **There was no immediate response to the letter.**

33. On July 9, 2001, Schulz hand delivered an updated version of the peoples' Petition For Redress of Grievances ([Exhibit EE](#)) to one of President Bush's aides at the White House. Schulz also met with Congressman Roscoe Bartlett who made the decision to help the American People in their quest for a response to this historic Petition. **There was no immediate response from recipients of the July 9 letter.**

34. On July 17, 2001, Congressman Bartlett held a press conference on the House Triangle to announce the fact that he had placed top priority on getting the appropriate people in the government to agree to respond to the Petition. A statement by Congressman Ron Paul was also read aloud at the press conference. [Exhibit FF](#) is a copy of Rep. Paul's remarks.

35. On July 18, 2001, Lawrence B. Lindsey, Assistant to the President for Economic Policy and head of the White House's National Economic Council, sent a letter to Schulz which read, "**The President has asked me to thank you for your letters of June 11 and July 1 regarding the income tax system. I understand your concerns and the arguments you make. Your letter of June 11 outlines extensively the concerns of the We The People Foundation for Constitutional Education, Inc. with regard to the efficacy of the current income tax system. While I believe**

the best way to address your concerns is through the court system, I have taken the liberty of sharing your letters with the Internal Revenue Service for their review. A more substantive response will be forthcoming from this office once the IRS has had the opportunity to assess your grievances. I would be remiss if I did not suggest that you end your fast. Whether or not federal tax experts attend a meeting your organization has scheduled for September 18 will be determined based upon their substantive assessment of your arguments. While your personal commitment to the cause of tax reform is dramatic, I hope that you will not endanger yourself physically in this cause. Please be assured that your letters will receive careful attention at the IRS." See [Exhibit B](#)

36. Between July 9th and July 18th, 2001, lower level personnel at DOJ and IRS were steadfast in their refusal to have their experts meet with WTP's experts in a recorded public forum. For instance, Floyd Williams, the IRS Director of the Office of Congressional Affairs, stated the IRS would only agree to a private, unrecorded meeting between Schulz and the IRS Chief Counsel. Karen Wilson (Mr. Williams' counterpart at DOJ) suggested WTP submit its questions to DOJ and IRS in writing and wait for a response. She said she was otherwise in support of IRS' proposal for a private, unrecorded meeting. Congressman Bartlett replied to Williams and Wilson that the proposal for a private, unrecorded meeting was totally unacceptable and that the questions had to be answered in a public forum. He emphasized the importance of allowing the public to see and hear the people asking the questions and those answering them. Rep. Bartlett strongly and effectively argued that to submit the questions in writing would allow for delay, obfuscation and confusion, and would bring to ruin what he considered to be a proper, constitutional Petition For Redress of Grievances.

37. From July 18th through July 20th Rep. Bartlett negotiated on behalf of Schulz and the petitioners, by telephone, with IRS Commissioner Rossotti and with U.S. Assistant Attorney General Daniel Bryant, the number three man at the U.S. Department of Justice. Rossotti and Bryant expressed concerns about the security of a public meeting and wanted to know who would be "on the gavel" to control the meeting and keep it professional and orderly. After speaking with me about these concerns, Rep. Bartlett contacted Bryant and Commissioner Charles Rossotti and offered to hold the meeting on Capitol Hill and to personally gavel the meeting if Henry Hyde was not available. On or about July 19th, in a telephone conversation between Rep. Bartlett and Commissioner Rossotti, Rossotti agreed to have his experts participate in a recorded, public, congressional-style hearing on Capitol Hill, with appropriate controls. Bartlett telephoned Schulz and asked to see him in his office. When Schulz arrived, he was told of Commissioner Rossotti's agreement.

38. On July 20th, Bryant also agreed to provide official answers to WTP's questions but Bryant did not want the record to show that the government was responding to a Petition for Redress from the People. Instead, Bryant told Congressman Bartlett that he wanted the record to show that DOJ was responding to a letter from a Congressman and he, therefore, needed a letter from Bartlett; he asked Bartlett to put a request for the meeting in writing. Bartlett telephoned me and asked to see me in his office. When Schulz arrived, Bartlett told Schulz Bryant did not want the record to show that DOJ was responding to a citizens' Petition for Redress. He then prepared a hand-written letter to Bryant. Bartlett then telephoned Bryant to tell Bryant he had the requested letter in hand and asked how soon Bryant could meet to discuss it. Bryant said he would see Schulz and Bartlett right away in his office at the Department of Justice building. Schulz and Bartlett then met with with Bryant at DOJ headquarters. They fully discussed the written Petition For Redress of Grievances (Bryant had

previously received a copy of the Petition that had been hand-delivered to his office). They also reviewed the terms and conditions of Bartlett's offer to preside over the proposed congressional-style hearing on Capitol Hill. Bryant was asked, and then penned a signed note at the bottom of Bartlett's written request, agreeing to **"do everything within my power to ensure that the Dept. of Justice will provide appropriate representatives to participate in a congressional briefing hosted by Congressman Bartlett in connection with the above referenced matter."** [Exhibit C](#) is a copy. Roland Croteau and Burr Deitz (a Director of the WTP Foundation) were also in attendance.

39. Later that day, Friday, July 20, 2001, the WTP issued a press release ([Exhibit GG](#)) and posted it on WTP's web site, announcing the details of the agreement. Apparently, the news quickly found its way around the internet.

40. Between Friday, July 20th and Monday, July 23rd, as Schulz would later learn from Rep. Bartlett, Bryant apparently received a phone call or two from "higher ups," protesting his July 20th commitment to have DOJ answer WTP's questions in a public forum.

41. On July 23, 2001, Schulz received an e-mail from Bartlett's aide, Lisa Wright, ([Exhibit HH](#)) which read: "Congressman Bartlett asked me to contact you to inform you must take URGENT action in order to preserve the agreement as a result of your 7/20 meeting with Dan Bryant at USDOJ. 1) Immediately pull down from the website the previous presentation of the meeting that begins with the subject – "The fast is over". 2) Replace it with a corrected version ASAP and distribute this to your list. Reference to Bryant must be limited explicitly to quoting only his handwritten comments. "I will do everything within my power...." Reference to Hyde -- that he will be invited -- NOT EXPECTED. Reference to a date -- to be determined, hopefully in mid to late

September. 3) You must call Dan Bryant ASAP and apologize for the inaccuracies in the e-mail. This is his personal number -- 202-514-2141."}

42. On or about July 25th, Schulz placed a call to Bryant but Bryant did not return the call.

43. On July 30th, WTP issued a revised press release and posted it on its web site.

44. On July 30th Lisa Wright sent an e-mail to DOJ (Bryant) and IRS (Floyd Williams). It read:

"Mr. Bryant and Mr. Williams: Attached is a 7/30/01 news release from We the People Foundation for Constitutional Education which follows up a meeting Congressman Bartlett had on July 20 at DOJ w/ Asst. Atty. Gen. Dan Bryant and Bob Schulz concerning Mr. Schulz's Petition for Redress concerning the tax code and IRS enforcement of the tax code. Congressman Bartlett personally affirmed that this release is an accurate reflection of the July 20 meeting. Congressman Bartlett discussed the request for a public forum at which appropriate IRS representatives would participate in an earlier meeting with Floyd Williams of IRS and Karen Wilson of DOJ and subsequently in a phone conversation with IRS Commissioner Rossotti. Congressman Bartlett hopes that DOJ and IRS officials will contact Mr. Schulz directly concerning coordinating and ironing out the details for the public forum on Capitol Hill. Please feel free to contact Congressman Bartlett if you have any questions and so that we may procure the necessary space for the meeting. " See [Exhibit D](#) for a copy of Lisa Wright's e-mail and [Exhibit D-2](#) for WTP's revised press release

45. Also, on July 30th Lisa Wright forwarded to Schulz a message from IRS' Floyd Williams. ([Exhibit JJ](#)). It read: "Treasury/IRS has not agreed (either verbally or in writing) to participate in a public forum with Bob Schulz."

46. On August 13, 2001, Tax Notes published an article under the heading, "[Backroom Deals, Fleeting Promises Put Income Tax Hearing in Jeopardy](#)," by Warren Rojas ([Exhibit KK](#)). In the article, IRS spokesman Frank Keith is quoted as saying, "As of right now, no final agreements have been made."

47. On August 29, 2001, Rep. Bartlett's office issued the following statement ([Exhibit LL](#)):

"Congressman Bartlett is continuing to actively pursue and secure participation by representatives of both the Department of Justice and the Internal Revenue Service at the September 25-26 forum organized by We the People," said Lisa Wright, a spokesman for Congressman Roscoe Bartlett. "He expects Dan Bryant, Assistant Attorney General for the Office of Legislative Affairs at the Department of Justice, and IRS Chairman Charles Rossotti to fulfill their personal commitments to him."

48. In early September, Schulz met with Congressman Bartlett and three of his aids in Bartlett's office, including Sallie Taylor and Lisa Wright. Bartlett said DOJ and IRS were trying to "wiggle off the hook" and that Sallie and Lisa had an "alternative proposal." Sallie and Lisa proceeded to describe their alternative proposal, which, instead of having the agreed-upon public forum, would have Schulz submit the People's questions to Bartlett. He would post them on his web site and send them to DOJ and IRS for an answer. The answers would also be posted on Bartlett's web site. Schulz told Sallie and Lisa that that proposal was unacceptable and that Bartlett had already argued with DOJ and IRS (successfully) the futility of such an approach. Upon hearing Schulz's response Bartlett turned to an aide and asked him to call Dick Arme y, the House Majority Leader, to request an immediate meeting with him. We were told to proceed to Mr. Arme y's office. Bartlett, Sallie Taylor, and another of Bartlett's aides met with Dick Arme y and one of his aides (who took

extensive notes during the meeting). Bartlett told Mr. Armev that DOJ and IRS were trying to wiggle off the hook and break their commitment to respond to the Petition for Redress of Grievances regarding the income tax and to answer the People's questions in a public forum. **Mr. Armev said it was important to have the hearing proceed as planned and that DOJ and IRS had to be "locked down."** Armev said the way to do that would be to show DOJ and IRS that they were running the risk of offending many more Congressman if they broke their commitment. Armev then suggested that Bartlett prepare a letter to Attorney General Ashcroft and to Treasury Secretary O'Neil, which would thank them for the commitment to have the appropriate personnel from their departments participate in the citizen's truth in taxation hearing and which letter would be signed by numerous members of the House of Representatives. Mr. Armev and Bartlett discussed a list of about 15-20 House members that they believed would readily sign the letter.

49. On September 12, 2001, Schulz communicated his request to Bartlett that the tax hearing be postponed due to the events of September 11th. Schulz posted that message on WTP's web site ([Exhibit MM](#)).

50. On October 12, 2001, Rep. Bartlett delivered a letter to Schulz ([Exhibit NN](#)) in which he announced that the event had been rescheduled for February 27 and 28, 2002, and said, **"A letter of support and confirmation signed by myself and other members of Congress has been drafted, circulated, and will be sent to officials at the Department of Justice, Treasury and the IRS, informing them of the dates and times and requiring their attendance. I will personally chair the event and have invited other members of Congress to attend and sit on the panel...You have my word as an elected member of the United States Congress that I will do all within my**

power that this event go forward, the IRS and DOJ attend as they have promised to do, and are compelled to do by the Constitution." (WTP's emphasis).

51. On January 7, 2002, Tax Notes published an article under the heading, "Schulz Hopes to Bury Tax Code at February Hearing," by Warren Rojas ([Exhibit OO](#)). In the article, Mr. Rojas wrote, "While the IRS has yet to officially confirm or deny its participation in the hearing, **a Bartlett press aide acknowledged receiving a letter from Justice around Thanksgiving stating plainly that the DOJ would not attend any Schulz-related events.**" Note: Schulz was never told about the "Thanksgiving letter." This was the first time any of the three government officials who were parties to the July 20th contract with Schulz and the American People to respond to the Petition for Redress had put in writing that they were renegeing on their agreement.

52. On or about January 8, 2002, Schulz telephoned Lisa Wright to tell her that he had read the Tax Notes article and was very concerned about the "Thanksgiving letter" from DOJ which informed Bartlett that DOJ would not attend the income tax hearing. Schulz called to inform Ms. Wright that it was his intention to bring the February hearing to the attention of tens of millions of Americans, and ask them to wait to file their tax returns until they heard all of the questions and answers at the February hearing. Schulz felt it was now time, as Mr. Arney had previously suggested, to do all he could to "lock the DOJ and IRS down" and demand that they keep their commitment to respond to the questions related to the fraudulent origin of the IRS and the unlawful operation of the personal income tax system. Schulz informed Ms. Wright that many thousands of Americans were already aware of the February hearing and were waiting for the answers to the questions in order to decide how to file their tax returns. Schulz explained that if DOJ and IRS were going to renege on their commitments, they were going to have to answer to a very large number of

Americans. Schulz's call was passed through to Lisa Wright's voice message system. Schulz left a message asking her to call him.

53. On January 11, 2002, Lisa Wright returned Schulz's call. They discussed "Operation Wait to File Until the Trial." After the call Lisa Wright called back to say that if Bartlett's name was mentioned in the "Wait to File" flyer/ad, she would like to approve the wording. Schulz told her Bartlett's name, together with Bryant's and IRS Commissioner Rossotti's names were mentioned in the first paragraph, which Schulz then read to her. She said the use of the phrase "public hearing" was wrong, that the word "hearing" had a technical meaning on the Hill and that Schulz should use the phrase "public forum." She also said that Bartlett did not have the power to force DOJ and IRS to attend the meeting. Schulz replied that Schulz was aware of the fact that Bartlett had no more power than he had on July 19 and 20, 2001, when he had requested of Charles Rossotti and Bryant to have the appropriate personnel from their departments participate in the "public, recorded congressional-style briefing- hearing" on Capitol Hill to answer questions "concerning the legal jurisdiction and authority of the IRS". **On July 19, 2001, Rossotti agreed during a phone conversation with Bartlett. At that July 20, 2001 meeting Bryant agreed to Congressman Bartlett's request and formally entered into a contract with the American people to have DOJ's representatives respond to WTP's Petition For Redress of Grievances.**

54. On January 12, 2002, in response to Lisa Wright's one concern, Schulz changed the phrase "public hearing" in the first paragraph of the Wait to File flyer/ad to "congressional-style hearing". WTP then launched "Operation Wait to File Until the Trial" by posting an article on WTP's web site and by sending that article to WTP's mailing list. The article included links to the flyer to be

published in newspapers and a letter to be direct mailed to about 300,000 individuals. [Exhibit PP](#) is a copy of plaintiff's "Wait to File Until the Trial" flyer.

55. On Monday, January 14, 2002 Schulz was in Milwaukee working with one of the Foundation's attorneys on the questions for the hearing. He received word that Lisa Wright had called his office and asked him to return the call. He tried several times on Monday and Tuesday to reach her by phone. He left voice messages on her machine, informing her that he would be back in his office that afternoon at approximately 3 p.m. While en-route from Milwaukee to Albany on Tuesday, January 15th he tried unsuccessfully to reach Rep. Bartlett by phone. He was able to speak to Sallie Taylor. He told her to let Lisa Wright and Bartlett know that he would be back in his office at 3 p.m. should either of them need to speak to him. He did not hear from anyone in Bartlett's office for more than two days, i.e., until Thursday evening, January 17th.

56. On Monday, January 14, 2002, Kim Herb, Legislative Assistant to Congressman John Linder sent an e-mail to "District Directors" which read: **"Recently, it has been stated that there will be a Congressional hearing on the IRS. I wanted to dispel this rumor. There will be NO hearing. I repeat, there will be no Congressional hearing on the IRS in February. In response to a hunger strike by Mr. Robert Schulz, Congressman Roscoe Bartlett agreed to facilitate a meeting on IRS and tax topics. Accordingly, Mr. Bartlett arranged for 'We the People' to have a public forum on the IRS, at which time 'We the People' will debate such questions as the legality of the Sixteenth Amendment and the ratification process. However, no officials from the IRS or Justice Department will attend. Again, for emphasis, NO officials from either the IRS or Justice Department will be in attendance. The administration believes that these questions have been sufficiently addressed, and there is a fair amount of judicial precedence on**

this issue to confirm that assertion. Congressman Bartlett will likely give an opening statement, however, I understand that his comments will be limited to acknowledging that the 'We the People' organization has a right to free speech and to voice their opinion. I recognize and support the Bush Administration's position. We have no interest in pursuing the ratification of the Sixteenth Amendment as a viable and legitimate argument in the fundamental tax reform movement. As such, I do not anticipate that Congressman Linder, as the official sponsor of the Fair Tax, will have any role in the February public forum organized by 'We the People'."

57. Beginning at 3 p.m. Thursday, January 17, 2002, as part of Operation Wait to File Until the Trial, Schulz delivered several thousand letters and flyers to the personal fax machines of the following individuals:

- The members of the American Judges Association
- All the Judges of The Federal Circuit
- The Mayors of Largest U.S. Cities
- All Federal Tax Court Judges
- All Supreme Court Justices
- All Radio Station General Managers
- All Radio Talk Show Hosts
- The 550 Partners of the Big Five Accounting Firms
- The Executive Cabinet Members and Cabinet Legal Advisors
- The members of the Association of Copy Editors

58. At 8:20 p.m. on Thursday, January 17, 2002, Schulz received a call from Lisa Wright. She simply said that she had just forwarded a letter from Rep. Bartlett to Schulz via FedEx overnight delivery. She said the letter was to inform Schulz that Bartlett was "canceling the forum," but that he "remain[s] committed to ensuring the right of Bob Schulz and other citizens to exercise their constitutional rights under the First Amendment to get answers about federal tax policy from the government." Bartlett proposed, as an alternative to the public forum, that he deliver WTP's

questions to DOJ and IRS and that he post WTP's questions and the answers on his web site. He proposed this alternative even though he had argued so effectively in July of 2001, that this would be tantamount to WTP agreeing not to have WTP's questions answered, i.e., to submit the questions in writing would allow for delay, obfuscation, confusion and to otherwise bring to ruin what WTP had so patiently, intelligently, professionally and rationally developed into a proper petition for a remedy of the people's grievances. [Exhibit QQ](#) is a copy of Bartlett's January 17, 2002 letter.

On January 22, 2002, Schulz delivered a letter of protest to Rep. Bartlett with copies to DOJ, Treasury and the White House. See [Exhibit RR](#).

59. On February 10, 2002, WTP ran a full-page ad in the New York Times (at a cost of \$65,375), as a final attempt to urge DOJ and IRS to participate in the Citizen's Truth-In-Taxation hearing. See [Exhibit SS](#).

60. On February 27 and 28, 2002, WTP's questions were finally answered, but not by the government. Credentialed professionals, including, tax attorneys, CPAs, a forensic accountant, and three former IRS agents, answered WTP's questions **under oath**. See [Exhibit TT](#), which contains a CD-ROM copy of the full record of the Citizens' Truth-In-Taxation hearing, including a certified transcript.

61. On March 16, 2002, WTP's Petition questions were transmitted to DOJ's Bryant by Congressman Bartlett. See [Exhibit G](#). These questions had been prepared for the February hearing with the assistance of a team of three attorneys.

62. On April 5, 2002, WTP issued a statement, via USNEWSWIRE, to the White House, to every member of the President's cabinet, to the Chairmen of the Senate Finance Committee and the House

Ways and Means Committee regarding **evidence of fraud at the IRS**. The statement declared that WTP would be holding a briefing on the subject at the National Press Club on April 8, 2002, at which a forensic accountant would be presenting the evidence. The statement mentioned that the briefing would be broadcast live, via the Internet. [Exhibit UU](#) is a copy of the April 5, 2002 Press Release. [Exhibit UU-2](#) is a copy of the video of that press conference.

63. On April 8, 2002, WTP hand delivered a copy of a certified transcript of the record of the Citizens' Truth-In-Taxation Hearing, to every member of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the House IRS Oversight Committee, President Bush and Lawrence Lindsey. [Exhibit VV](#) is a copy of the transmittal letter.

64. On April 10, 2002, WTP hand delivered a copy of the full record of the Citizens' Truth-In-Taxation Hearing on a set of four CD-ROMs to every member of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the House IRS Oversight Committee, President Bush and Lawrence Lindsey. [Exhibit WW](#) is a copy of the transmittal letter. [Exhibit TT](#) is a copy (on CD-ROM) of the record of the hearing.

65. On April 15, 2002, WTP hand-delivered 3,300 constituent letters and full copies of the record of the Citizens' Truth-In-Taxation Hearing ([Exhibit TT](#)) to all 535 members of Congress, along with **a request for a full congressional hearing** and a reply from each member by June 1, 2002. **WTP received only 53 responses. None mentioned the record of the Truth-In-Taxation Hearing or the request for a Congressional investigation. None were meaningful. Each was a non-responsive response.** [Exhibit XX](#) is a copy of one of the constituent letters and one of the 535 proofs of service.

66. On June 10, 2002, Ari Fleischer, the White House Press Secretary, was asked by a reporter during a White House press briefing if the President was going to direct DOJ and IRS to answer Schulz's questions. Fleischer responded, "...these questions are decided by the people involved."

[Exhibit BBB](#) is a copy of the C-Span tape of the press conference.

67. On June 17, 2002, Schulz wrote to the IRS Commissioner informing him that under the circumstances and for the reasons given in the letter and its attachment, he would no longer be filing tax returns and paying the income tax. [Exhibit YY](#) is a copy of the letter to the IRS.

68. On October 7, 2002, Freedom Drive 2002, sponsored by the We The People organization, got underway with the posting of four Petitions for Redress on WTP's web site: One Petition for Redress addressed WTP's grievances related to the government's abuse of its taxing power; one Petition for Redress addressed WTP's grievances related to the Federal Reserve System and the government's abuse of its money making power; one Petition for Redress addressed WTP's grievances related to the Iraq Resolution and the government's abuse of its war making power; and one Petition for Redress addressed WTP's grievances related to the U.S.A. Patriot Act and the government's abuse of its police powers. [Exhibit ZZ](#) is a copy of each of the Petitions.

69. On November 8, 2002, the four Petitions for Redress of Grievances, together with their signatures and a memorandum were served on all 535 members of Congress and the President. Each Petition was signed by thousands of Americans. Each Petition asked a number of questions relating to the subject matter of the respective Petition. Each Petition respectfully requested each member of Congress and the President to send a representative to meet with the People on the National Mall at 2 P.M. on November 14, 2002, to answer the questions or to let the People know when they would answer the questions. [Exhibit ZZ](#) is a copy of each of the Petitions and the memorandum.

70. Also on November 8, 2002, hundreds of people from all over the continental United States of America started to drive in caravans to Washington DC to be on the National Mall on November 14, 2002, to await the government's response to the four Petitions for Redress.

71. On November 14, 2002, no one from the government showed up at the National Mall to respond to the Petitions for Redress. At about 2:30 P.M. Schulz read a statement, which was structured around the following quote; **“When money is wanted by rulers who have oppressed the people in any manner, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised Petitions and without disturbing the public tranquility.”** The quote came from an Act that was unanimously passed by the Continental Congress. Schulz urged all Americans to refrain from funding the federal government until the government responded to WTP's Petitions for Redress. [Exhibit F](#) is a copy of Schulz's statement, together with a CD-ROM record of the event on the National Mall.

72. On November 21, 2002, Schulz came into possession of a copy of a letter Dan Bryant sent to Congressman Bartlett. It was dated April 18, 2002. In it, Bryant told Bartlett that DOJ would not be answering the questions WTP sent to Bartlett and forwarded to Bryant for answers on March 16, 2002. [Exhibit A](#) is a copy of Bryant's letter to Bartlett.

73. On January 7, 2003, WTP recorded the first installment of “The Liberty Hour,” for broadcast on the World Wide Web. In it, WTP laid out, in detail, the rationale for the appropriate next step in the process of the Petition for Redress of Grievances regarding the federal income tax system – i.e., “No Answers, No Taxes.” [Exhibit DDD](#) is a copy of the VHS tape of the program.

74. On January 21, 2003, Schulz responded to Bryant's April 18, 2002 letter to Congressman Bartlett. See [Exhibit CCC](#).

75. On March 15, 2003, Schulz notified IRS Commissioner Everson, the Attorney General, the President of the United States, the Speaker of the House of Representatives, the Senate Majority Leader, the Treasury Secretary and the Chief of the Criminal Investigation Division of the IRS that he was undertaking "Operation Stop Withholding," a national campaign to instruct company officials, workers and independent contractors on how to legally stop withholding, filing and paying the income taxes. With each letter Schulz included a copy of the material he said he would be using in each meeting, including a 75-page "Statement of Facts and Beliefs" and certain forms and instructions to instruct companies, workers and independent contractors to legally stop withholding, filing and paying the tax. **Schulz asked the recipients to let him know if any of the material was faulty or misleading. The materials, Schulz said, are being made available free of charge to companies, workers and independent contractors.** [Exhibit EEE](#) is a copy of the March 15, 2003 letter. [Exhibit FFF](#) is a copy of the blue folder with all the documents Schulz attached to the letter.

76. Beginning on April 2, 2003, Schulz notified the area IRS Director and U.S. Attorney (as well as the new IRS Commissioner Mark Everson and the CID at the IRS), in advance of each lecture, the date, time and location where each meeting would be taking place where he would be instruct companies, workers and independent contractors about how to legally stop withholding, filing and paying the direct, un-apportioned tax on individual labor, at least until the government properly responded to WTP's Petition for Redress of Grievances regarding the federal income tax. Schulz has given the lecture to thousands of company representatives, workers and independent contractors in

the following cities on the following dates. Exhibit GGG is a copy of all the letters that have been faxed to the appropriate people at the IRS and at the DOJ in advance of the following meetings:

- Nashua, New Hampshire April 5, 2003
- Ashville, North Carolina April 8, 2003
- Atlanta, Georgia April 9, 2003
- Tampa, Florida April 10, 2003
- Houston, Texas April 12, 2003
- Dallas, Texas April 13, 2003
- Austin, Texas April 14, 2003
- San Antonio, Texas April 15, 2003
- El Paso, Texas April 16, 2003
- Albuquerque, New Mexico April 17, 2003
- Tucson, Arizona April 18, 2003
- Phoenix, Arizona April 19, 2003
- Irvine, California April 26, 2003
- Las Vegas, Nevada April 27, 2003
- Bakersfield, California April 29, 2003
- Fresno, California April 30, 2003
- Sacramento, California May 1, 2003
- Santa Cruz, California May 2, 2003
- San Jose, California May 3, 2003
- Reno, Nevada May 4, 2003
- Medford, Oregon May 6 2003
- Bend, Oregon May 7, 2003
- Eugene, Oregon May 8, 2003
- Corvallis, Oregon May 9, 2003
- Portland, Oregon May 10, 2003
- Seattle, Washington May 11, 2003
- Spokane, Washington May 13, 2003
- Salt Lake City, Utah May 15, 2003
- Denver, Colorado May 17, 2003
- Colorado Springs, Colorado May 18, 2003
- Kansas City, Missouri May 20, 2003
- Des Moines, Iowa May 21, 2003
- Minneapolis, Minneapolis May 22, 2003
- Milwaukee, Wisconsin May 23, 2003
- Chicago, Illinois May 24, 2003
- Columbus, Ohio May 25, 2003
- Harrisburg, Pennsylvania May 27, 2003

77. On May 5, 2004, a letter was sent to [President Bush](#) and Sen. Kerry, to present them with the substance of the most damning evidence to date demonstrating that the government

is acting *ultra vires* (without *bona fide* authority), in forcing ordinary Americans to file and pay an un-apportioned, direct tax on their salaries, wages and compensation, and forcing American companies to withhold and turn over to the IRS a percentage of the earnings of those American citizens, and to request that they send a representative to a WTP sponsored public forum at the National Press Club on July 19, 2004, to answer a limited number of questions aimed at finally settling the grievances of the People regarding the Executive branch's operation and enforcement of the direct, un-apportioned tax on an individual's labor. Thirty-eight questions are aimed at reconciling the difference between the Supreme Court's definition of taxable "income" and that of the Executive branch. Five questions are aimed at reconciling the differences between Congressional mandates regarding taxable "income" and the behavior of the Treasury Department and the IRS. President Bush and Senator Kerry were also asked to have representatives answer the questions included in the Petition for Redress regarding the war powers clauses of the Constitution and the Iraq Resolution. Exhibit HHH is a copy of the May 5, 2004 letter to Pres. Bush and Sen. Kerry.

78. On May 5, 2004, a similar letter was sent to Treasury Secretary Snow, Attorney General Ashcroft and IRS Commissioner Everson (Exhibit III). Each of those letters included a copy of the research report by Phil Hart titled, "Constitutional Income, do you have any?" (Exhibit JJJ) and a copy of the research report on CD titled, "Analysis of the Federal Income Tax," by an anonymous researcher, dated April 2004. (Exhibit KKK).

79. On June 8, 2004 and July 12, 2004, the White House wrote letters to Schulz, declining the invitation to respond to the Petitions for Redress. See Exhibits LLL and Exhibit MMM.

Dated: July 17, 2004

ROBERT L. SCHULZ, *Pro Se*
2458 Ridge Rd.,
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Sworn to before me this
_____ day of July, 2004

Notary