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Thursday, July 26, 2007

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## **THE POWER TO DESTROY**

# IRS loses challenge to prove tax liability

## Lawyer is acquitted after arguing income levy lacks legal foundation

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Posted: July 26, 2007

1:00 a.m. Eastern

By Bob Unruh

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The Internal Revenue Service has lost a lawyer's challenge in front of a jury to prove a constitutional foundation for the nation's income tax, and the victorious attorney now is setting his sights higher.

"I think now people are beginning to realize that this has got to be the largest fraud, backed up by intimidation and extortion and by the sheer force of taking peoples property and hard-earned money without any lawful authorization whatsoever," lawyer Tom Cryer told WND just days after a jury in Louisiana acquitted him of two criminal tax counts.

And before you consign him to the legions of "tin foil hat brigades" who argue against paying taxes, and then want payment to explain how to do that, he addresses the issue up front.

*(Story continues below)*

"These snake oil peddlers have conned millions of dollars out of many well-intended patriots and left a trail of broken lives in their wake. ... These charlatans should be avoided, not only because they will lead you to bankruptcy and prison, but because by association they discredit those who are telling the truth," he said.

The truth, he said, is where he comes in, with the launch of a new Truth Attack website that is intended to build on his victory, and create a coalition of resources to defeat – ultimately – the

income tax in the United States.

Although the legal citations in the case tend to run the length of paragraphs, Cryer told WND the underlying issue is not that complicated. Essentially, he argued that income is not necessarily any money that comes to a person, but rather categories such as profit and interest.

He said the free exchange of labor for compensation has been upheld as a right by the Supreme Court, but that doesn't necessarily make the compensation income.

If ever such an argument were to be presented widely, Cryer said, the income to the federal government would plummet. But not to worry, he said, the expenses could be reduced equally by eliminating programs, departments and agencies that also have no foundation in the Constitution.

"The Founding Fathers intentionally restricted the taxing powers of the new federal government as a measure of restraint on its size. By exceeding that limited taxing authority the federal government has been able to obtain resources beyond its intended reach, and that money has enabled the federal government to exceed its authority," he said.

For example, he said, the Constitution does not empower the federal government to regulate education, or employment, and agriculture, yet it does so.

The jury in U.S. District Court in Louisiana voted 12-0 to find Cryer, of Shreveport, not guilty of failure to file income taxes for two years. He had been indicted in 2006 on charges of failing to pay \$73,000 to the IRS in 2000 and 2001. The next step in his personal case will be up to the IRS and prosecutors, if they choose to continue the issue, he said.

But for the rest of the nation, he's working with [Save-a-Patriot](#), [the Free Enterprise Society](#), [Live Free Now](#) and his own [Lie Free Zone](#) to spread the message of the truth.

"There are three points that are important," he told WND. "There's no law making the average working man liable [for income taxes], there's no law or regulation that allows the IRS to contend that earnings are 100 percent profit received in exchange for nothing, and the right to earn a living through any lawful occupation is a constitutionally protected fundamental right, and it is exempt from taxation."



The logo for the new Truth Attack campaign against income taxes

Spokesman Robert Marvin in Washington's IRS office told WND the Internal Revenue Code provides for taxation on salaries or wages, but when pressed for a specific citation, or constitutional provision, he said, "I can't comment."

Cryer's encounter with tax law began more than a decade ago when a friend told him the income tax was sham. Cryer started researching, hoping to keep his friend out of trouble. But his conclusions, after years of research, were exactly what his friend told him.

He researched not only tax laws, but also the documents pertaining to the drafting of the U.S. Constitution as well as the first income tax.

He said throughout his battle, he's offered at every turn to pay taxes if the IRS could show him the authorization, and that never has happened.

"The Criminal Investigation Division and Department of Justice both responded only with 'your position is frivolous.' I had never stated a position, so how could they know whether it was frivolous?" he said. "Imagine my sending you a bill for \$1,000 and when you call me and ask what the bill was for I simply said, 'that position is frivolous, just write the check and send it in.'"

His acquittal, he said, was a precedent because it means "people can see and recognize the truth."

He said multiple Supreme Court opinions have affirmed an individual's ownership of his or her own labor, and "exercising your fundamental rights" is not taxable. "It is definitely a trade. What most people receive in the form of wages, salaries or in my case fees that they personally earned for their labor is not received in exchange for nothing."

He said there might be a profit that should be taxable, but there might not.

"The IRS lets Wal-Mart sell a trillion dollars worth of goods, but they can back out their cost of goods [before being taxed,] he said. "The IRS considers, in the case of a Wal-Mart wage earner, 100 percent of what he takes in is profit."

"But he's using his life, energy and work lifespan, and depleting it as he goes," Cryer told WND. "[Working] is a God-given fundamental right that is protected under the Constitution and can't be taxed any more than exercising freedom of speech."

While he waits to see what, if anything, the IRS and Justice Department will do next in his case, he's working to coordinate the groups that are battling taxation as unconstitutional.

"I have started a campaign to unify [the work] and we've got a number of organizations that are sponsoring and supporting this campaign," he said. The goal is to get everyone "who is aware of the truth" organized so they can spread the word.

He warned without a restoration of constitutional basics, the nation is lost.

"Read your Constitution and you will see that the federal role does not include ANY authority to regulate or tax any citizen directly and that WE expressly reserved the right to rule and govern ourselves as States, not as mere political subdivisions," his website says.

"The Constitution does not allow the government to run your lives, but the money it is stealing from millions of Americans is the fuel for its over-reaching and kibitzing. Take the money back and we and our states and communities can again be free," he said.

The fight is over "our FREEDOM from rule by a DISTANT RULER, just as we fought to free ourselves of a distant England over 200 years ago," he said.

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*[Bob Unruh](#) is a news editor for [WorldNetDaily.com](#).*