BATTLE LINES DRAWN

UNITED STATES OF AMERICA
vs
ALTON W. WHEELER

Patriot Alton Wheeler sent ACR an update on his present court battle with the IRS concerning "willful failure to file" charges (for voluntary returns!).

Alton has filed motions to dismiss with the court on grounds of "selective prosecution". The government in turn asked the court for a time extension to reply to the motions. No new date has been set as yet to rule on the motions presented. The briefs filed by Alton were titled " Claims " (claiming rights) while his co-councel files " Motions".

Alton says that he is following the basic "jurisdiction" defense as outlined by Floyd Wright in his book Beat the IRS-I Did. He believes that this may be the best defense against criminal charges brought by the IRS.

Alton's first notification of arraignment came by way of a phone call from a U.S. Marshal. He asked Alton's wife to have Alton return the call at his office. Alton says he "mistakenly" responded and a time and meeting place was arranged for a meeting which was soon canceled by Alton because of advise from friends. Alton then notified the local police department that he felt an illegal action was about to take place against him. "The papers were never served to me, but were later found in my mail box," Alton explained.

"At the arraignment, I challenged jurisdiction but I did so by appearing, Alton said, but I should have gone out of town on business after I challenged jurisdiction by letter." To this day Alton has not entered a plea to the charge, so the court entered one for him, dispite Alton's objection. Alton simply ask to court to point out what section of the code made him "a person required to file" so that he could know how to properly plead. Alton is still waiting for a response from the court.

Alton tried unsuccessfully to get competent legal representation on the matter so the court held a hearing to consider appointment of counsel. Because of Alton's 4th and 5th amendment objection to financial questions (personal in nature), the court ordered the government out of the hearing and the hearing became a closed session. Counsel was appointed after discussing the objectives with Alton and after counsel agreed to act as co-counsel with Alton arguing the jurisdiction matter. The court agreed to this arrangment through the pre-trial proceedings. It was agreed between Alton and co-counsel to appeal pretrial if there was any negative ruling against the jurisdiction challenge. Co-counsel stated that Alton would have to do that himself while he would appeal on other grounds if necessary.

Alton feels that, as of this date, the court will probably rule against the jurisdiction challenge with a slight possibility of granting dismissal on other grounds so as to bury the validity of the jurisdiction challenge.

Alton Wheeler's court action officially began April 27, 1981. At the time, Alton did not know what he knows today about the jurisdiction challenge. "Had I read Wright's book back then, I would have used a purely jurisdictional argument right from the start," says Alton. Also used was Walt Mann's Administrative Law Brief, a detailed and comprehensive jurisdiction brief which the government calls "incomprehensible."

The lesson to be learned by Alton's experience is if you're not required to file... DON'T. The fear that one could not later claim 5th amendment rights is not valid in Alton's opinion. "It seems obvious that if the court could not find a section of the code that stated that I was a person required to file, then the claim of certain rights on a 1040 form is moot," stated Alton. It remains to be seen if the court will honor, uphold, and obey the law.

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He ducks taxes for 11 years, dares IRS to stop him

TAFT, Calif. (UPI) — Retired butcher and schoolteacher Paul Bell will dare the government once again this week to arrest him because he has no intention of paying his income taxes.

Bell says he was spurred on by "divine guidance."

For seven years, Bell has carried the same message to an IRS office in Bakersfield, Cafif..

"I expect it will be just about the same as it was last year, except this time I'll tell them it's been 11 years that I haven't paid taxes instead of 10," Bell said.

Each Jan. 19, except when it falls on a weekend, Bell goes to the IRS to read a "letter of challenge," demanding he be arrested for refusing to pay income taxes since 1970.

"And each year it is the same," he said.

Bell chose Jan. 19 because, "that's when the Lord told me to do it."

He takes an entourage of television reporters with him.

"I usually don't have to do much but read my letter in which I admit to not filing income tax forms or paying taxes since 1970," he said.

"Then the news people take over and begin asking embarrassing questions about why the government hasn't done anything about me. That's when the guys in the IRS office get upset and ask me to leave."

The IRS declined comment

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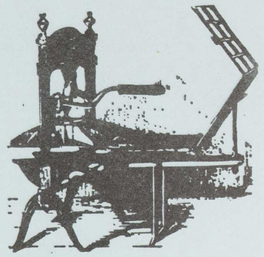

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If you would like to know more about yourself as a person and how to properly deal with stress the Sentinel would recommend the Iconoclast, P.O. Box 34036, Los Angeles, Ca. 90034. $24 per year.