
The Voluntaryist

Whole Number 94

"If one takes care of the means, the end will take care of itself."

October 1998

The Lapps and the IRS: A Farm Family Comes Head-on with the Internal Revenue Service and Labor Laws

By the Lapp Family

[Editor's Introduction: The following excerpts were taken from a 24 page monograph written in June, 1997. I have previously written about the Lapps in THE VOLUNTARYIST (see "Stone Walls Do Not A Prison Make": The Mayville Five—Prisoners of Conscience," Whole No. 69). Briefly, that article told of an incident on July 28, 1993 when two of their daughters, a son-in-law, and Jacob Lapp were arrested and then spent eight months in a Mayville, New York jail after a public melee. They were tried and convicted of obstructing public officials in the administration of their governmental duties.

I have met both Jacob (70) and his wife Barbara (69). They are the kind of people you would classify as the "salt of the earth," which THE NEW SHORTER OXFORD ENGLISH DICTIONARY defines by referring to "Matthew 5:13: a person of great excellence, virtue, worthiness, etc.; those whose qualities are a model for the rest". Their traditions harken back to their Anabaptist ancestors, and their story, like those of their forebearers, is one of responsible nonviolent resistance to that which they perceive as wrong. At least one strain of Anabaptist history demonstrates a distinct skepticism toward State coercion, so it is not surprising to find Jacob Lapp in an evolutionary freefall toward voluntarism.

The basis for the Lapps' refusal to comply with IRS demands is of particular interest to voluntaryists, and perhaps unique. Given the nature of their farming enterprise, it became impossible for them to accurately furnish the information demanded by the government. Therefore, they decided they could not sign any government form which would, in effect, make them liars. Anyone who takes this position must be respected for their integrity. It also must be noted that the Lapps never once mentioned their fear of being prosecuted by the State for committing perjury. Perjury is a State-defined crime; lying or bearing false witness is forbidden by The Decalogue and is the only precedent these God-fearing people recognize. Taking this position resulted in a "brush with the law," which is described in my "Concluding Editor's Note".]

Background

Jacob and Barbara Lapp, with eleven of their twelve

children, moved onto a 250-acre Cassadaga, New York farm in September, 1971. Ten years prior, the elder Lapps had left a Pennsylvania Amish community where seven generations of their ancestors had made their living farming. For a decade, the family had moved from state to state, often working migrant jobs or sharecropping. Despite their struggle with poverty at times, they sustained themselves and the children's home school education—always working toward the dream of owning their own farm.

Farming in Cassadaga, the Lapp family left behind traditional Amish restrictions on the use of modern conveniences. However, the peaceful, modest lifestyle and agrarian talent of their heritage lived on. The Lapps worked the land, milked cows, and were successful in their business. They shared the fruit of their labor with needy people in the neighborhood, and abroad.

As the children grew, the elder Lapps purchased neighboring properties, expanding the farm to make work for everyone. Some of the children married and lived on these farms, or moved to nearby homes. Their lifestyle of self-sufficiency, communal sharing, and avoidance of worldly influence was guided by strict adherence to Biblical teachings.

Why We Do Not File IRS Papers

By the Lapp Family

Twenty-five years ago when we started farming in Cassadaga, we hired a tax accountant to help us begin business with the IRS. Each year, we recorded the income from our milk and cattle sales, as well as every family member's earnings from off-the-farm sources. We took detailed inventory of our assets, delivered the information to our accountant, and signed the IRS forms.

From 1977 to 1985 our family was actively involved in a church mission project in Belize, Central America. During those years milk prices were high. Our Cassadaga farm financed mission related projects such as running a village school and agricultural research farm, bringing Belizean children to the United States for medical treatment, and adopting orphaned children from there.

Meanwhile, on the home farm, our creed of self-sufficiency was put to the test. Milk prices plummeted at a time when we were deep in debt from the Belize project. The government began to bail out struggling farmers with agricultural subsidy payments. We rejected the checks, on the basis that we do not believe in receiving government handouts.

In the mid 1980s we added a retail fruit and vegetable market to our business, and had to begin

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Potpourri from the Editor's Desk

No. 1 "Freedom vs. Liberty"

"Of course, to say we have free will does not mean we can do or have whatever we want. Rather, it means we are free to try to do or to have something, or to behave or think in one way and not another. In this sense, it is important to distinguish between freedom and liberty. Freedom refers inwardly to our moral lives, and outwardly to choosing among alternatives that define our lives. Liberty, in contrast, refers to the physical aspects of freedom, like being in or out of jail, or under- or overtaxed. Strictly speaking, even a man in jail is 'free' in this moral, spiritual, and philosophical sense, for although he has lost his physical liberty he is still free to sleep, eat, read, think, consider his actions, alter his own inner moral life, and decide on regret or anger, on penitence or revenge; and if he must meet the hangman, he is free even to decide, up until the last moment of his life, on the most important thing of all, which is the meaning of his entire existence. To sense the difference, imagine yourself in jail and in possession of a crucial piece of information that could result in another person's [liberty] or execution, depending on whether or not you tell the truth. It's up to you. In this situation you would have no physical liberty but almost a godlike moral freedom to control the destiny of someone else's life. So we may lose our physical liberty, our money, our friends—but, unless we are deranged, never our freedom to make moral choices.

"The expression 'the paradox of freedom' means that whenever we exercise our freedom we limit ourselves, simply by choosing one alternative over another. And this is the joy of moral freedom. As G.K. Chesterton put it, 'the liberty for which one should chiefly care is the liberty to bind oneself.' It is we who 'hem ourselves in' by making choices that constrain us. Sometimes the constraint comes from the unforeseen consequences of our prior choices. Never-

theless, we did choose one alternative, and not another, and must live with the consequences or choose to escape them—and then accept the new consequences of our escape. The important point here is that to *use our freedom is to limit our freedom* in all sorts of ways. For example, we may want two different jobs, but can manage only one. Choosing one eliminates the other. It's the same in choosing between two equally attractive sports, or future spouses, or cars, or conflicting philosophies. Or choosing to have, or not to have, sex. The glory of our freedom is that by limiting it in one way, and not the other, we define ourselves by our actions. We live and feel our freedom by making positive decisions to say 'no' to specific alternatives. At bottom, freedom is the ability to say 'no.' It is the only living thing that cannot be taken from you."

—William Gairdner,

THE WAR AGAINST THE FAMILY

Toronto: Stoddard Publishing, 1992, pp. 26-27.

No. 2 "Loyalty and the Origins of the Welfare State"

"The U.S. federal government paid disability and death benefits to veterans and dependents from the 1780s on, and by 1820, they exceeded all federal civil expenses. They rose to their peak during the second and third decades after each war, then declined. The Civil War extended them into a genuine old-age pension system. By 1900, half the elderly native-born white males received them. In the North and Midwest veterans constituted a vocal 12 percent to 15 percent of the electorate. Membership in their Grand Army of the Republic was 428,000 in 1890, more than half the membership of all labor unions. Military pensions again exceeded all federal civil expenses during 1892-1900, before declining. But from 1882 to 1916 they consumed between 22 percent and 43 percent of total federal expenses. Although the poorer Confederate states had given no pensions, most southern states (meagerly) granted them from the 1890s on. The United States had the first welfare state, a little-known fact, but it was confined to those who had demonstrated loyalty to their state."

—Michael Mann, Vol II., THE SOURCES OF SOCIAL POWER, 1993, p. 501.

No. 3 "The Police State Is Here."

"As yet, oppression causes no uproar because middle class white people—the majority—approve it, assuming it will only be employed against the Drug Class. What folly! No tyrant builds a police state apparatus unless he intends to use it. No one will be exempt. It is only an accident that as yet your government has only found it necessary in a few isolated instances to use its police state against political dissidents. Under the cover of the war on drugs and racism

the police state has been built. Your constitutional protections against government have been destroyed. It has already happened. The police state will deal with political troublemakers next."

—Franklin Sanders, *THE MONEYCHANGER*, August 1996, p. 11 (Box 341753, Memphis, TN 38184).

No. 4 "Is Tax Evasion A Sin?"

"Is tax evasion a sin? Is it unethical? The arguments that have been put forth over the centuries do not support the position that tax evasion is a sin. Taxation is the taking of property without the owner's consent, which makes it the equivalent of theft, with some government as the thief. But unlike normal theft, the perpetrator is the State rather than an individual. In addition, the taking is a continuous action rather than a one-time event, which likens taxation to exploitation or slavery more than to theft. The fact that a majority of eligible voters voted to approve a tax in some previous election does not change the substance of the transaction, and the fact that taxpayers receive some benefits from government does not alter the morality of the matter. The fact that those who do not avoid the tax may pay more as a result of others' evasion does not alter the morality of the act because taxation is based on theft rather than on a moral requirement to pay. While theologians and others have often argued that there is a duty to pay a just tax, the fact is, there is no such thing as a just tax. If all taxes are the taking of property without the owner's consent, then there is no justice involved, even if some of the proceeds are used for good causes. Theft is wrong regardless of whether the thief uses the proceeds of the theft to distribute food to the poor or to gamble, drink or go wenching. It is the act itself that is either good or bad, not what happens afterward. Rather than regarding tax evaders as sinners, it might be more accurate to say that it is the tax collectors who sin because it is they who facilitate the taking of property without the owner's consent."

—Robert McGee, 42 *KANSAS LAW REVIEW* (1994), pp. 432-433.

No. 5 "You Asked Me What A Politician Is?"

"You asked me before what a politician is? The politician is the cement in this crazy house.... We rationalize the irrational. We convince the people that the greatest fulfillment in life is to die for the rich. We convince the rich that they must part with some of their riches to keep the rest. We are magicians. We cast an illusion. And the illusion is foolproof. We say to the people—you are the power. Your vote is the source of Rome's strength and glory. You are the only free people in the world. There is nothing more precious than your freedom. Nothing more admirable than your civilization. And you control it: you are

the power. And then they vote for our candidates. They weep at our defeats. They laugh with joy at our victories. And they feel proud and superior because they are not slaves. No matter how low they sink, if they sleep in the gutter, if they sit in the public seats at the races and the arena all day, if they strangle their infants at birth, if they live on the public dole and never lift a hand to do a day's work from birth to death, nevertheless they are not slaves. They are dirt. But every time they see a slave, their ego rises and they feel full of pride and power. They know that they are Roman citizens and all the world envies them. And this is my peculiar art. Never belittle politics."

—Howard Fast, *SPARTACUS*,
New York: Dell Books, 1980, p. 265.

The Lapps and the IRS

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hiring to accommodate this labor-intense project. We filed the proper employment forms, paid quarterly employment taxes, and insured our workers as required by state workers' compensation laws.

As the family grew and the business expanded, forms and record keeping became unbearably burdensome. Some of the Lapp in-laws chose to work on the farm for hourly wages. Others swapped labor for rent and milk. The growing children of the next generation came with their fathers to work, and were compensated with fruits and vegetables. When one family had a hospital bill or vehicle breakdown, other families offered financial assistance in exchange for loaves of bread or a few hours of farm labor. And, since the retail business was run largely on cash sales, the exchanges were difficult to monitor.

Record keeping for employees was also becoming more difficult. Several teenage boys from the neighborhood had become regular workers during the summer months. Word of their fair earnings and wholesome work environment spread to other families. We were flooded with requests from parents who wanted us to teach their children to work. In June, during strawberry season, the fields were sometimes full of eager young workers. Included were the son of a county legislator, a police officer's children and their mother, and even the village thief—sent to "the Lapps" by his mother, with hopes he would learn virtue.

Some of the workers were too young to be legal working age, so we couldn't put their names on the books. Some city folks came to the farm for an afternoon of making hay, and preferred not to go through the employment paperwork. Some of the children from our own families, who lived off the farm, were capable of earning wages. But that couldn't be recorded because of their age.

At the end of each employment season we were required to sign a form which certified we had given a "true and complete statement of all salaries, wages and

earnings," including "bonuses and allowances earned by all persons... relatives, casual and part-time employees." The form specified that any exchanges of "produce, eggs, milk... and the value of meals and lodging" must be recorded.

"To seek the truth and to utter what one believes to be true, can never be a crime."
—Sebastian Castellio, 1551.

One day in 1990 the family member in charge of employment posted the form on the dining room bulletin board with a sticky note on it that read: "The lie." She said she wouldn't sign it. None of the other business partners in the family wanted to sign it either.

The family gathered for serious discussion. We attributed our farm's success partly to our practice of honesty and fairness. These tenets, as well as our faith in God, had made us a happy, peaceful family. During our discussion, we decided we would not give up our integrity for the sake of satisfying government requirements on hiring. We would also not give up our policy of hiring the young and the underprivileged.

Based on this decision, we ceased giving employee information to the state, canceled our state insurance policy, and told our workers to feel free to seek employment elsewhere, or work with us on informal arrangements.

Along with this decision, we were faced with the dilemma of how to file income tax forms in a truthful way. To say we have accurately provided all income and expenses, while withholding present day hiring information and small cash exchanges, would make us liars. So we quit filing

This was not for the purpose of protesting taxes. In the 25 years since we moved to our Cassadaga farm, we have paid, in school and property taxes, more than ten times the amount of the initial purchase price for our farm. In the 19 years we filed income tax forms, we sometimes received more money back in refund checks than we paid out. We returned the checks, or didn't cash them, because we do not believe it is honorable to receive money from the government. The elders in our family have refused their social security checks. Throughout the years, we paid our own hospital bills, refused disability payments for our handicapped, and educated our own children. We owe no one anything.

We are aware that the IRS could take our farm or send us to jail. We value our farm, and love our togetherness. But we do not believe this is too great a sacrifice for the freedom of heart in knowing that we can face God and man with this saying: "We have lived the truth."

Editor's Concluding Note:

[IRS Agent Douglas Stelmach of Jamestown NY was assigned to investigate the Lapp's failure to file Social Security and withholding tax forms for themselves and their farm operation. "Mr. Stelmach first approached the Lapps at the family's roadside fruit stand in the summer of 1996 and questioned then 13-year-old

Marcella—a granddaughter of Jacob and Barbara Lapp—who was cashiering at the time. When Marcella declined to tell Mr. Stelmach who she was and where her grandparents lived, he said, 'I'm from the IRS. I could take your cash register and everything you have here.' Marcella answered, 'I suppose you could,' and stood her ground. Stelmach contacted Jacob Lapp by phone in the winter of 1996. During this phone discussion, Mr. Lapp offered to call a public forum for dialogue to resolve the issue. Mr. Stelmach responded, 'I'm going to tell you what my public forum is. I'm referring you for a date in federal court.' The date in court was set for June 26, 1997 in Buffalo, New York. The Lapps were informed of their "appointment" by several federal marshalls, accompanied by some Chautauqua County sheriffs, who visited the farm to serve papers on the senior Lapps "to show cause why they should not provide the IRS with information." The court order was signed by Judge William Skretny and covered the years 1991 through 1995.

Because of their skepticism about the possibility of receiving "justice" from the government and because of their religious principles, the Lapps refused to meet with the IRS in any manner—other than in a public forum. To this end, they held a public meeting at the Day's Inn in Fredonia, New York on June 20, 1997. The purpose of the forum was to explain to the public why they refused to cooperate with the IRS. Invitations were sent to representatives of the IRS, the U.S. government attorney's office, and the meeting was open to any other government officials who wanted to attend. June 26th came and went without the Lapps following Judge Skretny's order to confer with Agent Stelmach in the IRS offices. The Lapps then received an order from the Judge to meet with the IRS on or before July 30th, in an effort to resolve the tax dispute. On August 13th, Mary Roach, an assistant U.S. attorney, informed Judge Skretny that the Lapps had not met with the IRS, and that no progress was being made in the case. The Judge's response was to issue a final show cause order. On September 5th, six federal marshalls served Barbara and Jacob with two judicial orders. They were ordered to appear in court on October 6th to explain why they should not be held in contempt of court for failing

"Lighthouses don't ring bells
To call attention to their light.
They just shine."

—Pennsylvania Dutch Proverb

to obey the June 26th order to appear and to explain their failure to supply information. According to IRS estimates, the Lapps owed an accumulated total of nearly \$46,000 in unpaid Social Security and employment withholding taxes, penalties, and interest for the years running from December 1992 through December 1996. This figure did not include any personal income taxes that Barbara or Jacob might owe. Inasmuch as the Lapps employed no full-time help during this time, they consider the IRS figure as totally unrealis-

tic, even if there were some way of computing an exact amount due the IRS.

Jacob Lapp's position has somewhat changed over the course of time. Of course, originally he believed (and continues to believe) that filling out government forms would make a liar of him. But, he has also come to the conclusion that taxation is theft and therefore immoral. By any honest moral standard, if it is wrong for a thief to rob you, then it is wrong for government agents to take money from citizens who are not willing to contribute to the government. Finally, Jacob disagrees with and refuses to abide by certain federal laws regarding child labor. Providing information about his employment of underage children would be self-incriminating, since he and his family have always employed young children to help on the farm. He believes it is his parental and religious duty to teach youngsters the value and habits of hard work. Jacob Lapp and his family see the issue primarily as one of integrity: "We cannot improve the condition of mankind by surrendering to something we know is wrong. We cannot inspire our sisters and brothers by signing false documents, or by becoming instruments of callousness." Jacob Lapp has rephrased Patrick Henry's famous statement: "Give me liberty or give me death." Lapp says you can have his money, his farm, and his life, but you cannot have his INTEGRITY! As Jacob has succinctly put it, he would rather go to jail than lie.

Of course, the government doesn't see it this way. In an interview in THE BUFFALO NEWS on June 27, 1997 (page C-6), U.S. Attorney Patrick NeMoyer accused the Lapps of refusing to come to court "to offer any explanation why they are not governed by laws that govern every other citizen in the United States." He added that he was appalled by their behavior. "All American citizens enjoy certain benefits, such as public safety and interstate highways; they also have certain obligations, such as filing tax returns. Mr. and Mrs. Lapp have chosen not to do that [file returns], and that's not their right. It's unfair to other tax-paying citizens of the country who support those programs.... People can't pick and choose what laws they will obey, no matter how pure their motives." For his part, Jacob Lapp believes that government officials have no conception of how people could live in a society without the State, and therefore no understanding of his position. As Jacob once asked: "How do agents of the government know that they have a better vision of a better society than I do? If I'm not requiring them to accept my view, should I not rightly challenge them when they try to force me to accept their view? After all, we are fellow beings in this world."

I have engaged in correspondence with Jacob over the years, and tried to point out that there are several different issues bundled together in his refusal to fill out government tax forms and to meet with the IRS to explain his stand. When an American refuses to give the IRS any financial information, the IRS tries to obtain the voluntary cooperation of the person. If the person refuses to provide the information, as in the Lapp



case, then the IRS petitions a federal judge to order that person to show cause why he or she should not comply. The person may refuse to answer the show cause order, as the Lapps did, or they may raise a number of different defenses, such as refusing to incriminate one's self or refusing to become a liar by signing a government form. (Although it may have occurred, I have never heard of the federal courts adjudicating this issue.) If the judge is satisfied with the defense to the show cause order, he dismisses it and the IRS must proceed in other ways (such as initiating criminal charges, or issuing a jeopardy assessment). If the judge does not believe the person has met the burden of explanation, he may order that person to provide the IRS with the information sought, and upon their refusal find them in contempt of court and imprison them for a civil contempt. The person is technically imprisoned by the marshal of the court—not by the IRS—and the person is in prison for failing to obey the judge's order—not for failing to obey the IRS. If the Lapps had met with the IRS and told the IRS they could not fill out their forms because it would make liars of them, and then gone to court and explained their position to Judge Skretny, it is possible that he might have found their explanation satisfactory. It is also possible he might have found it quite frivolous. But he could not have found them in contempt of his order to meet with the IRS. The point is that the refusal to meet with the IRS or to go to court to explain one's position changes the issue. The dispute goes from refusing to affirm the truthfulness of information on a government tax form, to refusing to obey a judge's order to appear. (One might add that for a consistent voluntaryist, the government agents have no more authority or legitimacy to demand the information than the governmental judge has to demand that his orders be obeyed.)

Fortunately, for the Lapps these are distinctions without a difference. On October 1, 1997 they received a letter from the U.S. attorney in Buffalo stating that the case against them had been withdrawn, and that the hearing scheduled for October 6 had been cancelled. I am sure that the Lapps all breathed a sigh of relief, although there are other ways that the IRS might proceed against them. However, I doubt that Jacob Lapp's contempt for the government was lessened. When asked

how he thought he would feel if he were arrested for contempt of court, he once remarked: "I would be proud if they would arrest me because I do indeed hold them in contempt. They're absolutely correct if they hold me in contempt of court!"

Editor's Post Script:

[Unbeknownst to the Lapps at the time, the IRS had filed a federal tax lien against their farm partnership and Jacob Lapp on September 24, 1997 for an amount in excess of \$45,000. With this in place, the IRS visited Charlap Dairy of Hamburg, NY which purchases milk produced by the Lapp's dairy herd. Rather than mail its check to the Lapps, the dairy was instructed to turn over to the IRS all monies due the Lapps. The garnishment is to continue in effect until the lien is satisfied. Actions of this nature illustrate how governments negate property rights. All contracts and property rights between the dairy and the Lapps are trumped by government force. Should the dairy refuse to comply with the garnishment, its property will be seized to satisfy the lien against the Lapps. Even if the Lapps sell their herd (both to cut their winter feed expenses and losses to the government), they are faced with the prospect that the IRS might seize the sale proceeds as well. Its clear that in this instance the government is both trigger happy and holding all the guns.]

Challenge or Tragedy

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one jurisdiction to another. If the owner of the land refuses to pay the tax, the land can be seized by the governing authority and sold for back taxes. Common usage and ancient custom cannot disguise the fact that tax seizures and auctions amount to nothing less than robbery and outright confiscation, even if conducted under the cloak of the law. Real estate tax auctions happen regularly all over the United States, and landowners generally do not resist the legal processes involved. (They recognize the futility.) The main purpose of this article is to describe what happens when a stubborn taxpayer resists the payment of land taxes and is willing to suffer financial losses, personal imprisonment, and eviction for failure to voluntarily cooperate with the local government's effort to regain control over that landowner's property.

Long-time readers of THE VOLUNTARYIST will recall an article about the Embassy of Heaven Church that appeared in Whole No. 68, entitled "Un-Licensed—Un-Numbered—Un-Taxed." The early part of that article mentioned a proclamation of land use issued in 1987 by Paul Revere, pastor of the church. In that document, Revere announced that the Church's property had "been removed from the ownership and control of the world and rulers of men," and that the church intended to stop paying property taxes on the real estate it used and owned. In 1988, Revere and his wife officially deeded the 34

acres they owned to the Embassy of Heaven Church. In August 1990, as pastor of the church, he filed a statement declaring that the Church's land is exempt from Marion County real property tax. This was done in accord with Section 307.162 of the Oregon Code of laws which reads: "Necessity of filing statement to secure exemption. Before any real property may be exempted from taxation ... the institution ... claiming the exemption shall file with the county assessor ... a statement verified by ... oath or affirmation ... listing all real property claimed to be exempt, and showing the purpose for which such property is used...." At that point, Revere acted as though he and the Church were "un-taxed" and paid no further monies to Marion County. Unfortunately, the State didn't see it his way.

"Right is right, even if nobody does it. Wrong is wrong, even if everybody does it."

—Sathya Sai Baba

The story of the subsequent "showdown" at Sublimity, Oregon demonstrates the nature of the State. If the owner of a parcel of land refuses to pay the tax, for whatever reason, the county must initiate foreclosure proceedings to collect its back taxes. In effect, the county sues the property owner for the amount due, and upon failure of the property owner to pay, the county sheriff seizes the property and evicts any dwellers. In Oregon, a state court orders that a provisional deed be registered in the name of the county, and the original owner is given a two year redemption period, during which the back taxes and penalties may be paid and the land returned to its original ownership. Upon the expiration of the two year period, the county, as new owner, may use the land, sell it, or do with it as it pleases. If the land is sold, all the proceeds—even if in excess of the amount of back taxes—are kept by the county.

Generally speaking, this legal scenario was followed in the case of the Embassy of Heaven Church. The Assessor of Marion County denied the Church's request for an exemption from property tax on September 17, 1990. Four years later, in October 1994, a "Judgment and Decree and Order of the Circuit Court of the State of Oregon" was issued by which the Embassy of Heaven property was sold to Marion County, subject to a redemption period of two years. In accord with that judicial decree, on November 7, 1996 the Marion County Tax Collector deeded the Church's property to Marion County. A week after that, the Revere's were notified by the County that they had thirty days to remove themselves and all personal possessions from the property.

What was the Church's reaction to all this hocus pocus? First of all, back in 1990, after the exemption was denied, Paul Revere tried to get the County to explain the reasons for the denial. A full explanation was never forthcoming, except to the extent that the

County insisted the Church must have its tax-exempt status formally recognized by the federal Internal Revenue Service before the County would consider a local property tax exemption. Since the Embassy of Heaven was a non-state, or common law, church (one not incorporated by government at any level) Revere refused to concede this was necessary. As far as he and the Church were concerned, he had filed the statement for the exemption. There was nothing in Oregon law that gave Marion County the authority to deny that statement. When the County sent tax bills in 1991 and later years, Revere returned the bills to the County claiming a church exemption. Revere had no judicial notice in 1994, when the property was formally deeded to Marion County. Neither the Circuit Court nor the public attorney appointed by the Court to represent the Church ever contacted Revere to tell him what was happening.

Finally, on January 31, 1997 the County's patience ended. The Church property was raided and seized. At least 30 (some say as many as 100) federal, state, and county officers, supported by two armored vehicles, raided the property and evicted the residents. Revere and two other men were arrested for refusing to leave. (Officially they were charged with "obstructing governmental administration", and were released after five days in jail when the charges were discontinued.) All the personal property belonging to the Church and those living on the land was confiscated and placed in storage. This included nine Church vehicles. State of Oregon Children Service Division personnel were on hand to remove the pastor's two daughters, ages 14 and 17, to institutional placement. However, this was unnecessary as they remained in the custody of his wife, Rachel. In addition, about \$15,000 worth of silver coins, which had been donated to the Church, were seized by the Internal Revenue Service at the time of the raid. Ultimately, the vehicles and other personal property were returned to Revere; the coins were auctioned off in March 1997 by the IRS for \$11,667. The proceeds went to partially satisfy a federal tax lien against Revere, which the IRS had put in place in 1991 for the years 1983, 1984, and 1986, for which Revere had filed no returns.

The 34 acres were auctioned off at the county courthouse in Salem, Oregon on May 23, 1997. The only (and successful) bidder was Mr. J. D. Bruce of Sublimity, who bought the property for \$119,000. The County claimed a debt of \$16,412 against the property, but according to State law it was permitted to keep the excess generated by the auction. Revere and supporters of the Embassy of Heaven Church garnered a great deal of local publicity over the injustice perpetrated by the County upon the Church, and were successful in persuading most potential bidders to shun the auction. It is Revere's position that the County violated its own laws in foreclosing on and selling the property. A purchaser could

only buy whatever interest the County had in the property; and since the County did not have the option to reject the statement of tax exemption and never notified the Church of the end of the two year redemption period, it had no real legal interest in the property and could convey nothing to the new buyer. The County's position is to let the title companies sort things out, if and when subsequent buyers seek title insurance.

Since the Embassy of Heaven Church began in the mid-1980s, Revere has preached nonviolence, avoided lawsuits, and lost all confidence in the justice of the courts. He certainly does not plan to sue the County. Instead, he hopes to continue in possession of the land by erecting signs and placing several church members back on the land to establish an office. Though these people may go to jail for trespassing, Revere hopes to use their imprisonment as a way to publicly highlight the illegal and unlawful seizure of the Church's property.

Many public commentators have pointed out the parallels between the raid on the Church's property and government raids at Ruby Ridge, Idaho and Waco, Texas. Although no one was killed at Sublimity and neither of these earlier attacks involved non-payment of taxes, all three were similar in that the governments involved used massive amounts of physical force and military armaments to subdue uncooperative subjects. Revere, and others, have raised certain Church vs. State issues, such as whether or not the State can pick and choose which religions it will recognize and exempt from taxes. This, however, begs the question. The main issue is whether or not governments should have the right and power to tax anyone, much less churches.

The real tragedy at Sublimity is that no writer or participant has challenged the right of the State to collect taxes. As I pointed out in my article on "The Tragedy of Political Government" (Whole No. 79), the main problem is that few people realize government is an immoral and impractical institution. Most people have been conditioned—via public schooling—to accept government as a natural part of their environment. Therefore they never question the legitimacy of taxation. The purpose of this article, indeed of the whole Voluntaryist enterprise, is to challenge the legitimacy of the State and activities, such as taxation, which support the State. Taxation is theft, regardless of what the government calls it. The real challenge to voluntaryists—if further tragedies like those at Sublimity are to be avoided—is that more and more people must be educated to understand the nature of the State and taxation. "Challenge or Tragedy"—which shall it be?

"When buying and selling are controlled by legislation, the first things to be bought and sold are legislators."

—P. J. O'Rourke

Challenge or Tragedy: A Government Raid at Sublimity, Oregon

By Carl Watner

Government protection (alleged) of property rights is one of those political myths which our government uses quite effectively to legitimize its conquest over us. In reality, governments can only negate property rights, not protect them. This is true for a number of reasons, both theoretical and historical. First of all, governments have historically derived their revenues from taxation. This necessarily violates the rights of those who would not voluntarily support them. If those people do not willingly surrender some of their property to the government in the form of taxes, government agents will ultimately either seize their property or imprison them for willful evasion. Secondly, all governments presume to establish a compulsory monopoly of defense (police, courts, law) services over a given geographical area. Individual property owners who do not wish to be included are "protected" nonetheless. If they resist the enforcement of government laws, they will eventually be jailed for obstruction of governmental administration of justice, or killed for resisting armed government officers.

One of the primary ways that local governments in the United States exercise their sovereignty is by

the collection of real property taxes assessed against real estate located within their geo-political boundaries. (The *ENCYCLOPEDIA BRITANNICA* [1992] reports that "Property tax receipts supplied about half of the revenue raised by local governments in the United States.") It is immaterial to the collection of the tax whether the landowner resides within or without the sovereign domain of that political jurisdiction. The reason for this is that the political unit maintains the right to seize and legally re-title the property for failure to pay the tax. In other words, if ownership is described as the right of final authority and control over a given piece of property, the landowner, so-called, is not really the owner. That piece of property "belongs" to the landowner only if the real estate tax is paid in a timely manner. One might have termed this "tribute" during the Middle Ages, or "land rent" during the 18th Century. However, in our contemporary world of political euphemisms, the person paying the rent is called the "owner" and the agency collecting it is referred to as a "government". The point is that the person, organization, or institution collecting the "tribute" or "rent" is the real owner.

Land taxes are probably the oldest form of taxation. They were found in China as early as 2000 B.C. Real estate taxes are probably the most fail-safe method of taxation because they are difficult to evade and the land itself cannot be physically moved from

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