

U.S. INCOME TAX - NOTES FOR TAX RESISTERS

Most single persons with an income over \$1700 and married persons with an income over \$2300 in calendar year 1970 are required by law to file a U.S. Individual Income Tax Return by April 15, 1971. Forms for this purpose and Instructions for completing Form 1040 are available at all post offices and Internal Revenue Service offices. Tax refusers can use additional information. What follows are ideas and facts; what you do must be your individual decision.

How Much Should You Refuse?

You must decide what you pay and what you refuse. Briefly, here are some bases others have used in making such decisions:

- 1) **SURCHARGE.** A surtax has been imposed specifically to pay for the Indochina War. Originally 10%, it was 5% the first half of 1970, after which it expired. For the entire calendar year 1970, it is an extra tax equal to 2½% of your regular tax.
- 2) **PERCENTAGE - INDOCHINA WAR.** Some refuse to pay a percentage of the tax equal to the percent of the federal budget that goes for the Indochina War. The figure is now secret, but it was 18% the last year it was available.
- 3) **PERCENTAGE - WAR-RELATED.** Some refuse to pay the percent that is related in some way to past, present or future wars. This includes current military spending, war-related national debt payments and veterans' benefits. For fiscal year 1971, this figure is 64.8% (60.5% if veterans' benefits are excluded).
- 4) **TOTAL.** There are several arguments for refusing everything. One is that the bulk of whatever you pay will go for war-related items, since there is no way of earmarking the portion you pay for peaceful purposes. Another is the libertarian opposition to any compulsory taxation. A third is the contention that this government is almost totally bad and very little, if any, of its expenditures are really good.
- 5) **TOKEN.** Some refuse to pay a small token sum, like \$5. This shows a protest and has nuisance value, as the cost of collection is much greater than the tax refused.

Filing a Return - Four Options

- 1) **Don't file.** Some refuse to cooperate even by filing. They can make their reasons clear by writing IRS. It won't let you get a refund, if one is due.
- 2) **File a "straight" return and nonpayment.** Some complete and file a Form 1040 in normal fashion, but refuse to pay part or all of the balance due, if any.
- 3) **File a "straight" return and pay another agency.** You could pay the owed tax (or a portion thereof) to a specific government agency, the UN or a private group (such as the Washington War Tax Alternate Fund) instead of IRS. You can either enclose the check with the return or send it directly and inform IRS (perhaps send them a receipt). This will NOT be accepted by IRS as payment of taxes in all likelihood.
- 4) **File a creative return.** Some complete their Form 1040 in an unapproved manner. They end up showing less tax owed (or none) than if they completed the form normally. This method can be used to ask for a refund of war taxes that have been withheld. IRS often fails to catch abnormalities, so such forms may be accepted as correct. To decrease the chance of being accused of fraud, it is advisable to write a letter to some IRS official explaining what you have done (you may choose to omit your Social Security number and the specific methods used to make it difficult to track down).

Some Possible Abnormal Uses of Form 1040 - Line by Line

Line 10 - Number of other dependents. You might choose to define "dependents" more broadly than IRS intends so as to give you more exemptions than the IRS might feel you deserve. This would reduce or eliminate the tax owed. Several people have been indicted for claiming additional dependents (though on a W-4 Form not a 1040).

Line 17 - Adjustments to income. You might make other adjustments than those provided for in lines 41-4. You could attach an explanation.

Line 19 - Tax. You could figure the tax in your own way, rather than use a Table.

Line 20 - Tax surcharge. You might omit this item, as it is a war tax.

Line 22 - Total credits. You could include credits not provided for in Lines 52-4 and attach an explanation.

Line 28 - Other payments. You could include here payments made in lieu of taxes, such as to the Washington War Tax Alternate Fund. Attach explanation and/or receipt.

Line 30 - Balance due. You might put \$0.00 here and explain why you feel nothing is "due", even if you show tax owed on Line 19.

Line 47(a) - Itemized deductions. You might include contributions to movement groups not officially recognized as tax deductible by IRS. The legality of this is debatable, as the tax law is somewhat unclear in this area.

Signature. You might not sign, or alter the statement signed, to help defend against fraud charges.

Use of Refused Money

After you have refused to pay war taxes, what do you do with the money? You could spend it to fulfill personal desires. You could keep it in reserve for if and when IRS comes after it. But you could also give it to some humanitarian cause and thus make your refusal positive as well as negative. Some resisters have pooled their refused taxes into the Washington War Tax Alternate Fund, which is operated through Washington War Tax Resistance. Decisions about the use of this money are made communally, by consensus. A donor who gets in severe financial difficulty when IRS collects money from him can ask for the money back, although it might not all be available.

Penalties and Collection

If the IRS tries to collect from you, they may add percentages of the refused sum as penalties for nonpayment and as interest for the time the money was not available to the government. These small sums are not likely to cover their collection costs. You can be prosecuted for nonpayment of taxes, but no one has been imprisoned for conscientious tax refusal. A few people have been convicted for related offenses. Refusal to give financial information, failure to file a return and fraud on forms (such as W-4 and 1040) are illegal. Most offenses carry a one year and/or \$1000 maximum penalty - a misdemeanor.

The IRS may attempt to collect the money they claim you owe. They can attach bank accounts, garnishee salaries and seize property. If they attach your bank account, your bank can (and many banks do) charge you a service charge (the amount varies). Sometimes IRS does not try to collect or fails in its attempt.

Further information is available from Washington War Tax Resistance, national War Tax Resistance (339 Lafayette St., NYC 10012, 212-477-2970 or 777-5560) or at any of the 180 local War Tax Resistance centers around the country.