THE TRUTH ABOUT FRIVOLOUS TAX ARGUMENTS

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This document describes and responds to some of the common frivolous arguments made by individuals and groups who oppose compliance with the federal tax laws. The first section groups these arguments under five general categories, with variations within each category. Each contention is briefly explained, followed by a discussion of the legal authority that rejects the contention. The second section responds to some of the common frivolous arguments made in collection due process cases brought pursuant to sections 6320 and 6330. These arguments are grouped under ten general categories and contain a brief description of each contention followed by a discussion of the correct legal authority. A final section explains the penalties that the courts may impose on those who pursue tax cases on frivolous grounds. The court opinions cited as relevant legal authority illustrate how these arguments are treated by the IRS and the courts. Note that courts often decline "to refute [frivolous] arguments with somber reasoning and copious citation of precedent" for a variety of reasons. Aldrich v Commissioner, T.C. Memo. 2013-201, 106 T.C.M. (CCH) 192 (2013); Wnuck v. Commissioner, 136 T.C. 498 (2011) (quoting Crain v. Commissioner, 737 F.2d 1417, 1417 (5th Cir. 1984).

This document, including the relevant legal authorities cited, is not intended to provide an exhaustive list of frivolous tax arguments. Merely because a frivolous argument is not included in this document does not mean that it is not frivolous. Taxpayers may not rely on frivolous arguments to avoid or evade federal taxes. The government and courts are not precluded from penalizing taxpayers who raise a frivolous argument not addressed in this document.

I. FRIVOLOUS TAX ARGUMENTS IN GENERAL

A. The Voluntary Nature of the Federal Income Tax System

1. Contention: The filing of a tax return is voluntary.

Some taxpayers assert that they are not required to file federal tax returns because the filing of a tax return is voluntary. Proponents of this contention point to the fact that the IRS tells taxpayers in the Form 1040 instruction book that the tax system is voluntary. Additionally, these taxpayers frequently quote Flora v. United States, 362 U.S. 145, 176 (1960), for the proposition that "[o]ur system of taxation is based upon voluntary assessment and payment, not upon distraint."

Sullivan v. United States, 788 F.2d 813 (1st Cir. 1986) – the 1st Circuit imposed sanctions on the taxpayer for bringing a frivolous appeal and rejected his attempt to recover a civil penalty for filing a frivolous return, stating "to the extent [he] argues that he received no 'wages'. . . because he was not an 'employee' within the meaning of 26 U.S.C. § 3401(c), that contention is meritless. . . . The statute does not purport to limit withholding to the persons listed therein."

United States v. Latham, 754 F.2d 747, 750 (7th Cir. 1985) – calling the instructions the taxpayer wanted given to the jury "inane," the court said, "[the] instruction which indicated that under 26 U.S.C. § 3401(c) the category of 'employee' does not include privately employed wage earners is a preposterous reading of the statute. It is obvious within the context of [the law] the word 'includes' is a term of enlargement not of limitation, and the reference to certain entities or categories is not intended to exclude all others."

Waltner v. Commissioner, T.C. Memo. 2014-35, 107 T.C.M. (CCH) 1189 (2014) – the court debunked the argument that only federal employees are taxed and imposed $2,500 sanction against the taxpayer for making frivolous arguments contained in Peter Hendrickson's book "Cracking the Code."

United States v. Hendrickson, 100 A.F.T.R.2d (RIA) 2007-5395 (E.D. Mich. 2007) – the court permanently barred Peter and Doreen Hendrickson, who filed tax returns on which they falsely reported their income as zero, from filing tax returns and forms based on frivolous claims in Hendrickson's book, "Cracking the Code," that only federal, state, or local government workers are liable for federal income tax or subject to the withholding of federal taxes.

Other Cases:

Peth v. Breitzmann, 611 F. Supp. 50 (E.D. Wis. 1985); Pabon v. Commissioner, T.C. Memo. 1994-476, 68 T.C.M. (CCH) 813 (1994).

D. Constitutional Amendment Claims

1. Contention: Taxpayers can refuse to pay income taxes on religious or moral grounds by invoking the First Amendment.

Some individuals or groups claim that taxpayers may refuse to pay federal income taxes based on their religious or moral beliefs or on an objection to using taxes to fund certain government programs. In support of this frivolous position, these persons mistakenly invoke the First Amendment and, often, the Religious Freedom Restoration Act ("RFRA").

The Law: The First Amendment to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The First Amendment, however, does not provide a right to refuse to pay income taxes on religious or moral grounds or because taxes are used to fund government programs opposed by the taxpayer. Likewise, it is well settled that RFRA does not afford a right to avoid payment of taxes for religious reasons. The First Amendment does not protect commercial speech or speech that aids or incites taxpayers to unlawfully refuse to pay federal income taxes, including speech that promotes abusive tax avoidance schemes.

Relevant Case Law:

United States v. Lee, 455 U.S. 252, 260 (1982) – the Supreme Court held that the broad public interest in maintaining a sound tax system is of such importance that religious beliefs in conflict with the payment of taxes provide no basis for refusing to pay, stating "The tax system could not function if denominations were allowed to challenge the tax system because tax payments were spent in a manner that violates their religious belief."

Jenkins v. Commissioner, 483 F.3d 90 (2d Cir. 2007) – upholding the imposition of a $5,000 frivolous return penalty against the taxpayer, the 2nd Circuit held that the collection of tax revenues for expenditures that offended the religious beliefs of individual taxpayers did not violate the Free Exercise Clause of the First Amendment, the Religious Freedom Restoration Act of 1993, or the Ninth Amendment.

United States v. Indianapolis Baptist Temple, 224 F.3d 627 (7th Cir. 2000) – the 7th Circuit rejected defendant's Free Exercise challenge to the federal employment tax as those laws were not restricted to the defendant or other religion-related employers generally, and there was no indication that they were enacted for the purpose of burdening religious practices.

Adams v. Commissioner, 170 F.3d 173 (3d Cir. 1999) – the 3rd Circuit affirmed tax deficiencies and penalties for failure to file tax returns and pay tax, holding that the Religious Freedom Restoration Act did not require that the federal income tax accommodate Adams' religious beliefs that payment of taxes to fund the military is against the will of God, and that her beliefs did not constitute reasonable cause for purposes of the penalties.

United States v. Ramsey, 992 F.2d 831 (8th Cir. 1993) – stating that Ramsey "has no First Amendment right to avoid federal income taxes on religious grounds," the 8th Circuit rejected his argument that filing federal income tax returns and paying federal income taxes violates his pacifist religious beliefs.

Wall v. United States, 756 F.2d 52 (8th Cir. 1985) – the 8th Circuit upheld the imposition of a $500 frivolous return penalty against Wall for taking a "war tax deduction" on his federal income tax return based on his religious convictions, stating the "necessities of revenue collection through a sound tax system raise governmental interests sufficiently compelling to outweigh the free exercise rights of those who find the tax objectionable on bona fide religious grounds."

United States v. Peister, 631 F.2d. 658 (10th Cir. 1980) – the 10th Circuit found Peister's First Amendment right to freedom of religion was not violated and rejecting his argument that he was exempt from income tax based on his vow of poverty after he became minister of a church he formed.

Salzer v. Commissioner, T.C. Memo. 2014-188, 108 T.C.M. (CCH) 284 (September 15, 2014) – the court found Salzer's justification for not paying taxes because he objected to the "socialist" policies of the government frivolous, holding that "[t]he legal duty to file a return exists independent of a taxpayer's personal political, economic, social, or religious convictions."

Other Cases:

Droz v. Commissioner, 48 F.3d 1120 (9th Cir. 1995); Boardman v. Shulman, 110 A.F.T.R.2d (RIA) 2012-6987 (E.D. Cal. 2012); United States v. Ogilvie, No. 3:12–CR–00121–LRH–WGC, 2013 WL 6210645 (D. Nev. Nov. 27, 2013).

2. Contention: IRS summonses violate the Fourth Amendment protections against search and seizure.

Some individuals or groups assert that summonses sent by the IRS to taxpayers and to third parties are per se violations of the Fourth Amendment's prohibition against warrantless search and seizure and are therefore unconstitutional.

The Law: The Fourth Amendment to the United States Constitution provides the "right of the people to be secure in their persons, houses, papers, and effects" and prohibits "unreasonable searches and seizures. . . ." The United States Supreme Court has held repeatedly that "the Fourth Amendment does not prohibit the obtaining of information revealed to a third party." United States v. Miller, 425 U.S. 435 (1976). The Fourth Amendment also provides that "no Warrants shall issue" unless there is "probable cause." The United States Supreme Court has ruled that the IRS "need not meet any standard of probable cause to obtain enforcement of [IRS] summons." United States v. Powell, 379 U.S. 48, 52 (1964). Where the enforcement of an IRS summons is challenged, the IRS bears the initial burden of showing "good faith compliance with summons requirements," which may "be demonstrated by the

affidavit of the IRS agent." United States v. Norwood, 420 F.3d 888 (8th Cir. 2005).

Relevant Case Law:

United States v. Miller, 425 U.S. 435, 443–44 (1976) – the Supreme Court reiterated that the "Fourth Amendment does not prohibit the obtaining of information revealed to a third party."

United States v. Powell, 379 U.S. 48, 52 (1964) – the Supreme Court held that "the Government need make no showing of probable cause to suspect fraud unless the taxpayer raises a substantial question that judicial enforcement of the administrative summons would be an abusive use of the court's process."

Taliaferro v. Freeman, 595 F.App'x 961, 962-63 (11th Cir. 2014) – the 11th Circuit held that the taxpayer's contention that IRS levies violate the Fourth Amendment right to be free from unreasonable seizures was "simply without merit" and did not even warrant discussion and ordered sanctions against the taxpayer up to and including double the government's costs.

O'Brien v. Green, 114 A.F.T.R.2d (RIA) 2014-5613 (E.D. Va. 2014) – the court rejected O'Brien's Fourth Amendment arguments and characterized them as frivolous.

Nevius v. Tomlinson, 113 A.F.T.R.2d (RIA) 2014-1872 (W.D. Miss. 2014) – Nevius argued that IRS summons issued without probable cause of warrant violated the Fourth Amendment. The court rejected this argument, stating "IRS need not meet any standard of probable cause to obtain enforcement of [a] summons."

Lewis v. United States, 109 A.F.T.R.2d (RIA) 2012-1756 (E.D. Ca. 2012) – the court rejected Lewis's argument that summonses sent to third parties violated the Fourth Amendment, holding that "summonses issued by the IRS seeking documents in the possession of third-parties do not implicate petitioner's rights under the Fourth Amendment."

United States v. Lund, 108 A.F.T.R.2d (RIA) 2011-7513 (D. Or. 2011) – Lund argued that IRS summons violated the Fourth Amendment. The Court rejected this argument, stating that a summons "is not a per se violation of the Fourth Amendment."

3. Contention: Federal income taxes constitute a "taking" of property without due process of law, violating the Fifth Amendment.

Some individuals or groups assert that the collection of federal income taxes constitutes a "taking" of property without due process of law, in violation of the

Fifth Amendment. Thus, any attempt by the IRS to collect federal income taxes owed by a taxpayer is unconstitutional.

The Law: The Fifth Amendment to the United States Constitution provides that a person shall not be "deprived of life, liberty, or property, without due process of law . . . ." The United States Supreme Court stated that "it is . . . well settled that [the Fifth Amendment] is not a limitation upon the taxing power conferred upon Congress by the Constitution; in other words, that the Constitution does not conflict with itself by conferring, upon the one hand, a taxing power, and taking the same power away, on the other, by the limitations of the due process clause." Brushaber v. Union Pacific R.R., 240 U.S. 1, 24 (1916). Further, the Supreme Court has upheld the constitutionality of the summary administrative procedures contained in the Internal Revenue Code against due process challenges on the basis that a post-collection remedy (e.g., a tax refund suit) exists and is sufficient to satisfy the requirements of constitutional due process. Phillips v. Commissioner, 283 U.S. 589, 595-97 (1931).

The Internal Revenue Code provides methods to ensure due process to taxpayers: (1) the "refund method," set forth in section 7422(e) and 28 U.S.C. §§ 1341 and 1346(a), in which a taxpayer must pay the full amount of the tax and then sue for a refund in a federal district court or in the United States Court of Federal Claims; and (2) the "deficiency method," set forth in section 6213(a), in which a taxpayer may, without paying the contested tax, petition the United States Tax Court to redetermine a tax deficiency asserted by the IRS. Courts have found that both methods provide constitutional due process.

In Rev. Rul. 2005-19, 2005-1 C.B. 819 and in Notice 2010-33, 2010-17 I.R.B. 609, the IRS discussed this frivolous argument in more detail and warned taxpayers of the consequences of attempting to pursue a claim on these grounds.

For a discussion of frivolous tax arguments made in collection due process cases arising under sections 6320 and 6330, see Section II of this outline.

Relevant Case Law:

Flora v. United States, 362 U.S. 145, 175 (1960) – the Supreme Court held that a taxpayer must pay the full tax assessment before being able to file a refund suit in district court, noting that a person has the right to appeal an assessment to the Tax Court "without paying a cent."

Taliaferro v. Freeman, 595 F.App'x 961, 962-63 (11th Cir. 2014) - ordering sanctions against the taxpayer up to and including double the government's costs, the 11th Circuit held that the taxpayer's contention that IRS levies violate the Fifth Amendment right to due process was "simply without merit" and did not even warrant discussion,.

Schiff v. United States, 919 F.2d 830 (2d Cir. 1990) – the 2nd Circuit rejected a due process claim of a taxpayer who chose not to avail himself of the opportunity to appeal a deficiency notice to the Tax Court.

Obrien v. Green, 114 A.F.T.R.2d (RIA) 2014-5613 (E.D. Va. 2014) – the court rejected as frivolous the taxpayer's claim that an IRS levy violated the Fifth Amendment.

Other Cases:

Lund v. Chase Bank, 114 A.F.T.R.2d (RIA) 2014-5613 (D. Or. 2014).

4. Contention: Taxpayers do not have to file returns or provide financial information because of the protection against self-incrimination found in the Fifth Amendment.

Some individuals or groups claim that taxpayers may refuse to file federal income tax returns, or may submit tax returns on which they refuse to provide any financial information, because they believe that their Fifth Amendment privilege against self-incrimination will be violated.

The Law: There is no constitutional right to refuse to file an income tax return on the ground that it violates the Fifth Amendment privilege against self-incrimination. As the Supreme Court has stated, a taxpayer cannot "draw a conjurer's circle around the whole matter by his own declaration that to write any word upon the government blank would bring him into danger of the law." United States v. Sullivan, 274 U.S. 259, 264 (1927). The failure to comply with the filing and reporting requirements of the federal tax laws will not be excused based upon blanket assertions of the constitutional privilege against compelled self-incrimination under the Fifth Amendment.

The IRS has discussed this frivolous argument in more detail and warned taxpayers of the consequences of attempting to pursue a claim on these grounds. Rev. Rul. 2005-19, 2005-1 C.B. 819; Notice 2010-33, 2010-17 I.R.B. 609.

Relevant Case Law:

Sochia v. Commissioner, 23 F.3d 941 (5th Cir. 1994) – the 5th Circuit affirmed tax assessments and penalties for failure to file returns, failure to pay taxes, and filing a frivolous return and imposed sanctions for pursuing a frivolous case against taxpayers who, rather than provide any information on their tax return about income and expenses, claimed a Fifth Amendment privilege on each line calling for financial information.

United States v. Carlson, 617 F.2d 518 (9th Cir. 1980) – Carlson asserted the Fifth Amendment on his 1974 and 1975 year-end tax returns; the 9th Circuit held that "an individual who seeks to frustrate the tax laws by claiming too many withholding exemptions, with an eye to covering that crime and evading the tax return requirement by assertion of the Fifth Amendment, is not entitled to the amendment's protection."

United States v. Neff, 615 F.2d 1235 (9th Cir. 1980) – the 9th Circuit affirmed a failure to file conviction, noting that the taxpayer "did not show that his response to the tax form questions would have been self- incriminating. He cannot, therefore, prevail on his Fifth Amendment claim."

United States v. Schiff, 612 F.2d 73, 83 (2d Cir. 1979) – the 2nd Circuit said that "the Fifth Amendment privilege does not immunize all witnesses from testifying. Only those who assert as to each particular question that the answer to that question would tend to incriminate them are protected . . . . [T]he questions in the income tax return are neutral on their face . . . [h]ence privilege may not be claimed against all disclosure on an income tax return."

United States v. Brown, 600 F.2d 248 (10th Cir. 1979) – the 10th Circuit held that Brown made "an illegal effort to stretch the Fifth Amendment to include a taxpayer who wishes to avoid filing a return."

United States v. Daly, 481 F.2d 28 (8th Cir. 1973) – the 8th Circuit affirmed a failure to file conviction, rejecting the taxpayer's Fifth Amendment claim because of his "error in . . . his blanket refusal to answer any questions on the returns relating to his income or expenses."

Rader v. Commissioner, 143 T.C. No. 19 (2014) – the court overruled Rader's refusal to answer questions by "invoking his right, under the Fifth Amendment, not to "be compelled in any criminal case to be a witness against himself"." Imposing a $10,000 sanction on Rader, the Court held that "in order for an individual to validly claim the privilege against self-incrimination, there must be a 'real and appreciable danger' from 'substantial hazards of self-incrimination', and the individual must have 'reasonable cause to apprehend (such) danger from a direct answer to questions posed to him.'"

Other Cases:

Lund v. Chase Bank, 114 A.F.T.R.2d (RIA) 2014-5613 (D. Or. 2014); United States v. Edlefsen, 114 A.F.T.R.2d (RIA) 2014-6105 (D. Or. 2014).

5. Contention: Compelled compliance with the federal income tax laws is a form of servitude in violation of the Thirteenth Amendment.

This argument asserts that being compelled to compy with federal tax laws is a form of servitude in violation of the Thirteenth Amendment.

The Law: The Thirteenth Amendment to the United States Constitution prohibits slavery within the United States as well as imposing involuntary servitude, except as punishment for a crime of which a person shall have been duly convicted. "If the requirements of the tax laws were to be classed as servitude, they would not be the kind of involuntary servitude referred to in the Thirteenth Amendment." Porth v. Brodrick, 214 F.2d 925, 926 (10th Cir. 1954) (per curiam). Courts have consistently found arguments that taxation constitutes a form of involuntary servitude to be frivolous.

In Rev. Rul. 2005-19, 2005-1 C.B. 819 and in Notice 2010-33, 2010-17 I.R.B. 609, the IRS discussed this frivolous argument in more detail and warned taxpayers of the consequences of attempting to pursue a claim on these grounds.

Relevant Case Law:

United States v. Drefke, 707 F.2d 978 (8th Cir. 1983) – the 8th Circuit affirmed the taxpayer's failure to file conviction and rejected his claim that the Thirteenth Amendment prohibited his imprisonment because that amendment "is inapplicable where involuntary servitude is imposed as punishment for a crime."

Ginter v. Southern, 611 F.2d 1226 (8th Cir. 1979) – the 8th Circuit rejected the taxpayer's claim that the Internal Revenue Code results in involuntary servitude in violation of the Thirteenth Amendment.

Kasey v. Commissioner, 457 F.2d 369 (9th Cir. 1972) – the 9th Circuit rejected as meritless the argument that the requirements to keep records and to prepare and file tax returns violate taxpayers' Fifth Amendment privilege against self-incrimination and amount to involuntary servitude prohibited by the Thirteenth Amendment.

Porth v. Brodrick, 214 F.2d 925 (10th Cir. 1954) – the 10th Circuit found the taxpayer's Thirteenth and Sixteenth Amendment claims "clearly unsubstantial and without merit" as well as "far-fetched and frivolous."

Wilbert v. IRS (In re Wilbert), 262 B.R. 571 (Bankr. N.D. Ga. 2001) – the court rejected the taxpayer's argument that taxation is a form of involuntary servitude prohibited by the Thirteenth Amendment.

Other Cases:

United States v. Moleski, Crim. No. 12–811 (FLW), 2014 WL 197907 (D. N.J. Jan. 13, 2014); Caton v. Hutson, 100 A.F.T.R.2d (RIA) 2007-6982 (M.D. Fla. 2007).

6. Contention: The federal income tax laws are unconstitutional because the Sixteenth Amendment to the United States Constitution was not properly ratified.

This argument is based on the premise that all federal income tax laws are unconstitutional because the Sixteenth Amendment was not officially ratified or because the State of Ohio was not properly a state at the time of ratification. Proponents mistakenly believe that courts have refused to address this issue.

The Law: The Sixteenth Amendment provides that Congress shall have the power to lay and collect taxes on income, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration. The Sixteenth Amendment was ratified by forty states, including Ohio (which became a state in 1803); see Bowman v. United States, 920 F. Supp. 623 n.1 (E.D. Pa. 1995) (discussing the 1953 joint Congressional resolution that confirmed Ohio's status as a state retroactive to 1803), and issued by proclamation in 1913. Shortly thereafter, two other states also ratified the Amendment. Under Article V of the Constitution, only three-fourths of the states are needed to ratify an Amendment. There were enough states ratifying the Sixteenth Amendment even without Ohio to complete the number needed for ratification. Furthermore, after the Sixteenth Amendment was ratified, the Supreme Court upheld the constitutionality of the income tax laws. Brushaber v. Union Pacific R.R., 240 U.S. 1 (1916). Since then, courts have consistently upheld the constitutionality of the federal income tax.

In Rev. Rul. 2005-19, 2005-1 C.B. 819, and in Notice 2010-33, 2010-17 I.R.B. 609, the IRS discussed this frivolous argument in more detail and warned taxpayers of the consequences of attempting to pursue a claim on these grounds.

Relevant Case Law:

Sochia v. Commissioner, 23 F.3d 941 (5th Cir. 1994) – the 5th Circuit held that defendant's appeals, which made Sixteenth Amendment challenges to income tax legislation, were frivolous and warranted sanctions.

Miller v. United States, 868 F.2d 236, 241 (7th Cir. 1989) (per curiam) – the 7th Circuit imposed sanctions on Miller for advancing a "patently frivolous" position, stating, "We find it hard to understand why the long and unbroken line of cases upholding the constitutionality of the sixteenth amendment generally, Brushaber v. Union Pacific Railroad Company . . . and those specifically

rejecting the argument advanced in The Law That Never Was, have not persuaded Miller and his compatriots to seek a more effective forum for airing their attack on the federal income tax structure."

United States v. Stahl, 792 F.2d 1438 (9th Cir. 1986) – the 9th Circuit, upholding Stahl's conviction for failure to file returns and for making a false statement, stated that "the Secretary of State's certification under authority of Congress that the sixteenth amendment has been ratified by the requisite number of states and has become part of the Constitution is conclusive upon the courts."

United States v. Foster, 789 F.2d 457 (7th Cir. 1986) – the 7th Circuit, rejecting Foster's claim that the Sixteenth Amendment was never properly ratified, affirmed his conviction for tax evasion, failing to file a return, and filing a false W-4 statement.

Knoblauch v. Commissioner, 749 F.2d 200, 201 (5th Cir. 1984) – the 5th Circuit rejected as "totally without merit" the contention that the Sixteenth Amendment was not constitutionally adopted and imposed monetary sanctions against Knoblauch based on the frivolousness of his appeal.

Other Cases:

United States v. Moleski, Crim. No. 12–811 (FLW), 2014 WL 197907 (D. N.J. Jan. 13, 2014); Banister v. U .S. Dep't of the Treasury, 110 A.F.T.R.2d (RIA) 2012-6790 (N.D.Cal. 2011); United States v. Benson, 2008 WL 267055 (N.D. Ill. Jan. 10, 2008); United States v. Schulz, 529 F.Supp.2d 341 (N.D.N.Y. 2007); Stearman v. Commissioner, T.C. Memo. 2005-39, 89 T.C.M. (CCH) 823 (2005).

7. Contention: The Sixteenth Amendment does not authorize a direct non-apportioned federal income tax on United States citizens.

Some individuals and groups assert that the Sixteenth Amendment does not authorize a direct non-apportioned income tax and, thus, U.S. citizens and residents are not subject to federal income tax laws.

The Law: The constitutionality of the Sixteenth Amendment has invariably been upheld when challenged. Numerous courts have both implicitly and explicitly recognized that the Sixteenth Amendment authorizes a non-apportioned direct income tax on United States citizens and that the federal tax laws are valid as applied. In Notice 2010-33, 2010-17 I.R.B. 609, the IRS warned taxpayers of the consequences of attempting to pursue a claim on these grounds.

Relevant Case Law:

Young v. Commissioner, 551 F.App'x 229, 203 (8th Cir. 2014) – rejecting as "meritless" and "frivolous" Young's arguments that the income tax is an unconstitutional direct tax, the 8th Circuit sanctioned him $8,000.

Taliaferro v. Freemtran, 595 F.App'x 961, 962-63 (11th Cir. 2014) – the 11th Circuit rejected as frivolous the taxpayer's argument that the Sixteenth Amendment authorizes the imposition of excise taxes but not income taxes, and ordered sanctions against him up to and including double the government's costs.

United States v. Collins, 920 F.2d 619, 629 (10th Cir. 1990) – the 10th Circuit found defendant's argument that the Sixteenth Amendment does not authorize a direct, non-apportioned tax on United States citizens "devoid of any arguable basis in law."

In re Becraft, 885 F.2d 547, 548-49 (9th Cir. 1989) – the 9th Circuit, rejecting the taxpayer's frivolous position that the Sixteenth Amendment does not authorize a direct non-apportioned income tax, affirmed the failure to file conviction.

Lovell v. United States, 755 F.2d 517, 518-20 (7th Cir. 1984) – the 7th Circuit rejected the argument that the Constitution prohibits imposition of a direct tax without apportionment, upheld assessment of the frivolous return penalty, and imposed sanctions for pursuing "frivolous arguments in bad faith" on top of the lower court's award of attorneys' fees to the government.

United States v. Jones, 115 A.F.T.R.2d (RIA) 2015-2038 (D. Minn. 2015) – the court rejected as frivolous the taxpayer's arguments that individual income tax is unconstitutional because it is "a direct tax which must be apportioned among the several states," noting, "It is well-established that the Sixteenth Amendment authorizes the imposition of an income tax without apportionment among the states."

Maxwell v. Internal Revenue Service, 103 A.F.T.R.2d (RIA) 2009-1571 (M.D. Tenn. 2009) – the court found the taxpayer's arguments have been "routinely rejected," principally, that there is no law that imposes an income tax, nor is there a non-apportioned direct tax that could be imposed on him as a supposed non-citizen.

Other Cases:

Broughton v. United States, 632 F.2d 706 (8th Cir. 1980); United States v. Troyer, 113 A.F.T.R.2d (RIA) 2014-387 (D. Wyo. 2013); United States v.