

LIBERTY TREE

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TOO BIG TO STAND

By Dick Greb

Everybody remembers the excuse given for bailing out the mega-banks and mega-corporations back in 2008. They were said to be “too big to fail.” According to this theory, some institutions are so large, and their failure would be so detrimental to the economy as a whole, that the government must act to prevent their failure, even if that means *stealing money from you and giving it to them*. However, the reverse is closer to the truth: if an institution is so large that it could have such an impact, then steps should be taken to reduce its size, and thereby prevent the “necessity” of subsidizing its failures.

To my mind, a similar situation exists with respect to our republican form of government. In the years of its forma-



tion, the combined population of the individual States amounted to just under four million people,¹ and in the first apportionment act passed by Congress, the number of representatives in the House was set at 105.² These numbers resulted in an average ratio of one representative for every 37,085 people. Delaware had the highest actual ratio at one for every 59,096, while Pennsylvania had the lowest, at one for every 33,355.

Article 1, § 2 of the Constitution imposes a limit of no more than one representative for 30,000 people, but imposes no upper limit. One of the original proposed amendments submitted by the States at the time of ratification would have established an upper limit, however:

After the first enumeration, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred; after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which, the proportion shall be so regulated, that *there shall not be less than two hundred Representatives, nor less than one Rep-*

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Truth Attack's *Tayra Antolick*: 'Never give up'



On Tuesday evenings, 6 PM EST (3 PM PST), Tayra Antolick lights up the Truth Attack Hour, where “religion, politics, and the law are mentioned all in one breath.” A native-born Cuban and naturalized American citizen, Tayra has traveled the road to constitutional awareness. Here is the rest of her story ...

I used to view America through the eyes of the original Superman TV show. I loved America because “truth, justice, and the American way” rang true with what I had learned about early American history. I wanted a Superman American form of government to protect me from injustices. “Here he comes to save the day!” sang in my head as I experienced deliverance from Castro’s tyranni-

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1. According to the 1790 census figures, the combined total was 3,893,874.

2. An Act for apportioning Representatives among the several States, according to the first enumeration; April 14, 1792 (1 Stat. 253).

cal intrusion into my family's life in Cuba.

I did not realize until much later that it was "the American way" for the government NOT to protect me against itself. The great promises I had read about in American history books about "truth and justice" began to be misaligned with my true-life experiences as a young adult; what the law said and what the government did were two different things. It reminds me of the time I trained to be head cook for an elementary school: my trainer had recipes right in front of her, but made the dishes without following them.

A singular event changed the trajectory of my and my husband's lives forever. A man named John who wanted to work under our used-car dealership license (a common practice) refused to give me an SSN so I could issue him a 1099. He told me if I asked him one more time for the SSN, he would have me arrested. In incredulous astonishment, I listened as he explained the social security issue to me. He "turned us on" to books and seminars regarding the SSN, the income tax, and our rights.

I didn't trust a word John said. So I went back to college in 1999 and learned how to do legal research. One of the requirements of the A.S. program at Santa Fe Community College was to intern with a local attorney. I chose Milton Baxley, who held meetings at a local restaurant where he educated people about tax law and the right to earn a living. The head of the legal assisting department would have preferred me to intern with the state attorney's office. But with whom could I best research the tax laws?

Writing about IRS fraud

For my independent studies course, I wrote a paper entitled *Prima Facie Evidence of Fraud in IRS Practices*. As you might guess, it raised a lot of eyebrows. My law professor gave it an A, although he said he did not agree with me. Oddly, I got a Santa Fe Scholar scholarship through the Creative Arts department because of that paper. The scholarship judging process was just the beginning of attacks on me for what I believed about the tax. None of the judges were supposed to question me about the paper's opinions; nevertheless, one started to attack me and voice his opposing opinion out of turn. The department awarded the scholarship to me anyway — a God-send.

Although I had at first no intention of being involved in extracurricular activities, my speech teacher invited me to join speech club, and I was eventually chosen to be on the All-USA Academic Team. This *USA Today*-sponsored program takes two students from each community college in the nation. As an inductee, I was eligible for a two-month internship in Washington, D.C. After faxing my application on the last day and the 11th hour (it was hard to leave my husband), I learned I was one of only 19 selected. I interned at the National Association of Counties because it paid stipends and transportation. We stayed at the George Washington University Jackie Onassis dorm, I shopped at Watergate and ate my lunch on the Mall.

I also took advantage of my proximity to the Capitol and made appointments with Congress members to give them my IRS paper. Among them were Ron Paul, Florida Rep. Ileana Ros-Lehtinen, Sen. Bob Graham, Rep. Karen Thurman, and Rep. Cliff Stearns. Ron Paul came out of a committee hearing to meet me in the halls. Ros-Lehtinen and Thurman met me in their offices and heard me out. Graham had one of his staffers talk to me, and Stearns? He thought I was there just for a photo op!

I also attended a seminar at the National Press Club with Bob Schulz and *We the People Foundation*. I met Joe Banister, Bill Benson, and others whose names are commonplace in the tax honesty movement. I displayed and sold copies of the IRS paper I wrote for \$10 apiece; they sold out.

I attended Florida Atlantic University Honors College for two years on scholarship — coming home only for Spring and Summer breaks (my husband was incredibly supportive!) My senior thesis paper created an "historical test" to be applied to laws constitutionally challenged on the basis of the free exercise of religion clause of the Constitution.¹

No oaths, no pay

In 2006, I filed a petition for a *writ of mandamus* with the Florida Supreme Court requesting that general elections be halted, because none of the 316 candidates had on file the proper loyalty oath, required by the Florida criminal code, to have their names printed on the ballot. Two Supreme Court justices, Peggy Quince and R. Fred Lewis, were on the ballot. Justice Quince initially dissented the dismissal of my petition. When I filed for reconsideration, however, she went along with the rest.

I had discovered that the loyalty oath required from all government officials and employees had to be in their files before payment vouchers could be approved by the custodian of the files. No one in Putnam County, not even the judicial assistants, had the required oath in his file. No one under the county commissioners had had the required oath for 20 YEARS! The woman who told me this was the then-chair of commissioners, Linda Myers. She sat with my husband and me as we exposed the gross violation of distribution of public funds. When she asked us what we wanted her to do, I said, "Leave your office and never come back." She didn't do it; currently she is the county Tax Collector (God help us!). When we went to the sheriff and told him to arrest the custodian of those files for approving payment vouchers without the oath, a crime under §§ 876.05-09 of the Florida statutes, he refused.

The oath situation created such a ruckus that the Florida Supreme Court issued a memo to all courts stating that all judicial employees must have one. The Putnam County attorney was also forced to circulate a memo throughout county government that employees had to have oaths in their files before being paid.

Without money to pay lawyers, I have had to learn the rules of court to litigate *pro se*. Our latest boxing match is against Putnam County code enforcement. Five years after

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1. You can find this thesis at www.scribd.com/collections/3193782/Tayra-Antolick-Collection and also on Larry Becraft's webpage at home.hiwaay.net/~becraft/.

representative for every fifty thousand persons.³

As you can see, the original proposal was to limit the constituency of representatives to no more than 50,000 persons. But before sending it out to the states for ratification, the Senate amended the last phrase to be “nor more than one Representative for every fifty thousand persons,” and the House agreed to the change.⁴ Thus, the purpose of the amendment was reversed, and the upper limit became instead merely a higher lower limit. Nevertheless, enough states ratified the amendment, but apparently Connecticut’s ratification was misplaced until it was found again in the archives in 2011, and so it has never been declared a part of the Constitution. Even so, because of the alteration, it would have little or no effect today.

This leaves us today with Representatives purportedly representing, in the worst case, almost one million people (Montana), and at best, only a little more than half a million (Rhode Island). That’s roughly a 1500 percent increase in the number of constituents from the founding to the present time. At the personal level, this much representation is by any fair accounting equivalent to none at all. And that’s in the most-represented house of Congress. In the Senate, now that Senators are selected by the people rather than the state legislatures (thereby annulling one of the checks on aggregated federal power), the numbers are even more ridiculous. In California, each Senator has a constituency of 37.25 million people!⁵ Certainly, there is no way that the separate interests of so many people can be adequately represented by so few.⁶ This would be the case even if the federal government was limited to only the regulation of foreign trade, because those millions of people have varying interests in such commerce. Even more so in the situation we have today, where the federal government has arrogated to itself the power to stick its nose into essentially every aspect of our lives.

Part of the solution, then, is to restore the Constitution’s limitations on federal power; but maybe it’s also time to start thinking about this dearth of representation in Congress. If the 50,000 person cap originally requested by the states was instituted today, there would need to be at least 6,175 representatives in the House. But with that many reps, how would anything ever be accomplished? With so many divergent opinions on every subject, the chances are that not enough could ever agree on any legislation. And that is exactly the point. If 6,000 representa-



Bumper sticker from libertystickers.com.

tives can’t agree, then obviously neither could the 300 million people they represent, and if there was no agreement, then no legislation should be enacted on that matter anyway. This gets back to the short list of enumerated powers granted to Congress in Article 1, § 8. It’s short because there are so few powers which can be executed to the benefit of all the people equally. The fact that there would be so much disagreement between people (or their representatives) is an indication that the subject is one of those many unenumerated powers *not* entrusted to the general government. For this reason, having 6,000 representatives would serve as a check on Congress usurping unconstitutional powers.

Yet even so, is that enough? Or could it be that with a population of over 300 million that the United States is simply becoming too big to come under one federal government? Maybe the people would be better served by breaking into regions with each having its own federal government. Or just maybe, it’s time to unload ourselves of the federal government altogether and let the sovereign states handle those functions it used to provide. Certainly, the states could band together through treaties for specific purposes, such as defense — similar to NATO — without bearing the onerous overhead of a bloated central authority.

We now have two centuries of experience under the Constitution, and our hindsight allows us to see how scheming control-freaks have managed to manipulate the system it created to continually increase the power of the federal government — and of themselves — until we got to where we are today. Even though the Constitution was probably the greatest political achievement of that day for protecting the liberties and interests of the individual, our experience under it now shows that no matter how ingenious you are in establishing limits and controls, there are others just as ingenious in finding ways around or through them. So, as long as there is some system of control in place, eventually that control will fall into the hands of men who will abuse it, to the detriment of the liberty of the people.

The founders were basically conducting an experiment in government, and no one can doubt that it resulted in the establishment of a great nation. Yet, Thomas Jefferson himself recognized that:

The infancy of the subject at that moment, and our inexperience of self-government, occasioned gross departures in that draught from genuine republican canons. In truth, the abuses of monarchy had so much filled all the space of political contemplation, that we imagined everything republican which was not monarchy. We had not yet penetrated to the mother principle, that “governments are republican only in proportion as they embody the will of their people, and execute it.”⁷

3. Journal of the House of Representatives of the United States, Volume 1, page 85.
4. *Ibid.*, page 121.
5. Since each Senator is elected by *all* the people, these constituencies overlap, but the numerical value of influence with each one remains the same: 1/37,253,954, or 0.0000000268.
6. Brutus, in Anti-Federalist #3, addressed the small number of representatives under the original ratios: “The more I reflect on this subject, the more firmly am I persuaded, that the representation is merely nominal — a mere burlesque; and that no security is provided against corruption and undue influence. No free people on earth, who have elected persons to legislate for them, ever reposed that confidence in so small a number.” Imagine what he’d think of today’s numbers!
7. Thomas Jefferson’s letter to Samuel Kercheval (July 12, 1816).

a final judgment for foreclosure was filed, we discovered that the enforcement order imposing a lien was not signed. When it is not signed, the court lacks jurisdiction, and the final judgment is also void. The case is currently on appeal and the county notified the court it will not be filing any answer brief. To me, that is a good sign!

Taking on the IRS

I took on the IRS by myself back in 2010. In Tax Court, I saw a parade of people being sanctioned for frivolous arguments. Even I cringed at some of what I was hearing. The IRS wanted sanctions against me because I raised the “void for vagueness” doctrine and the “Paperwork Reduction Act” argument. “Judge” Mary Cohen stated: “The government says you have not filed for the years 2001 through 2007.” I asked, “Does someone who does not make income have to file a 1040?” You could see her searching her “hard drive” (a.k.a. brain) to answer: “Ah, well, no.” “Exactly,” I said. She didn’t know what to do then, so she asked, “So you have not worked all those years?” “No,” I replied. I should have disqualified her for the statement that followed: “No wonder you have so much time to... .” And then she bit her tongue. She was looking for any way to “get” me somehow; in the end, she sanctioned me ... 500 frns. Enough to pay for my opponents’

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With the outrageous ratios of representation we have today, there is simply no way that Congress can even presume to *know* the will of the people, let alone to actually execute it. An honest assessment of our situation confirms that we no longer have a republic as Jefferson describes that term, but have degenerated into an oligarchy. All the protections in the Constitution meant to thwart such a result proved not to be enough. We should keep that fact in mind, even as we work toward restoring the Constitution in our land. We shouldn’t have such a blind allegiance to it that we won’t consider that changes might be necessary. Jefferson, speaking for the founders, considered experience to be a useful guide:

Some men look at constitutions with sanctimonious reverence, and deem them like the arc of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and *forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead.*⁸

So with our 240 years of experience under the Constitution, it’s time to give some serious thought to whether the federal government it created still serves the interests of We the People, or has it outgrown its usefulness by getting too big to stand.



8. *Ibid.*



Are IRS attorneys really as vacuous as the Palmer girls?

travel. Since sanctions can reach 25,000 frns, I considered this a win.

As I left the petitioners’ table, I looked down to my left, and all the IRS attorneys seated there looked like the girls in the Robert Palmer video “Addicted to Love”! They looked the same, dressed the same, their heads tilted at the same angle, staring at me in silence. I stared back. Normally, before a petitioner even leaves the bar, the clerk is already calling the next case. That did not happen with me; I gathered up my friend, my Bible, and the rest of my stuff and left in total silence. You could hear a pin drop on the carpet.

Back into the tax honesty movement

I reconnected with the Tax Honesty Movement in 2011, when I got an email announcing a gathering at a truck-stop restaurant, where attorney Tom Cryer was going to speak about the income tax. It was supposed to be a meeting of like-minded people that wanted truth and education on taxation. When I got to the restaurant, I could find no meeting. I started to walk out, thinking the meeting had been cancelled, when I walked three guys. One was Milton Baxley! After our hugs and happy greetings, he introduced me to Tom Cryer and Chuck Behm, another attorney. Tom was open, accessible, and approachable. In the short time I knew him, I learned a lot. He asked me to be the editor of the *Truth Attack* newsletter. Upon his death a year ago (this past June 4th), I took over as host of the Tuesday slot of his *Truth Attack* hour on LWRN. I’ve taken it on as a ministry, staying true to the promise I made myself when I was a teenager: to learn as much as I could and to teach people what I’ve learned so they would know how to be free.

There is a common thread among people that make a difference in this life: they don’t quit. They may die like Reformer William Tyndale who, in 1536, was convicted of heresy and executed by strangulation, after which his body was burnt at the stake. His dying prayer, that the King of England’s eyes would be opened, seemed to find its fulfillment just two years later with Henry’s authorization of *The Great Bible* for the Church of England — which was largely Tyndale’s own work. Or they may be thrown in prison for decades, like Nelson Mandela (I don’t agree with his politics but admire his courage). Even Castro was willing to die for what he believed in when he attacked the Moncada barracks on July 26, 1953.

But the ultimate example is Jesus the Messiah. He withstood the cross to reach the joy set before him.

So never give up. As soon as we give up, we’ve lost. We can never give up, even if we ourselves don’t realize the fruit of our tenacity.

