

My “Evil Twin”

by Alfred Adask

We’ve heard so many stories of clearly abusive behavior by our courts, that there is little doubt that our government is operating in a capacity quite different from that mandated by our Constitution. Whatever this non-constitutional capacity is, it allows government to “legally” ignore the unalienable rights our Constitution guaranteed to protect. However, the nature of this non-constitutional capacity is unclear. Some researchers believe the government is operating under martial law, others say admiralty, others say bankruptcy, still others argue the Constitution has been effectively suspended under the Emergency War Powers Act of 1917 and then 1933.

“Trust Fever” identifies an exciting new theory to explain how government may be bypassing the Constitution to treat We The People as subjects rather than Sovereigns. In short, I suspect that the government uses trusts to secretly cause you and I to be trustees or beneficiaries who are legally obligated to obey the rules of these government trusts, even though these trusts may impose obligations contrary to the constitutional principles.

At first, the “Trust Fever” theory seems so complex and foreign to our expectations of law, that it is hard to grasp and easily dismissed as lunacy (which it may be). Nevertheless, since I published my first speculation on “Trust Fever” in Volume 7 No. 1 and again in Volume 7 No. 4, my confidence in this theory has continued to grow. I may be mistaken, but for the first time

in fourteen years of trying to make sense of the judicial system, I believe we are within months or having an accurate understanding of “how they’re doin’ it to us”.

Once you understand the fundamentals of trusts, the logic of “Trust Fever” is so easy to understand it’s almost irresistible. These fundamentals include:

* Title to trust property is always divided between trustees and beneficiaries.

* Trustees retain legal title (control) over trust property; beneficiaries retain equitable title (use). For example, the relationship of a father, son, and new car can figuratively illustrate the trust structure. The car is property of the trust; title to the car is divided between the father/trustee who “owns” title to the car and controls it and the son/beneficiary owns nothing but equitable title – the right to use the car. Although the son/beneficiary gets to use the car, the father/trustee has the real power since he alone can sell the car and determine when the son/beneficiary can use it.

* Beneficiaries and trustees must be exclusive categories; beneficiaries can never be trustees in the same trust, and vice versa.

* Because beneficiaries have no legal title, they also have no legal rights. If they have an issue concerning trust property they want heard in court, the court will administer their case in Equity, not Law. (See “In Law or Equity”, this issue.)

* People can be designated as “beneficiaries” in a particular trust without their knowledge. As beneficiaries, they may be subject to certain trust requirements and obligations which are contrary to constitutional principles. Because ignorance is no excuse in the eyes of the law, we are presumed to be able to tell if we are beneficiaries from the structures of our legal relationships. This means that any of us might be beneficiaries without our knowledge and therefore obligated to obey trust rules that we have never heard of or imagined.

In sum, these fundamentals create an opportunity for government trusts to impose non-constitutional obligations on beneficiaries and unexpected legal requirements on trustees.

Unfortunately, it’s not possible to adequately introduce and illustrate trust fundamentals in each “Trust Fever” article. Each one hopefully builds on the last, so if you haven’t read the previous “Trust Fever” articles, this article (which is somewhat difficult to understand anyway) may seem almost incomprehensible.

Nevertheless, try to read and understand this article since “Trust Fever” may be the most important investigatory path we’ve travelled in the last seven years. I may be mistaken, but I am extremely confident and optimistic that by the end of 1998, “Trust Fever” will finally expose how our government really works. I think we’re about to break the s.o.b.s.

The “evil twin” is a fictional plot device that’s centuries old. The good guy (in this case, me, Alfred) is living a fairly normal, fairly happy life when strange things start to happen. People start reporting that they’ve seen me somewhere – even though I know I wasn’t in that location ever (or at least not when they say they saw me). Then my property starts to disappear. Someone – who reportedly looks just like me – starts withdrawing money from my bank account. Suddenly I’m facing fines, taxes, and even jail sentences not only for “crimes” I didn’t commit, and worse, for “crimes” that aren’t even mentioned in the Constitution. Surely, there must be some mistake!

Although I’ve yet to actually see the person who’s responsible for my bizarre problems – no matter how crazy it sounds – I grow increasingly unnerved, suspicious, and finally convinced that somebody who looks just like me is trying to take my place! I share my suspicions with my family, my neighbors . . . with the police who want to arrest me for “his” crimes . . . even with IRS agents who demand I pay “his” taxes! I try explaining that the perpetrator is somebody who looks like me and even uses my name – but it’s *not me!*

Of course, nobody believes me. You all think I’m nuts and, eventually, even I start to doubt my sanity.

My life becomes increasingly confusing until I find some clues in my birth certificate and my Social Security account that make me wonder if my mother had secretly given birth to a nearly identical twin brother when I was born. But, if so, she must’ve given him away because, even as an infant, he was obviously unnatural, perhaps evil. But now, years later, he’s baaack! And worse, it’s increasingly obvious that this will be a fight to finish – him or me!

OK – in truth, the confrontation with my “evil twin” is not that obvious or dramatic. But this confrontation seems not only real, but far more complex than the usual “evil twin” stories because *maybe* I’m not be the only one who has an “evil twin” – maybe *every* citizen of the United States also has his own “evil twin”!

As usual, I haven’t found much proof to support my suspicions, but I have seen some indirect evidence of “evil twins” in case law and IRS regulations.

Representative capacity

For example, in 1975, the Texas Court of Civil Appeals decided the *Griffin v. Ellinger* case (530 S.W. 2d 329) and illustrated an underlying principle that may offer an important clue to my “evil twin’s” *modus operandi*:

Mr. Percy Griffin was *president* of Greenway Building Co. Inc. (a *corporation*) and had every right to sign Greenway corporate checks. About 1974, he signed three checks in his *representative capacity* of “president” on Greenway’s corporate bank account to one of his suppliers, a drywall contractor named O.B. Ellinger. All three checks bounced.

Rather than sue the Greenway corporation (on whose bank account the checks were drawn), Mr. Ellinger (the drywall contractor) sued Greenway’s *president*, Mr. Griffin, *personally*.

Mr. Griffin argued that since the checks were lawfully written on his *corporation’s* bank account, the corpo-

ration was the *principal* and therefore responsible for the debt, while he, the corporation *president*, was not. Mr. Ellinger responded that according to Texas Business and Commerce Code § 3.403, anyone who signs an “instrument” (virtually any legal document, not just checks) as *representative* for another entity or principal – but fails to identify his *representative capacity* when he signs the instrument – becomes *personally liable* for whatever obligation was established on that *instrument*.

As Greenway president, Mr. Griffin was a *representative* of the Greenway corporation (a separate legal entity). According to Texas law, to avoid personal responsibility when he *represented* Greenway, Mr. Griffin had to include the word “president” immediately before or after his signature whenever he signed *corporation* checks or “instruments”.

Since Mr. Griffin had signed all three of the rubber checks without identifying his *representative capacity* as the “president” of Greenway corporation, the court ruled that Mr. Griffin was *personally liable* and ordered him to personally pay the debts created on those three checks to Mr. Ellinger.

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Presumably, Mr. Griffin had signed hundreds of other Greenway corporation checks without identifying his representative capacity as “president” and never had any problem being held personally liable for the debt on the check. So long as the Greenway checks cleared the bank, there was no reason for any Greenway supplier to care whether the checks were signed by “president” Griffin or Donald Duck.

The *Griffin* decision implies that, by identifying our “representative capacity” on *any* instruments we sign, we notify the world that we do not voluntarily accept personal liability for the debt or obligation agreed to on that instrument. Conversely, if we sign instruments on behalf of another legal entity (perhaps a corporation, trust, or even minor child) without identifying our “representative capacity”, we implicitly accept personal liability for the instrument’s obligations.

Implications & applications

Hmph. Pretty strange. In fact, at first, I assumed the principle underlying the *Griffin v Ellinger* case (failure to identify one’s representative capacity creates personal liability) was so strange that it must be unique to weird ol’ Texas jurisprudence. (Where else

are corporation presidents liable for corporation debts?)

But then I talked to people in other parts of the country who told me this same principle also applied in their states. Therefore, I now suspect that the principle enunciated in *Griffin* (failure to identify one’s representative capacity creates personal liability) may be universal throughout the U.S.

More importantly, since the *Griffin* case repeatedly refers to “bills”, “notes”, “drafts” and “instruments”, it appears that the *Griffin* principle might apply to any number of documents. Drivers licenses, for example. Traffic tickets. Maybe even IRS 1040 forms.

UPPER-CASE names

I’ve seen one or two exceptions but, generally, all legal documents, licenses, and court cases identify the principal party(ies) with an all UPPER-CASE name. Look at your driver’s license, your social security card, the subpoena’s you received from traffic court, and label on the 1040 form the IRS sends you every year. Government seems adamant that you will be identified in an all UPPER-CASE name. In my case, that all upper-case name is “ALFRED N. ADASK”.

Government’s determination to

use upper-case names is peculiar since it violates a fundamental principle of typography (the study of how different fonts and text sizes can enhance or diminish a document’s ability to communicate). One of typography’s hard-and-fast rules is that “readability” is diminished whenever text is printed in all upper-case letters (“ALFRED N. ADASK”) and increased when text is printed in a mix of upper and lower case letters - as in the “capitalized”, proper name “Alfred Norman Adask”. So, if upper-case text is hard to read (and therefore increases the likelihood of misunderstanding or inaccurate data entry) why does government insist on using upper-case names?

Enter my “evil twin”

Perhaps the all-upper case name (“ALFRED N. ADASK”) identifies an *artificial entity* (corporation or trust) with a legal existence that is separate and independent from that of its flesh and blood namesake – me – “Alfred Norman Adask”. In fact, I suspect that ALFRED (the artificial entity) is the “evil twin” for Alfred (the real, flesh and blood person). Similarly, if your real, Christian name was “John Paul Doe”, your “evil twin’s” name might be JOHN P. DOE.

I can’t yet confirm whether the artificial entity “ALFRED N. ADASK” is a corporation, trust, or something else I’ve yet to discover. However, my gut tells me my “evil twin” ALFRED is a *trust*, and I, Alfred, am that trust’s *trustee*. In any case, I am convinced that I, Alfred Norman Adask, the flesh-and-blood man and spiritual being who writes this article, am not ALFRED N. ADASK (my “evil twin” trust). Although “Alfred” and “ALFRED” may be intimately related, I believe we are two separate legal entities with two entirely different sets of rights and duties.

Creator-creation relationships

So why did government “create” my evil, artificial twin “ALFRED” when they already had me (Alfred)? Am I somehow inadequate? Or am I somehow superior? The answer can be found in the ancient rules for the “creator-creation” relationships which lie at the

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heart of every faith and political system because they provide the ultimate foundation for all personal rights and ownership of property.

For example, if I were to challenge your ownership of a piece of land, how can you prove you own it? You'd look at the deed and it would show where the previous owner sold it to you. OK, but what if I argue the previous owner didn't have legal title to the property and therefore couldn't sell it to you, and therefore you couldn't have legal title? Well, you'd conduct a deeper "title search" and show that the previous owner bought legal title from an earlier owner. If I continued to challenge the next previous owner's title, and the one before him, and the one before him, sooner or later we get past all the private owners and reach the title claimed by your state, then the title first claimed by the federal government, then the title first claimed by some foreign government (like Great Britain, Spain, or France). But since these original governments were monarchies (usually) legitimized by the Catholic Church, at bottom, the legal title to virtually all land in the Western World is based on a grant from God (the land's Creator) as certified (usually) by the Catholic Church.

A similar chain of reasoning will probably be found in virtually all tribes

and societies. They may claim a different god, but ultimately, they own legal and exclusive title to "their" land because their god-creator gave it to them (or at least to the guy they bought it from).

In the Western world, the Creator is God, and therefore we and all the world, belong to Him as property. God created Adam and Eve, and let 'em do pretty much as they pleased – except eat from that apple tree. When Adam and Eve (the creations) broke the Creator's laws, they were condemned to leave the Garden of Eden and become mortal (suffer death). That seems like a pretty stiff penalty for eating just one itty-bitty apple (it's not like there weren't plenty more). Besides, if God really didn't want 'em to eat the apples, why'd he plant that tree in the Garden?

In fact, Adam and Eve could voice hundreds of arguments and rationalizations against God's penalty for eating his apples, but they'd be wasting their time. Creations have absolutely no rights relative to their Creator, unless the Creator has specifically granted them. And even then, the Creator can take those rights back.

Like God, lots of us are "creators". Artists and writers create pictures or books and therefore own their creations absolutely. I am the creator of this article. I therefore own it and can publish it, tear it up, or sell it to



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someone else, as I alone see fit. Historically, parents were viewed as the earthly creators of their children and therefore owned their kids and could do with them as they pleased.

In essence, the creator-creation rules boil down to this: The creator absolutely owns (has legal title to) his creations and can do with them as he alone sees fit.

The reason creator-creation principles are especially important to Americans is found in our *Declaration of Independence* (1776): "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." Our entire political and legal system is based on the principles that: 1) each of us is created by God; 2) each of us is created equal; and 3) each of us is endowed by our Creator with certain *unalienable Rights*.

Although we recognize our status as *creations* of God, we tend to ignore our primary duty to obey His laws. However, we can surely remember God when it comes to claiming our Rights (His gift to us). First, since all *men* are created *equal*, with an equal allotment of Rights, no other man can have a superior claim to any of my God-given Rights and therefore, no man can deprive me of those Rights. Second, since We The People created

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the Constitution and the subsequent federal and state governments that are based on the Constitution, those governments are our “creations” and subject to our laws and requirements and shall serve us as we should serve God. We, however, as *creators* of the Constitution and resultant government (our *creations*) are not subject to government’s laws – *unless*, as “creators” we volunteer to be so.

It’s important to note that while God (our Creator) can reclaim the Rights he gave us (His creations) at any time, no other man (our equal) or government (*our* creation) can deprive us of our God-given Rights. However, we can voluntarily and individually surrender some or all of those Rights. *You* can’t take my Rights, but *I* (as owner) can voluntarily give ‘em away. In fact, I can even accidentally, unknowingly give ‘em away – a reality government exploits heavily.

Have we ever given away any of our God-given Rights? Sure. The Constitution is a collective agreement by We The People to surrender a *limited number* of our Rights to government. But We The People retained all of our other unenumerated rights in the 9th Amendment (as well all of our undelegated powers in the 10th Amendment).

Have any of us ever surrendered any more of our Rights? Sure. I sold an article that I’d written/created. Based on that sale, I transferred title to my work to another party. By buying my article they became the article’s de facto “creator” and could publish it, destroy it, or resell it, as they saw fit. But if they published the article and someone

challenged their “ownership”, they’d have to trace their “ownership” back to me, the article’s creator, to “prove” ownership.

In a similar sense, virtually all property is ultimately traceable (through a title search) back to its creator. Look at the VIN number on your car – if your car is stolen and recovered, they can retrace the entire chain of owners from the car’s manufacturer/creator, to the dealer, to the first buyer, to all subsequent purchasers of the “used” car.

The creator-creation principle is far more than a charming Biblical myth; it provides the bedrock on which virtually all civilizations, societies, and legal systems are built.

A revolution of Biblical proportions

OK, that’s a series of semi-interesting historical factoids, but what’ve they got to do with my “evil twin” hypothesis?

Simply this: If I, Alfred Norman Adask, am a *creation* of God and a *creator* of government, then my government-*creation* has no power over me unless I consent to give it that power. But what if government were able to create an artificial entity called “ALFRED N. ADASK”? As *government’s* creation, (“ALFRED”) would be totally subject to the rules, regulations and taxes imposed by its *creator*, the government.

Then, if government could fool or lure me (Alfred) into believing that I was ALFRED, government could *reverse* the creator-creation relationship and become Sovereign over We The People rather than their servant.

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By tricking Alfred into “becoming” ALFRED, my government-*creation* would become master over me, its own *creator*. The servant would become the master. The creation would own the creator. The “evil twin” would dominate the good. If this reversal has, in fact, taken place, it ranks right up there with the Philosopher’s Stone (which allegedly turned lead into gold) as one of the most extraordinary acts of political and spiritual legerdemain the world has ever imagined.



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- 1) The license is an *agreement* (a contract) between you and Microsoft;
- 2) The software "is licensed, not sold." You never *own* the software, Microsoft does – you merely get to *use* it;
- 3) You express your willingness to accept and be bound by the license/ agreement/ contract (without your signature) by installing (*using*) the software on your computer.
- 4) Your status under this license is that of an "End-User". As such, you can *use* the software, but you can't rent, lease, lend or resell it. You can, however, "transfer" the software to anyone who agrees to accept the terms of the license.
- 5) Microsoft can terminate the license/ agreement anytime they find out you (the End-User) have failed to perform according to the license requirements.

Since you get to *use* the software (you have *equitable* title) but Microsoft always *owns* it (has *legal* title), it's clear that title to the software property is *divided*, and therefore the software *license* is a *trust* in which Microsoft is the trustee, and you are the "end-user" (*beneficiary*).

If software "licenses" are trusts, it follows that other "licenses" (like drivers licenses, fishing licenses or licenses to practice law) are also trusts. If so, in these state-issued licenses (trusts), I suspect the state (or one of its agencies) holds legal title to the privilege or property "licensed" while the person named on the license (the "licensee") has equitable title (possession and use) of the licensed property.

Wheels within wheels

All trusts must divide title to trust property into two forms: *Legal* and *Equitable*. *Legal* title (control and legal rights) to the property goes to the trustees; *Equitable* title (possession and use) of the trust property goes to the beneficiaries. It's crucial to understand that even though beneficiaries may have unlimited *use* of trust property, their "ownership" is illusory since they lack legal title to "their" property. As a result, it appears that disputes involving trust property are heard in courts of *equity* (not law) where beneficiaries have *no legal title* and therefore *no legal standing or legal rights*. As a "beneficiary" you have no unalienable rights, no constitutional rights, nothing. Since beneficiaries cannot own property (no legal title) and also have no legal rights, they are the modern equivalent of "niggers".

If all licenses are like software licenses and therefore trusts, it follows

that the state *owns* (has legal title to) whatever property or privilege is "licensed," but the licensee (the person named on the License) only gets to "use" that property or privilege as a *beneficiary*. If so, as a *beneficiary*, a licensee would have no legal title and no legal rights relative to the trust property but would be legally subject to all the requirements and regulations of the trust that issued the license. In the case of driver's licenses, those requirements might include insurance, lap straps, speed limits and all traffic "laws".

So let's suppose ALFRED N. ADASK is a trust *created* by the state (probably with the birth certificate and/or the fully-funded Social Security account) and I, Alfred – whether I know it or not – am *trustee* for the ALFRED N. ADASK trust.

And let's suppose my driver's license was not really issued to me (Alfred Norman Adask) but was instead issued (just like it reads) to my "evil", artificial twin ALFRED N. ADASK. As a "creature (creation) of the state," ALFRED would be legally and constitutionally subject to every tax, regula-

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tion, and license requirement its government-creator cared to impose.

The *creator*-state would have every right to license and regulate its *creation* ALFRED's behavior on the highways. Although Alfred (the trustee) might still have his God-given rights to liberty and free travel on public property *without* license, insurance or seatbelt, ALFRED (creature of the state) could be subject to every state regulation, including license, insurance, seatbelt, and tickets/taxes imposed without due process. (Life ain't easy for a boy named "ALFRED" . . . or "JAMES" or "WILLIAM" either, for that matter.)

And let's suppose the principles illustrated in *Griffin v. Ellinger* also applied to "instruments" like applications (for benefits), drivers licenses and traffic tickets. If so, whenever I signed my name – but failed to identify my *representative capacity* as "trustee" – I might be inadvertently accepting personal responsibility for all the obligations to purchase insurance, obey speed limits, and fasten seatbelts that could be legally imposed on the state's *creation*, ALFRED, but not on the state's *creator*, Alfred.

For example, imagine how it might work on traffic tickets:

I (Alfred) am accidentally speeding down the highway at 70mph in a 55mph zone. A cop pulls me over, asks to see my license, and I show him the license issued to ALFRED. The cop might even ask, "Are you ALFRED N. ADASK?" In either case, by showing ALFRED's license or answering to the name "ALFRED," I've just claimed to

be ALFRED the artificial entity, creature (creation) of the state who is lawfully subject to government regulation.

Obviously, Alfred is not ALFRED. So how can the traffic cop reasonably proceed? First, he's probably not trained to understand the difference. Second, even if the officer understood the difference between ALFRED and Alfred, he might not be able to legally recognize that distinction or advise me of the same without making a "legal determination" that would constitute "unauthorized practice of law". Therefore, if I say or imply that I'm "ALFRED", the cop must go along. If there's a problem, it's up to a judge to make the proper "legal determination" at a later date.

Therefore, believing the person driving the car is subject to state regulation, the officer proceeds. "May I see your vehicle registration and proof of insurance?"

Oooh . . . darn.

Next thing you know, the officer issues several traffic tickets with a total alleged obligation of \$800 to the entity ("ALFRED") identified on "my" drivers license. Then the officer assures me that my signature does not constitute an admission of guilt, and asks me to sign the tickets. I sign but neglect to identify my "representative capacity" as "trustee".

Under the principles of *Griffin v. Ellinger*, have I (Alfred, the trustee) just assumed personal liability for the lawful \$800 debt charged on the tickets/instruments to my principal (ALFRED the trust)?

Tell it to the judge!

Suppose I believe the traffic laws violate my constitutional right to travel and therefore decide to contest my \$800 tickets in traffic court. At the hearing, the Judge asks, "Is ALFRED N. ADASK present?" – and I (Alfred) mistakenly raise my hand and say, "Here, yer honor!" Would the court proceed to try, convict, fine or imprison Alfred the trustee for offences allegedly committed by ALFRED the trust? They did in *Griffin v. Ellinger*.

By failing to know and identify my *representative capacity* as "trustee" for the ALFRED N. ADASK trust, am I making the same ignorant mistake Mr. Griffin made when he neglected to write "president" after his name on Greenway corporation checks? And like Mr. Griffin, by failing to identify my *representative capacity*, do I assume personal liability for the debts and obligations that the traffic laws lawfully imposed on my "evil twin," ALFRED?

Maybe so.¹

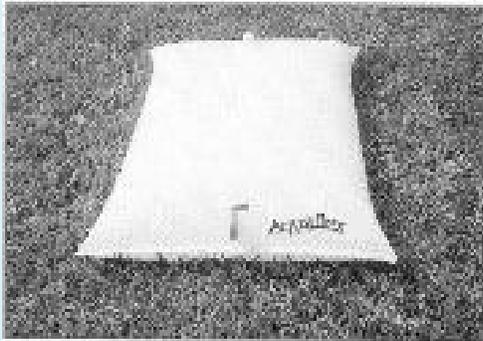
Drivers license signatures?

If neglecting to sign "trustee" after your name on a traffic ticket creates personal liabilities, what about your primary signature on the drivers license itself? In other words, if the license is issued to ALFRED, but I sign it "Alfred" *without identifying my representative capacity* as ALFRED's "Trustee," have I inadvertently assumed personal liability for all those unconstitutional traffic laws that can be legally applied only to my principal, ALFRED?

I don't know. But if I were about



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to get a new drivers license, I'd want to absolutely know who or what ALFRED N. ADASK is and what representative capacity – if any – I (Alfred) might have relative to that entity.

As confusing and unlikely as all this sounds, it's worth investigating since trustees are virtually never held personally accountable for the debts or obligations of their trusts. If ALFRED N. ADASK is in fact the name of a trust and I am its trustee, I have no problem with getting a drivers license. It would not entail any surrender of my God-given unalienable rights. If the license is issued to the artificial entity/ trust ALFRED, so long as I continue to identify my "representative capacity" whenever I sign a ticket on behalf of ALFRED – I, Alfred, the Trustee, may not be liable for anything more than the *paperwork*.

Does this sound crazy? Sure.

Besides, this entire theory seems impossible if only because it's too easy. I mean, could it be that simple? Just determine your representative capacity relative to the upper-case name that the government always attacks in its indictments, tickets, and tax bills? Make sure

you always append your correct representative capacity to all your signatures, and Voila'! you are once again a free man beyond the bureaucrats' regulatory reach?

Too hard to believe. Nah . . . it's just not possible. Ohh, I suppose that if we had a little evidence . . . well, maybe then the conjecture might seem a little more plausible. But as it stands, it's just another charming patriot bunny trail.

Except maybe there is a little evidence . . .

April Fools

(I forget . . . does April Fool fall on the 1st - or the 15th?)

Let's suppose, again, that the all upper-case name (to which the IRS sends its letters, levies and subpoenas) identifies an artificial entity (presumably a trust), and each of us, whether we know it or not, are the *trustees* for each of our "evil twin" trusts. Let's also speculate that each of our trusts are further identified by our Social Security number, and are conveniently "located" at the place of their creation (Washing-

ton D.C.), where they are subject to the absolute legislative and administrative control of Congress. Our artificial entity, "evil-twin" trusts might qualify as legal "persons" (like a corporation) and even pass (under the 14th Amendment) as "citizens of the United States." While these trusts would "live" in Washington D.C., you and I, as trustees, would be "free" to "reside" anywhere else in the geographic United States.

In my case, ALFRED N. ADASK would be "my" evil-twin trust, and the Federal government would have every right to tax that artificial so-and-so as much as they liked. As a creature/creation of the government, ALFRED N. ADASK would have no God-given, constitutionally-protected unalienable rights, and virtually no government-given "rights" that were anything more than transitory.

And let's suppose (again) that I, Alfred Norman Adask, unknowingly *applied* to be the Trustee for the ALFRED N. ADASK trust when I filed my *application* for a Social Security account number (SSAN). While the government had every right to tax the poo out of ALFRED the trust, they'd have no right to impose the tax on me, Alfred the *Trustee*.

However, as part of the terms of application allowing me to become the trustee for ALFRED, government could impose an obligation on me, Alfred (Trustee), to fill out and file certain *paperwork* on behalf of the ALFRED N. ADASK trust. In other words, Alfred could not be legally taxed or required to pay the income tax legally imposed on ALFRED; but Alfred could be legally required to perform the fiduciary duty of *filing* a 1040 on behalf of his evil-twin trust.

Smoooth!

This "evil twin" hypothesis may sound fantastic, but look how slick an "evil-twin" trust system might work:

First, it would explain the IRS's curious habit of indicting and sometimes imprisoning people, not for failure to *pay* their taxes, but for failure to *file* their 1040 forms. (They'd rather have the paperwork than the money?) But if there is an evil-twin, trust-trustee

relationship, the IRS tendency to prosecute for “willful failure to file” would make perfect sense.

Since the IRS has no constitutional authority to make Alfred Norman Adask (the real person) pay the tax obligations imposed on ALFRED N. ADASK (the trust), they couldn’t very well prosecute Alfred for not voluntarily paying ALFRED’s tax obligations. However, as *trustee* for the ALFRED trust, Alfred could be legally and constitutionally required to perform the *administrative* chore of *filing* his “evil twin” trust’s 1040 form each year. And, if Alfred (trustee) failed to file the ALFRED trust’s 1040, Alfred (trustee) could be legally and constitutionally jailed. (Confused? Of course. But doesn’t confusion serve government’s interest?)

OK, recognizing the IRS goes nuts when you don’t *file*, suppose I (Alfred, trustee):

- 1) File a 1040 form on behalf of ALFRED (trust) as required by “law” (that “law” is probably the trust indenture that created ALFRED); and,
- 2) Sign the 1040; and,
- 3) Send the 1040 to the IRS *without any money*. See, I’m pretty smart; I know the IRS can’t jail Alfred (the trustee) for refusing to pay trust ALFRED’s debts.

So I calculated that ALFRED owes \$250,000 (HA!) on the 1040 and filed it. Sure, the \$250,000 figure is absurd, but who cares, since they’ll never collect a dime from that penniless trust, and they can’t legally force me, the trustee, to pay the trust’s debts? Besides, when I signed my name on the 1040, I wrote “TDC” after it (Threat, Duress, and Coercion), “Without Prejudice UCC 1-207” above it, and “non-assumpsit” across it. Plus, I modified the jurat statement to indicate I was signing “within the United States of America” rather than “within the United States”. Moreover, I had a four-leaf clover, a rabbits foot, and my horoscope said this is my lucky day. So the IRS can’t touch me, right?

But, guess what happens? I’m not jailed for failure to *file* – the IRS simply seizes my house, car and bank account as partial payment for the

\$250,000 debt *I* calculated on the evil-twin trust’s tax return. Why? Because, despite all my lucky charms and declarations attached to my signature on the 1040 “instrument”, I forgot to identify my *representative capacity* as “Trustee”. As a result, just like Mr. Griffin in the *Griffin v. Ellinger* case, I, Alfred (the trustee), became personally liable for paying the tax that was legally imposed on my principal, the ALFRED N. ADASK trust. And although sneaky, it’s all legal and constitutional.

Do you see how smooth that hypothetical process could work? They don’t require you (the real person) to *pay* the income tax – oh Heavens, no! – *that* would be unconstitutional. Instead, a tax is legally imposed on your government-created, artificial-entity, “evil twin” trust. You, as *trustee*, are merely (and quite *legally*) required to perform certain administrative tasks like *filing* the required paperwork (the 1040 or perhaps traffic tickets).

But, once you file on behalf of your “evil twin” trust, if you neglect to identify your representative capacity as “trustee” when you sign the 1040, you become *personally liable* for the evil-twin’s debt – which you, yourself, *testified* to when you signed the 1040 “under penalty of perjury”. The income

tax that you could not be constitutionally imposed on *you*, the individual, would become suddenly mandatory simply because you didn’t write “Trustee” after your signature on the 1040.

Look how smooth this could work. If you *didn’t file*, you’d be in breach of your fiduciary responsibilities as a trustee and therefore subject to imprisonment. If you did file but didn’t identify your representative capacity, you’d win – Ta-Da! – the coveted status of “taxpayer” and become personally liable for paying the trust’s tax obligations.

If you tried to argue your “rights” in court, you’d be slam-dunked every time because the court would have all the information it needed to convict right there on the 1040: you *swore* to the size of the debt owed, and *you* failed to identify your representative capacity as “trustee”. Since only trustees have legal rights in courts of equity, and you haven’t identified yourself as one, you have no rights. That means *you’re* guilty, pay up, or pack your toothbrush.

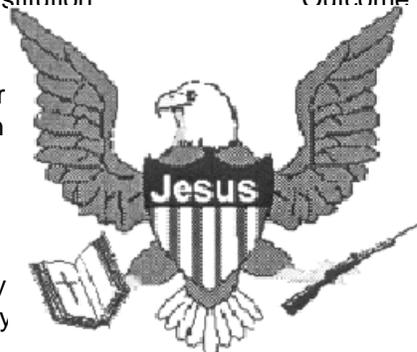
26 USC 6212

Could it be that simple? Probably not. Again – nice theory – but without some proof, who’d dare believe that the difference between a voluntary

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and mandatory income tax hinged on your simple decision to identify your representative capacity when you signed the 1040 form? Hey, I don't believe it. But on the other hand, this theory "fits" so nicely that – no matter how improbable it sounds – I can't dismiss it yet, either. Plus. There's even a bit of evidence in the IRS Code that might be interpreted as support for the "evil-twin trust" hypothesis.

In October, 1997 the Michigan Court of Appeals remanded an IRS case (*Ruff v. Isaac* # 192615) for retrial. Although the case turned on a different issue, I was surprised to read how an IRS agent, U.S. Attorney, and Michigan District Court Judge all seemed to overreact to prevent any evidence concerning subsection (b)(1) of Section 6212 of the Internal Revenue Code (26 USC 6212) from being heard at trial. The case turned on a different issue, but overreaction suggested that there might be something important in 26 USC 6212, which only concerns proper procedure for mailing notices of deficiency to errant taxpayers:

"(b)(1) In the absence of notice to the Secretary under section 6903 of the existence of a fiduciary relationship, notice of a deficiency in respect of a tax imposed by subtitle A, chapter 12, chapter 41, chapter 42, chapter 43, or chapter 44, if mailed to the taxpayer at his last known address, shall be sufficient for purposes of subtitle A, chapter 12, chapter 41, chapter 42, chapter 43, chapter 44, and this chapter even if such taxpayer is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence."

Oooo. Grist for my mill. See it? Faint and flimsy, but nonetheless sup-

port for my notion that a trust relationship might exist between ALFRED N. ADASK (trust) and Alfred Norman Adask (trustee).

Right at the beginning of Sect. 6212, it reads: "In the absence of notice to the Secretary under section 6903 of the existence of a *fiduciary relationship*, . . ."

What's a "fiduciary relationship"? Broadly, the term signifies the relationship that exists between a *trust* and its *trustee*. So who would send that notice of a "fiduciary relationship" to the Secretary of the Treasury? A trustee on behalf of a trust.

Why would the trustee send a notice of his fiduciary relationship to a trust? Perhaps because the IRS was mistakenly attempting to compel the *trustee* to pay the *trust's* tax obligations. Perhaps because the *trust* owed back taxes but the government was mistakenly trying to seize the *trustee's* property. Could this "mistake" take place if there were a startling similarity between the name of the trust ("ALFRED N. ADASK") and the name of its trustee, "Alfred Norman Adask"? I think so.

Although the meaning of 26 USC 6212 subsection (b)(1) is uncertain, it seems to imply that if a trustee were to notify the Secretary of the Treasury of the existence of a "fiduciary relationship", the Secretary *could not send* his notice of deficiency. That's an important implication since, according to the Michigan Court of Appeals, "By law, the IRS must mail a notice of deficiency by certified or registered mail *before* it can make an *assessment* for delinquent taxes, which in turn is a *prerequisite* to the *seizing* and selling of the taxpayer's property. *Wiley v United States*, 20 F

3d 222, 224 (CA 6, 1994)."

In other words, if the Secretary of the Treasury were notified that a "fiduciary relationship" (a trust) existed relative to an entity that was being threatened with property seizure, the whole collection process might be *terminated*.

Hmm. How could that work? Maybe something like this:

Let's suppose I (Alfred Norman Adask) received a series of IRS notices addressed to ALFRED N. ADASK that claimed ALFRED owed \$250,000 in back taxes and if I didn't pay up in 30 days, they'll seize my house, car, boat and bank account. Ooo-eee! Looks like I'm in deep poop, hmm?

But wait! Suppose I sent a notice to the Secretary of Treasury that while they have imposed a \$250,000 on the ALFRED N. ADASK *trust* — the house, car, boat, and bank account they're threatening to seize belongs to *me*, Alfred N. Adask, the *trustee* (who can't be held legally liable for the *trust's* tax obligations). It's kinda like notifying the IRS of a case of mistaken identity (although our names sound alike, ALFRED and Alfred are two different persons).

Would my notice to the Secretary that Alfred is not liable for evil-twin ALFRED's tax obligations constitute a notice of "fiduciary relationship"? Would the tax collection process mistakenly directed against Alfred therefore cease? I wouldn't want to bet my car on it (especially if it were running), but this IRS tactic at least sounds plausible and also offers indirect support for the "evil-twin" hypothesis.

Quack, quack!

Everyone knows that if it looks like a duck, etc. it's gotta be a duck.

Well, to me, this evil-twin trust hypothesis looks like a duck, walks like a duck, quacks, eats and swims like a duck, prefers the company of ducks – *and* goes good with orange sauce. If this ain't a duck, it's a very slick duck in drag, and we may have to get very "intimate" with this "duck" before we find out what it really is.

For now, suffice to say I am increasingly persuaded that: 1) Each of

us is associated with an “evil twin” artificial entity that is identified by the all UPPER-CASE name; 2) Somehow, we natural people have each been appointed to be our “evil twin’s” *representative*; and 3) Failure to fully understand the natures of the hypothetical artificial entity and our resultant *representative capacity* may be central to our inability to successfully assert our God-given, inalienable rights in court.

Silver linings & caveats

Every hypothetical cloud has a hypothetical silver lining, and my “evil twin” trust hypothesis is no different. If we are, in fact, *trustees* for “evil twin” trusts created by government and identified with all UPPER-case names (and/or Social Security Numbers), we may be able to bypass much government regulation simply by *identifying our correct representative capacity*. If so, then we might not need to get rid of our Social Security Numbers (hey, I’ll take a dozen of ‘em) and we could keep our Drivers Licenses (gimme a handful). All we’d need to do is be absolutely certain that we understood our correct *representative capacity* (if any)

every time we signed a document on behalf of our principal (the “evil twin”), and make sure ink never left our pens unless it specifically appended that *representative capacity* to our signatures.

In other words, if an UPPER-case name identifies a government-created trust and you are its trustee, fine. Properly understood, you might be able to live pretty well with that status and still retain your unalienable rights.

However, if “evil twin” trusts do exist – but we are government *beneficiaries* rather than *trustees* – we are wards of the state who can neither own *legal* title to property nor exercise any *legal* rights. As government “beneficiaries” we are the modern equivalent of slaves on a Southern plantation prior to the Civil War. Regardless of whether you’re black, white, or brown, male, female, child or adult – if you’re a government *beneficiary*, you’re a 20th century “nigger”. As a government *beneficiary/nigger*, you’d be property of the state, a “thing” that can’t own property and had no inalienable rights. If you got “uppity”, de massa can slap yo’ nappy head anytime he like.

Unless you like being a nigger,

you’d best start marchin’ to get free.

Gentlemen – start your research engines. I believe we are entering the final race to restore (or lose) constitutional government, unalienable rights and individual freedom.

¹ If ALFRED N. ADASK is a trust, I’m *guessing* I, Alfred, am that trust’s trustee. But it’s possible that I’m the beneficiary, or remotely, even the grantor. I might even be *president* of the ALFRED N. ADASK *corporation* – those questions are unresolved. Therefore, even if I append the word “Trustee” after my signature on various instruments (like checks or traffic tickets), it won’t necessarily do me any good if I guess wrong about my “representative capacity” (if any). For example, if I wrote “Trustee” when I was, in fact, the “beneficiary”, “quasi-trustee” or “president”, it’s conceivable that I might be charged with fraud. My point is that much research must be done to confirm, refute or refine the conjecture presented in this article – so don’t start signing your traffic tickets “trustee” just yet, unless you’re prepared to take some risks. ■

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