

The "Examination Report" Fiction

The government's "civil lawsuit" was based on the proposition that refunds made to my wife Doreen and me of amounts withheld from us in 2002 and 2003 were "erroneous"-- just big, protracted mistakes by the government, despite a considerable amount of fussing over those refunds resulting in numerous adjustments of the amounts refunded and considerable delay in making each of them, as well as our claims having gone through [the usual rigorous vetting process](#). The government claimed to now believe us to actually have had "income" in those years and to owe taxes.

Several months after launching the lawsuit, the government filed a Motion for Summary Judgment, asking the court, which had never had so much as a single hearing in the case, and had yet to rule on our Motion to Dismiss, to declare judgment in its favor. This motion of the government's was accompanied by two "supporting declarations" by IRS workers. The character of these "declarations" tell the whole story about the validity of this "lawsuit" and the ruling granting that summary judgment (over our completely ignored demand for a trial if the thing wasn't going to be dismissed as it should have been).

One of these declarations was an "examination report" asserting all manner of amounts received, and calculating tax liabilities, which ended up "found" by the court to be the "facts" on which its ruling was purportedly based. But the assertions in that "examination report" were not only all formally disputed and rebutted (and never evaluated in a hearing), they were actually preceded by this:

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EXHIBIT3

5. I have also reviewed, and am familiar with, the Form 1040 U.S. Individual Income Tax Returns filed by the taxpayers, Peter Eric Hendrickson and Doreen M. Hendrickson ("the taxpayers"), for the taxable years that ended on December 31, 2002 and December 31, 2003 ("the tax years at issue").

6. Attached to this Declaration as Exhibit 10 is an IRS Form 4549 (Income Tax Examination Changes) which I prepared with respect to the Form 1040 tax returns filed by the taxpayers with the IRS for the tax years at issue. The preparation of this report did not constitute a formal audit or examination of the taxpayers' 2002 or 2003 federal income tax liabilities or tax returns for the tax years at issue.

"The preparation of this report DID NOT constitute a formal audit or examination..." SAY WHAT??!!

Think about it. This is a lawsuit brought by the United States, alleging outstanding liabilities and asking for a never-before-sought-or-granted-in American-history order seizing control of

the speech and sworn testimony of two American citizens-- not to mention a lawsuit against Pete Hendrickson (and his wife Doreen), in regard to whom the IRS likely maintains a dedicated division, and which was brought in the hope of turning back [the swelling tide of CtC-educated filings](#). NONETHELESS, THE GOVERNMENT CAN'T PRODUCE A FORMAL EXAMINATION ON WHICH TO BASE ITS ALLEGATIONS?? What, were all the examiners too busy that year?

Similarly, a declaration was submitted by a "frivolous return specialist", who reports on the great number of [CtC](#)-educated returns the IRS had been having to deal with since the book went to print-- but never actually declares such returns to be frivolous, and in particular says no such thing about OUR returns, which are the supposed objects of the exercise! (See the relevant portions of this declaration [here](#), and an analysis filed in response [here](#).) The whole affair was not only an assault on the rule of law generally, but a study in lame and shameless mendacity at every turn, as well.

(The "frivolous return specialist" testified in an actual trial in which questions could be asked of witnesses-- which we'll get to in the next segment-- a few years later. She said then that she had never actually looked at our returns before preparing her "declaration" for this lawsuit concerning our returns. If you believe that, I've got a bridge for sale...)

In late February of 2007 the district court judge simply adopted the assertions on the unsigned, informal "examination report" as true. She did so without any evidence being introduced by the government at all, without so much as a single hearing, and by pretending to misunderstand our sworn disputations to somehow be agreements (as she revealed in the first hearing she eventually held in the case more than three years later). On the following May 2, the judge did it again, in a "final ruling" after a few motions objecting to the first one.

The judge simply declared us to owe the government taxes for 2002 and 2003, simultaneously ordering us to execute fictional 1040Xs for those years saying that we believed this to be true in order to create a pretext for the first fiction. (We haven't done so, of course, and thus, even now, years later and after all the government's allegations about us "owing" it these amounts, [no taxes have ever been assessed for those years...](#)) The DOJ and IRS issued press releases around the country, with headlines screaming that, "Hendrickson has been ruled against by the Court!!!" This, they figured, would finally scare into silence and "compliance" those insubordinately persevering "CtCers"! ([It didn't...](#))

