

The Delicious Irony of Irwin Schiff (1928-2015), R.I.P.

by Richard Kostelanetz (November 2015)

In libertarian circles, Irwin Schiff will always be remembered as a Great American Tax Protestor who regarded federal income taxes as “unconstitutional,” sometimes declaring zero income, other times refusing to file any return. Additionally, he published and then self-published books exposing federal government waste and advocating tax avoidance, all in a great American tradition dating back into the 19th Century. The feds took their revenge by putting him in their slammers more than once.

Schiff's reasoning was sophisticated and thus unfamiliar. In Dennis Hevesi's sympathetic summary in the *New York Times*: “In essence, Mr. Schiff argued that the Constitution had established that the value of the dollar was based on a certain amount of gold or silver, and that after the so-called gold standard was phased out, starting during the Depression, citizens no longer earned dollars, or income. His second basic argument was that since all information in a tax return can be used against the taxpayer in a criminal proceeding, filling out a return – he called it a ‘tax confession’ – violated the Fifth Amendment protection against self-incrimination.” Note that Schiff wasn't a war protestor, say, or an agent for some foreign power. As a patriot, he focused upon issues more indigenous.

Among Schiff's self-published books that reportedly sold a few hundred thousand copies were *How Anyone Can Stop Paying Income Taxes* (1980), *The Great Income Tax Hoax* (1985), and *The Federal Mafia: How the Federal Government Illegally Imposes and Unlawfully collects Federal Income Taxes* (1992). Settling in the 21st Century in Las Vegas (where else?), he was photographed standing outside his office in a biz suit with a handkerchief in his upper pocket, books authored by him in his hands, all under a sign reading: “WHY PAY INCOME TAXES WHEN NO LAW SAYS YOU HAVE TO?” Guts he had.

However, Schiff's ultimate revenge was dying at 87 in a federal jail, where he must have received not only three hots and a cot for the previous decade but

enough medical care to keep him alive to a biblical age. Knowing nothing, may I venture that his prison among younger people became a more comfortable old-age home than those costing exorbitant sums, except that his came free, which is to say at government expense. May I hope that a dogged journalist writes an exposé describing how Schiff spent his last years, which would portray how a prickly octogenarian intellectual convicted of a victimless crime survived in a federal prison, as well as how much his incarceration among those pre-deceased actually cost taxpayers. Now a dozen years younger, I'd like to learn.

Incidentally, the woman identified in the *NYT* as "his girlfriend Cindy Neun," convicted with him in 2005, went for six years to another gender-segregated (how old-fashioned!) slammer where she produced art and writing that can be found on the Internet, in effect getting for six years of her creative work a federal stipend richer than the single year once offered only to selected winners by the National Endowment for the Arts. Consider that, by some measures, this aspiring writer and artist got "a good deal," as perhaps did Schiff, I hope laughing his way to his grave.

Simply, the juggernaut that Schiff tried to sabotage gave him a free ride to his end. Successfully pulling off this last deliciously ironic move made him a smart cookie to a larger audience including me, who previously thought him a marginal kook. May we expect some sympathizers to post copies of the earnest face of Saint Irwin with his books perhaps outside IRS offices where sympathizers can then load pictures of them up (or down) for circulation via the Internet around the USA.

Pay attention, (older) kiddies?

Individual entries on **Richard Kostelanetz's** work in several fields appear in various editions of *Readers Guide to Twentieth-Century Writers*, *Merriam-Webster Encyclopedia of Literature*, *Contemporary Poets*, *Contemporary Novelists*,

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