

Banking Without Social Security

by J.D. Kingston

Virtually everyone in the Constitutionalist community senses that the Social Security Number (SSN) is far more than a device that allows government to track us and invade our privacy – it is one of the primary instruments by which we surrender our unalienable rights and become government’s subjects rather than collective sovereigns. A number of strategies have been proposed to revoke our SSNs and regain our unalienable rights. Some of these strategies seem workable, others unlikely.

But usually, the decision to revoke one’s SSN is compromised by our need for bank accounts. Yes, I may be able to free myself from the political disability of Social Security, but how can I stay in business if banks won’t open accounts without SSNs? In other words, what good does it do me to regain my freedom if I can’t cash any checks and am thereby relegated to a subsistence standard of living?

Our conflicting needs to bank and be free are so onerous and fundamental that a solution to the “banking without SSN” problem is very nearly the Constitutionalist’s “Holy Grail”.

In March 14, 1999, I received the following Email from J. D. Kingston, “a retired businessman and retired judge” concerning the mandatory use of Social Security Numbers to secure bank accounts. Those of you who are interested in banking without Social Security Numbers should find Mr. Kingston’s opinions illuminating:

Dear Alfred,

You and your readers may be interested in the following series of e-mails. In Mid June, AD. 1998, I received a postcard from United Community Bank (UCB), 2100 FM 407, Highland Village, TX 75077. The postcard was an invitation for me to “Join Us For Our Opening And Dedication . . .” They were obviously a new bank looking for some business.

Since the postcard included UCB’s e-mail address, I sent them an e-mail informing them that due to my sincere and truly held scriptural beliefs, I did not possess a social security number, and then asked them if they would accommodate me with a non-interest bearing account. The following are a series of e-mails between the bank’s representative, Rick Shoemake, and myself [J. Kingston].

25 Jun 1998

Dear Mr. Kingston,

Thank you for your interest in our bank. Though we are a new bank, we are staffed with professionals with many years of experience. The services you made reference to are services that we do offer. However, by regulation we are required to have local forms of identification and a SSI # is not optional. While we respect your very strong convictions, we unfortunately must comply with the regulatory requirements.

Sincerely, Rick Shoemake
United Community Bank, N.A.
Member FDIC

25 Jun 1998

Dear Rick,

Thank you for your prompt reply. In your reply you stated that, “. . . by regulation we are required to have local forms of identification and a SSI # is not optional.” I was totally unaware of that. Hope I didn’t cause you any inconvenience. BTW, would you be so kind to give me the citation of the regulation of which you speak? Thanks again for your time.

Respectfully, JD Kingston

27 Jun 1998

Dear Mr. Kingston;

I would be happy to provide you the regulation reference for the requirement of the TIN # [Taxpayer Identification Number], The following are Federal Register references: 37 FR 13279 (6/30/72); 37 FR 26517 (12/8/72); Title 26, Section 6109 of the Internal Revenue Code; 38 FR 3341 (2/5/93); 38 FR 32336 (9/6/74)

Sincerely, Rick Shoemake

28 Jun 1998

Dear Rick,

Thank you once again for your prompt reply to my request. (And a “banker” answering email on Saturday!) :-) This indicates that the material printed in your brochure is not merely just more “propaganda” put out by business, but is the absolute truth. I appreciate you.

Respectfully, JD Kingston

2 Jul 1998

Dear Mr. Kingston,
Thank you for your kind words.
Yes we do work on Saturdays! As a community bank we are here when the customer needs access to banking services. Have a good day.

Rick Shoemake

P.S. What line of work are you in?

5 Jul 1998

Dear Rick,

It's nice to see that some banks are concerned with their customers. Too few businesses today seem to forget that it's their customers who allow the bills to be paid. You're to be commended.

There's an old analogy about the railroads. They used to flourish. That's when they thought they were in the "people" business. They moved "people" and "people's" commodities. Then one day, the big shots decided they were not in the "people" business, but in the "railroad" business. The rest is history!

I'm a retired businessman and retired judge. My wife and I travel 99% of the time and we would like to make Texas our "home base," hence, our interest in your bank. We're the kind of people who like to support the "little guy," the "mom & pop" stores, and the "new kid on the block" so to speak.

We actually have a bank now who doesn't require a TIN from us, and I guess we'll have to stay with them. If you have any "age" under your belt (I'm 56), you probably know that bureaucrats "never" pass a statute or regulation that doesn't contain a loophole.

I'd be happy to share the "loophole" to 26 USC 6109 with you if you have any interest. Good luck with your bank, and to you personally.

J.D. Kingston

6 Jul 1998

Always interested in learning, what is the loophole in 26 USC 6109?
Rick Shoemake

12 Jul 1998

Re: 26 USC 6109 Part I

Dear Rick,

You would ask! :-) Sorry for the delay. Just got back from a two week



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trip. Had a great time. Supposed to leave again toward the end of the month. Hope I have enough time to satisfactorily answer your question before we have to leave.

Rather than write a 10 page e-mail, which is unnecessarily cumbersome and unwieldy, I will split the answer to your question into parts (this being part I).

I'll try to be brief, but that always isn't possible when trying to explain a convoluted law. E.g., 26 USC 6109 is comprised of subsections "(a)" through "(h)" as well as many sub-subsections—but it has *two* subsections "(f)" and *no* subsection "(g)"!!!

The portion of 26 USC 6109 to which you referred is 26 USC 6109(a)(3) which is titled, "Furnishing number of another person." It states that, "Any person..." (i.e., the Bank—which is an artificial person under the law) "Any person required under the authority of this title to make a return, statement, or other document with respect to another person . . ." (i.e., your customer) ". . . shall request . . ." (notice the word "request" here — notice that Congress did not use a word like

"demand" or "require"—but they used the word "request") ". . . shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person."

The word "request" was used here so this section would be found compatible to a myriad of other laws, including, but not limited to the Privacy Act. If a word like "demand" or "require" were used in this section, Congress ran the risk of having this section struck down by a court of law.

For a company to comply with 26 USC 6109(a)(3), said company must merely "request" an identifying number from a customer or an employee; but only if said company is required by law to make a return, statement, or other document. This "return requirement" would include virtually all corporations, most partnerships, and many sole proprietorships.

Pursuant to this section, a company is required to "request" a number. The company is NOT required to "receive" a number. Nor, is the customer required to give a number.



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The “bad news” is, that if you are a company required to file a return and do not include all information (that includes identifying numbers for each of your customers) on the forms you send to an agency of government, pursuant to 26 USC 6721 and 6722, you can be fined \$50.00.

The “good news” is, that there is a loophole for each of those sections also. I’ll go into more detail, if you so desire, (i.e., if you’re still interested in learning) in a subsequent “part,” perhaps part II which will follow when time allows.

Respectfully, J.D. Kingston

12 Jul 1998

Thanks for the info. Keep it coming! Have a good day,
Rick Shoemake

19 Jul 1998

Re: 26 USC 6109 Part II

I’ve studied a little history and it seems that mankind has had an affinity for sleeping and eating for some 6000 years now! Guess it will always be with us. 8-) It’s admirable to note that you’ve placed “spending time with your family” in the same category.

Your previous P.S. reminds me something my father told me when I was 17 years old. He said, “Son, you can be a success in any endeavor you choose, if every day, you will commit to working half a day—and it really doesn’t matter which 12 hours it is!”

On to the subject matter at hand. In Part I, we learned that pursuant to 26 USC 6109, a company is required to “request” an identifying number from a customer/employee, but a com-

pany is not required to “obtain” an identifying number.

Now, suppose you have a customer with a “non-interest bearing” account and it’s time to file a report with the banking authorities or some other entity. Suppose you enter the person’s name on the report and leave blank the corresponding box that asks for that person’s identifying number. Now what happens?

26 USC 6721 is titled “Failure to file *correct* information returns.” (Emphasis added. Leaving off a number that *you never obtained* does not make the return “incorrect.”)

26 USC 6721(a) Imposition of Penalty.

26 USC 6721 (a)(1) In general. In the case of a failure described in paragraph (a)(2) [below], by any person with respect to an information return, such person shall pay a penalty of \$50 for each return with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$250,000.

26 USC 6721(a)(2) Failures subject to penalty. For purposes of paragraph (1), the failures described in this paragraph are—

26 USC 6721(a)(2)(B) any failure to include all of the information *required* to be shown on the return or the inclusion of incorrect information. [emph. add.]

So, if a company is “required” [26 USC 6721(a)(2)(A)] by its regulatory authorities, to include “information” (such as an identifying number) on a return, and it fails to do so (or makes an innocent mistake by “the in-

clusion of incorrect information”), the company can be fined \$50 [26 USC 6721(a)(1)] for each failure but said fines shall not exceed \$250,000!!! Whoa!

26 USC 6721(e) Penalty in case of intentional disregard (Emph. added—JK.).

If one or more failures described in 26 USC 6721(a)(2) are due to *intentional disregard* (Emphasis added — JK.) of the filing requirement (or the correct information reporting requirement), then, with respect to each such failure —

26 USC 6721(e)(2) the penalty imposed under subsection 26 USC 6721(a) shall be \$100 . . .

26 USC 6721(e)(3) in the case of any penalty determined under paragraph 26 USC 6721(2) - 26 USC 6721(e)(3)(A) the \$250,000 limitation under 26 USC 6721(a)(1) shall not apply . . .

So now, if you omit an identifying number with “intentional disregard” [26 USC 6721(e)] your fine (or penalty) is increased from \$50 to \$100 per occurrence. The maximum of \$250,000 is lifted and you may now be fined an infinite amount!

It’s no wonder companies don’t “request” a number. They see these statutes and they *demand* a number. Who in their right mind would subject their company to such huge fines (and still expect to keep their jobs—so they can “sleep, eat, see my family, etc.”)?

Sounds pretty grim—so far. I told you there was “good news” too. Maybe we’ll get to it next time. Keep balancing the “customer service” with quality “family time.” Wish I would have done better!

Respectfully, J.D. Kingston

25 Jul 1998

26 USC 6109 Part III

In Part II, we learned that any person who is required to submit a report that includes provisions for a TIN [or EIN (Employers Identification Number) or SSN], and omits that information, is subject to a fine of \$50 per occurrence, but said fine shall not exceed \$250,000 in any year! Now, the good news, aka the truth.

26 USC 6724 is titled, "Waiver; definitions and special rules."

26 USC 6724(a) "Reasonable cause waiver. No penalty shall be imposed under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect."

The \$50 penalty described and imposed in 26 USC 6721(a)(1) *will not* be imposed if your omission was due to "reasonable cause". Do you suppose that your failure to supply a number of a customer, who in turn failed to supply a number to you because it did not exist, would be considered "reasonable cause"? If you answered in the affirmative, you'd be correct.

Remember the term "shall request" in 26 USC 6109? If you request a number, and your request is denied (for whatever reason), you have, in part, satisfied the "reasonable cause" requirement of 26 USC 6724(a) and no fine/penalty can be imposed pursuant to law.

In the next "part," we'll examine portions of the Code of Federal Regulations (CFR) that pertain to this subject matter. For your "homework" you may study the following two definitions. : -)

"Code of Federal Regulations.

The Code of Federal Regulations (CFR) is the annual cumulation of executive agency regulations published in the daily Federal Register, combined with regulations issued previously that are still in effect. Divided into 50 titles, each representing a broad subject area, individual volumes of the Code of Federal Regulations are revised at least once each calendar year and issued on a staggered quarterly basis. The CFR contains the general body of regulatory laws governing practice and procedure before federal administrative agencies." *Black's Law Dictionary*, 5th edition, pp. 233, 234.

"Federal Register. The Federal Register, published daily, is the medium for making available to the public Federal agency regulations and other legal documents of the executive branch. These documents cover a wide range of Government activities. An important function of the Federal Register is that it includes proposed changes (rules,



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regulations, standards, etc.) of governmental agencies. Each proposed change published carries an invitation for any citizen or group to participate in the consideration of the proposed regulation through the submission of written data, views, or arguments, and sometimes by oral presentations. Such regulations and rules as finally approved appear thereafter in the Code of Federal Regulations." *Black's Law Dictionary*, 5th edition, p.551.

Respectfully, J.D. Kingston

26 Jul 1998

Subject: 26 USC 6109 Part IV

Dear Rick,

In "Part III" we learned that no penalty can be imposed for failing to include a TIN on a report, if your failure was due to "reasonable cause". The "Code of Regulations" (CFR) sheds considerably more light on the subject. Before we look at the CFR in detail, let's examine why it exists.

The legislative branch of government is the only branch who possesses legislative (law making) powers. The executive and judicial branch of government possess no legislative powers. When the legislature passes a bill and the president signs it, the bill then becomes law, and it is recorded in a volume of books called "The United States Statutes At Large." They (the laws) are recorded in chronological sequence. If you want to read a law that was passed, you would have to know "when" it was passed so you could find it. As you can imagine, this could be anywhere from "cumbersome" to "impossible."

To remedy the problem of find-

ing laws, the laws have been codified (or sorted) by subject matter. After being codified, they are recorded in a new volume of books called "The United States Code" (USC).

After a law has been passed, it is the responsibility of the executive branch of government to see that the laws are executed properly. When a department of the executive branch of government determines that they are responsible to see that a particular law that was passed is within their authority, they write "rules and regulations" for their employees to execute that law. The executive department employees must abide by these rules and regulations when executing the law.

"Laws" ("Statutes at large" passed by the legislature) are different from "rules and regulations" (passed by the executive department in order to implement the law). When the executive department writes these rules and regulations, they are required to publish them in the Federal Register. Thirty days after publication, the rules and regulations become valid. After becoming valid, they are published in a volume of books known as the "Code of Federal Regulations."

Of course, the rules and regulations should be compatible with all laws. If they are not, and they are challenged in a court of competent jurisdiction, they risk being struck down as being in contravention of some law.

Hope this isn't becoming to boring. In the next part, we'll examine the specific "rules and regulations" (CFR) that pertains to 26 USC 6124.

Respectfully, J.D. Kingston

27 Jul 1998

Thanks for the input, not boring at all.

Rick Shoemake

30 Jul 1998

Subject: 26 USC 6109 Part V
Dear Rick,

Thus far we saw that (1) a filer must "request" an identifying number; (2) that if the filer omits the number on a required report, the filer "may" be fined; (3) that the fine may be waived under certain (in fact, most) circumstances; (4) that the CFR (Code of Federal Regulations) does not contain "laws," but only "executive agency regulations"; and, (5) that the Federal Register is the medium the executive branch uses to disseminate executive agency rules and regulations to the public at large.

26 CFR 301.6724-1 (titled "Reasonable cause") goes into great detail to explain how one will not be penalized. Such great length in fact, it contains about 8,035 words!! I won't dwell on all of them here. (Was that a sigh of relief I heard?:-) You're probably beginning to see what I meant when I used the phrase "convoluted law" in a past e-mail. Just this one CFR could take 2 or 3 or even 4 e-mails!

26 CFR 301.6724-1(a) is titled, "Waiver of the penalty." The penalty for failure to provide information will be waived if it is determined that such failure is due to "reasonable cause," to wit:

26 CFR 301.6724-1(a)(1) "General rule. *The penalty* for a failure relating to an information reporting requirement (as defined in paragraph (j) of this section) *is waived* if the failure is *due to reasonable cause* and is not

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due to willful neglect." (Emphasis added.)

26 CFR 301.6724-1(c) is titled, and describes, "Events beyond the filer's [corporation's—JK] control—" (e.g., if a customer does not provide a SSN as requested because such number *does not exist*, it would certainly be deemed "beyond the filer's control".)

26 CFR 301.6724-1(c)(6) is titled, and describes, "Actions of the payee [customer—JK] or any other person. In order to establish reasonable cause under paragraph (c)(1) of this section due to *actions of the payee* [emphasis added—JK] or any other person, such as a broker as defined in section 6045(c), providing information with respect to the return or payee statement, the filer must show either—"

To Be Continued!!!

Kind a' like an old Alfred Hitchcock thriller! 8-)

Respectfully, JK

2 Aug 1998

Subject: 26 USC 6109 Part VI

We left off last time at: 26 CFR 301.6724-1(c)(6) which is titled, and describes, "Actions of the payee [i.e., customer—JK] or any other person. In

order to establish reasonable cause under paragraph (c)(1) of this section due to *actions of the payee* (emphasis added—mine) or any other person, such as a broker as defined in section 6045(c), providing information with respect to the return or payee statement, the filer must show either—"

26 CFR 301.6724-1(c)(6)(i) "That the failure resulted from the *failure of the payee*, or any other person *required to provide information necessary for the filer to comply* with the information reporting requirements, to provide information to the filer..." (Emphasis added—mine.)

The other "either" [(ii)] pertains to "incorrect" TIN's and is not relevant to our discussion.

26 CFR 301.6724-1(e) talks about "Acting in a responsible manner—special rules for missing TIN's—"

26 CFR 301.6724-1(e)(1) "In general. A filer that is seeking a waiver for reasonable cause under paragraph (c)(6) of this section will satisfy paragraph (d)(2) of this section with respect to establishing that a failure to include a TIN or an information return resulted from the failure of the *payee* to provide information to the filer (i.e., a missing TIN) only if the filer makes the initial and, if required, the annual solicitations described in this paragraph..." (emphasis added)

So if a company failed to include a TIN on a return, the penalty will be waived for reasonable cause, *if* the company makes an initial solicitation. (And in the case of "incorrect" TINs, a first annual solicitation and sometimes, a second annual solicitation. In the instant case, the 1st and 2nd annual solicitations are moot since we are not addressing "incorrect" TIN's.)

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So, what's a solicitation"? Looking again at *Black's Law Dictionary*, 5th edition, p. 1249, we're informed that a solicitation is, "... Asking; enticing; urgent request . . ."

When do you make the "initial solicitation"? We find the answer in 26 CFR 301.6724-1(e)(1)(i) "Initial solicitation. An initial solicitation for a payee's correct TIN must be made at the time an account is opened. The term 'account' includes accounts, relationships, and other transactions.

26 CFR 301.6724-1(e)(1)(ii) "First annual solicitation..." pertains only to *incorrect* TIN's.

26 CFR 301.6724-1(e)(1)(iii) "Second annual solicitation. "likewise pertains only to *incorrect* TIN's.

BTW Rick, if you have any questions as we go along, just jump right in and ask. I promise to keep my answer shorter than the answer to your last question, "...what is the loophole in 26 USC 6109?"

Respectfully, JK

2 Aug 1998

Subject: RE: 26 USC 6109 Part VI

I find this most interesting, however, not having done my research of late on the subject, I believe I recall that my regulatory body has directed that we, as a bank, act assertively to secure the TIN and that without it we should not proceed with opening a relationship with the TIN holder. Hope you are staying cool!

Rick Shoemake

3 Aug 1998

Subject: 26 USC 6109 Part VII

By now, you've probably had enough exposure to the law to have guessed that there are "exceptions and limitations" to the 1st and 2nd annual requests, to correct an incorrect TIN.?!? Most of those exceptions and limitations are beyond the scope of our discussion, and for the sake of brevity, will be avoided. (I can't believe I said "for the sake of brevity"! What is this, Part VII?!)

However, one exception is pertinent. If you do not pay a customer any monies (as will be the case with a non-interest bearing account), you need not make annual solicitations, to wit: 26 CFR 301.6724-1(e)(1)(vi) "Exceptions and limitations."

26 CFR 301.6724-1(e)(1)(vi)(B) "An annual solicitation *is not required* to be made for a year under this paragraph (e) with respect to an account *if no payments are made to the account* for such year or if no return as defined in paragraph (g) of Sec. 301.6721-1 is required to be filed for the account for the year." (Emphasis mine.)

In the next e-mail, we'll try to start wrapping this up.

Respectfully, JK

13 Aug 1998

Subject: 26 USC 6109 Part VIII
Tried to figure out how (to stay cool) for 30 days—then it dawned on us.. LEAVE TOWN (which we promptly did—and vowed not to come back until the high's would only be in the low 90's)! Now we're wondering why we came back so soon. 8-)

Where were we? Oh, yeah—"wrapping this up." What have we learned? Well, we learned that:

(A) You are to "request" an identifying number from me when you open my non-interest bearing account—26 USC 6109(a)(3)

(B) Your request is deemed an "initial solicitation"—26 CFR 301.6724-1(e)(1)(i)

(C) *You* cannot be penalized for *my* actions (or lack thereof)—26 CFR 301.6724-1(c)(6) (If I don't have a number, due to sincere and truly held Scriptural beliefs, or not, I can't fulfill your request.)

(D) You cannot be penalized for *your* actions that are due to a *reasonable cause* -26 CFR 301.6724-1(a)(1)

(E) The Code of Federal Regulations do not comprise the *law*. They merely contain the rules that regulate the *executive branch* of government.

(F) The Federal Register does not comprise the law. It merely contains proposed rules that may become part of the CFR.

(G) If it doesn't get any cooler, we're going north again! 8-)

There are two more Codes of which you should be aware. I'll address one of them in my next e-mail, and the other one in my final e-mail,

Respectfully, JK



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16 Aug 1998

Subject: 26 USC 6109 Part IX

Rest assured, I am only presenting the following two codes for your information, education, and knowledge. That bears repeating. I am ONLY presenting the following two codes for your information, education, and knowledge.

Section 7(a)(1) of Public Law 93-579, entered at 88 Statutes At Large 1896, 1909 (12/31 / 1974), codified at 5 USC 552a in the Notes, states that: "It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number."



However, as a banker, you might say, "we're not a Federal, State or local government agency." But if you said that, you'd be wrong. Look at a legal encyclopedia (such as *American Jurisprudence* or *Corpus Juris Secundum*) under "agency" and you'll find a myriad of cases that prove the point.

Turning once again to *Black's Law Dictionary*, 5th edition, pp. 57 & 58, we find: "Agency. Relation in which one person (like a corporation) acts for or represents another (like the gov't) by latter's authority, either in the relationship of principal and agent, master and servant, or employer or proprietor and independent contractor . . ." (Cases omitted; parenthesis added.)

Does the bank corporation act by government authority and deduct FIT and FICA and turn them over to the principal/ master/ gov't?

" . . . The relation created by express or implied contract or by law (like a corporate charter), whereby one party (the gov't) delegates the transaction of some lawful business with more or less discretionary power to another (the corporation), who undertakes to manage the affair and render to him (the gov't) an account thereof" (Cases omitted; parenthesis added.)

" . . . Or relationship where one person (the gov't) confides the management of some affair (like collecting taxes) to be transacted on his account,



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to other party (the corporation). Or where one party (the corporation) is authorized to do certain acts for, or in relation to the rights or property of the other (the gov't). But means more than tacit permission, and involves request, instruction, or command." (Cases omitted; parenthesis added.)

" . . . The consensual relation existing between two persons, by virtue of which one is subject to other's control." (Cases omitted; parenthesis added.) Is the corporation subject to the government's control?

"Agency is the fiduciary relation which results from the manifestation of consent by one person (the gov't) to another (the corporation) that the other (the corporation) shall act on his (the gov'ts) behalf and subject to his (the gov't) control, and consent by the other (the corporation) so to act." *Restatement, Second, Agency* Section 1. (Parenthesis added.) Do you know any corporations with a fiduciary relation?

More next (and final-hopefully) time.

JK

16 Aug 1998


Subject: 26 USC 6109 Part X

Dear Rick,

The other law that you need to be aware of is 42 USC 1983. But let me repeat again what I stated in my last e-mail. I am *only* presenting these two codes for your information, education, and knowledge.

Title 42, Section 1983 is titled, "Civil action for deprivation of rights." It states:

"Every person (not many excluded here!) who, under color of any statute, ordinance, regulation, custom, or usage ('under color' means a deceptive appearance vs. that which is real—like "demand" v. "request"), of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person (not many excluded here, either!) within the jurisdiction thereof to the deprivation of any rights, privileges (is using a bank a right? a privilege?), or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper pro-



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ceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.” (Parenthesis added.)

If you knew back in mid June, what you know now, and I informed you that I did not possess a social security number due to my true and sincerely held Scriptural beliefs, and I asked you if you would accommodate me with a non-interest bearing checking account, what would your answer have been?

Enjoyed writing to you. It keeps me sharp. Looking forward to your reply.

God bless you and yours.
Respectfully, JK

6 Sep 1998

Subject: 26 USC 6109 Part XI
Greetings,

Just returned from a three week trip. Why is it still hot??? My calendar reads “September”!

I must confess that I was somewhat disappointed when I found no reply from you when we returned. Hope all is alright with you. I can only surmise why a reply was not forthcoming.

The last time you replied was on 8/2/98, and in that reply, you stated: “I find this most interesting, however, not having done my research of late on the subject, I believe I recall that my regulatory body has directed that we, as a bank, act assertively to secure the TIN and that without it we should not proceed with opening a relationship with the TIN holder.”

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One other law you should be aware of is 42 USC 408(a)(8) which states in pertinent part: “Whoever . . . compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.”

For your own benefit, you may want to make sure that your regulatory body directives are in writing.

In the event you “can’t” give me the courtesy of a reply, I understand. Everybody has a “boss”! I wish you well, my friend.

Respectfully, JK

8 Sep 1998

Sorry, No offense intended. Have been extremely busy, and out of pocket. The Year 2000 requirements and the regulatory protocol for documenting our preparedness has taken me away from being a banker and yadda yadda yadda. Will re-read your last couple of messages and get back with you.

Rick Shoemake

Mr. Kingston concluded his
Email to the AntiShyster, writing:

I waited three weeks and Mr. Shoemake never did keep his word and get back to me. I have since left the area and will not pursue this issue any further with Mr. Shoemake. I will not offer a similar statement to any other bankster at this time.

Respectfully submitted,
s/ JK

P.S. If you deem the foregoing worthy to publish, please withhold my address. Thank you. ■

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