A criminal investigator for the Illinois Department of Revenue for approximately 10 years, William J. Benson of South Holland, Illinois has been at the vanguard of debate and controversy surround the 16th Amendment for almost two decades. In 1984 he embarked upon a year-long project to examine the process of the ratification of the 16th Amendment and to determine whether or not it had been lawfully adopted as part of the U.S. Constitution. The culmination of Benson’s work is the book, “The Law That Never Was.”

Interview with Bill Benson, author of “The Law That Never Was”

Question: You have been engaged in this 16th amendment battle for almost 20 years. How did it start?

Answer: I was a former investigator for the Illinois Department of Revenue. I discovered a great deal of corruption within that department and for that the Director fired me. I told him if he fired me, I would sue him for violation of First Amendment rights. Six and half years later we were in court. We had a jury of six; it was a civil trial. They awarded me $353,000 for violation of First Amendment rights.
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I began working with my attorney, Andy Spiegal. We had a willful failure to file case in Indiana. Red Beckman had some documentation that showed there was some serious problem with the 16th Amendment. He got the documentation from a man named Dean Hurst, from Cheyenne, Wyoming. I purchased that documentation and made every attempt to have Andy get it before the court, and the Judge said no.

The judge gave us three real good reasons why he did that: The documentation is not notarized, it is not certified, and you do not have a witness to testify to.

That evening I said, “Okay, the judge has given us our marching orders. The only thing we have to do is go to all 48 states and get the documentation” to see if the documents have any validity. The attorney said, “Bill, you’re crazy, you can’t do that.” I said, “Sure you can.”

Q: How long did it take to do that?

A: It took a full year. There is not one state — not one — that has ratified the 16th Amendment to the United States Constitution. One of the most amazing documents I found was in the national archives in Washington D.C. — a 16-page memorandum written by Ruben J. Clark, then the attorney for Secretary of State Philander Chase Knox, on February 15, 1913. What he says is that in the certified copies of the amendment passed by the legislatures of the several states ratifying the 16th Amendment, it appears that only four of those resolutions — Arizona, North Dakota, Tennessee and New Mexico — have quoted absolutely accurately and correctly what was proposed by Congress. The other 33 resolutions contain either errors of

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**Things about which you did not dare think**-
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capitalization, spelling or wording. …

Q: So what’s the big deal? Why are errors of capitalization, spelling or wording so significant?

A: On page 15 of the 16-page memorandum, the attorney says, “further under the Constitution, a Legislature is prohibited from altering ‘in any way’ the resolution proposed by Congress.” The right of the Legislature is merely to approve or disapprove the amendment. The last page is also interesting because it says the department has not received the copy of the resolution passed by the state of Minnesota, but the secretary of the governor of the state has officially notified the department that legislators of that state have ratified the proposed 16th amendment.

Q: Here’s the obvious question that comes up all the time. Say it was a bureaucratic oversight, a procedural glitch or something. Why are we still saddled with this thing? The reality check is, if you don’t comply you end up in a whole world of hurt, as you know from personal experience.

A: Oh, there isn’t any question about it. And that is why I continue to defy the federal government. That is why, when we were in Washington (at the National Press Club) I said, “I have waited 15 years to get behind these microphones, and I challenge the United States, I challenge the Justice Department, to come and get me. Take me, and leave these people alone.” Let’s get the 16th Amendment argument on the table once and for all before a jury and let them decide.

Q: Why don’t they just drag you into court and resolve the
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controversy once and for all?

A: I wish they would. This has been going on now for 18 years. They cannot win with the 16th Amendment argument.

Q: Bill, at this event you guys had in Washington D.C. at the National Press Club in July, it seemed like a collection of former Geoff Metcalf guests, including Joe Banister.

Joe Banister is a former IRS agent — a badge-carrying, gun-carrying agent who after listening to my radio program with interviews of other people and hearing discussions about this issue conducted a research analysis of his own to find out if he was enforcing a law that was a law or not. He submitted his findings to his superiors and asked them to either confirm or deny this stuff, or at least look into it. They basically said, “We’ll be happy to accept your resignation, but we are not going to respond.”

A: They forced him to resign. I think the entire nation owes Joe a great deal because of the courage it took for a special agent from the Internal Revenue Service to do what Joe Banister did. On C-SPAN Joe Banister told the entire listening audience that the IRS was a fraud, and that the 16th Amendment had not been ratified.

Q: It is fascinating that the first time you guys had a get together, it was broadcast on C-SPAN. I think they had the largest requests they ever had for any taped shows, and they ain’t cheap. Yet, when you came back, they wouldn’t even put you on the air.

A: That’s true. I think the problem that arose was with the 

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promoter of the program. He made a mistake. He went ahead and released a press announcement to the national press in Washington and to the President and right on down and told them what we were going to talk about.

The first session on July 2nd they had to bring in four people, two cameras, the lights and the whole thing, and we were on for three hours and 28 minutes. C-SPAN aired that program on four separate occasions. But they didn’t show up on the second one and it was in my personal opinion because the cat was let out of the bag, so to speak, because of the error of the promoter.

Q: Bill, regarding this whole 16th Amendment issue, some folks say, “Well, it’s an interesting academic argument, and they may be right on the ‘technical’ aspects of it, but the reality check is the golden rule — and the guy with the gold makes the rules.”

Were you ever approached by anyone “in government” regarding the documentation you had collected?

A: Yes I was. In 1985, prior to volume one being printed, Mrs. Benson had received a call from an attorney by the name of Warren Richardson. Warren said, “I am making this call on behalf of Senator Orrin Hatch. And of course,” he said, “you know who he is? You tell Bill that it is an absolute emergency that he call Washington D.C. immediately.”

Q: Did you call them immediately?

A: No, I had no emergency. I was lecturing on the 16th
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amendment. I did call them in a few days. Warren Richardson said, “I am making this call on behalf of Senator Orrin Hatch.” He said “Bill, you cannot permit that book to get in the hands of the kooks out there. We know what you are doing.”

I said, “Warren, by your making this telephone call to me you’re one of the biggest kooks in D.C.”

He said, “You don’t understand what I’m trying to do? You have all of the books printed that you want. You name the number of books, and then you put a price on each and every book, and we will pay it. But then we want you never ever again to speak to one person, never again to get on one radio station, one television station or one group of people.”

Q: Was that all?

A: No. Warren then said, “The last thing we want are all 17,000 certified, notarized documents that you have — and you will be a multi-millionaire.”

Q: What was your response?

A: I told him thank you, but no thanks. In fact, I told him to “go to hell!” I’m not for sale. America is not for sale. What I am fighting for is freedom, and that is exactly what I told Warren Richardson. I told him to carry that message right back to Orrin Hatch.

Q: You made that announcement at the second event in D.C. that C-SPAN chose not to broadcast. Did Orrin Hatch’s office contact you to confirm, deny or threaten or try to sue you?
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A: No, they have not.

Q: Have you made any effort to get in touch with them?

A: I haven’t made any effort to get in touch with Orrin Hatch since 1985. I was waiting for the proper forum to release this information. I thought C-SPAN was that forum, because you’re speaking to millions of people, not groups of 100 or 200, and it would get all over the country. But C-SPAN didn’t show up.

Q: Bill, why is this whole 16th Amendment issue so critical?

A: In order for the federal government to collect anything from you, they must have a law. The 16th Amendment is what they collect the tax on. And I have proven beyond a doubt with 17,000 certified, notarized documents that not one state out of the 48 has ratified the law. They have all rejected it.

Q: Bill, thank you.

Final thoughts from interviewer Geoff Metcalf: Bill Benson claims that not a single state legally ratified the proposal to amend the Constitution in the manner required by law. According to Benson’s book, “The Law That Never Was”:

• The federal government claims Kentucky was the second state to ratify the 16th Amendment, on Feb. 8, 1910. However, the records of the State of Kentucky show that after the Kentucky House
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proposed a resolution to adopt the amendment and sent it to the Senate, on Feb. 8, 1910 the Kentucky Senate voted upon that resolution, but rejected it by a vote of 9 in favor and 22 opposed. Apparently, the Kentucky Senate never did ratify that amendment. Federal officials, who had possession of documents showing this rejection, nevertheless claimed Kentucky had ratified the amendment.

• In Oklahoma, the proposed amendment was passed by the Oklahoma House and the language of the resolution perfectly matched the one passed by Congress. However, the Oklahoma Senate obviously disliked what Congress had proposed, so it amended the language of the 16th Amendment in such a fashion as to have a precisely opposite meaning.

• The California legislative assembly never recorded any vote upon any proposal to adopt the 16th Amendment. And whatever California did adopt bore no resemblance to what Congress had proposed. Several states engaged in the unauthorized activity of amending the language of the amendment proposed by Congress, a power that these states did not possess.
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- Minnesota sent nothing to the Secretary of State in Washington, but this did not deter Philander Knox from claiming that Minnesota ratified the amendment, regardless of the absence of any documentation from the State of Minnesota.

- Article V of the U.S. Constitution controls the amending process, which requires that three-fourths of the states ratify any amendment proposed by Congress. In 1913, there were 48 States in the American union, so to adopt any amendment required the affirmative act of 36 states. In February 1913, Knox issued a proclamation claiming that 38 states had ratified the amendment — including Kentucky, California and Oklahoma. But since Kentucky had rejected the amendment, California had not voted on it, and Oklahoma wanted something entirely different, the amendment was not legally adopted, the number of ratifying States being only 35. Then again, a total of 11 states failed to vote on the amendment, 33 changed the language of the amendment and Minnesota sent in nothing. In the final analysis, if the process of the adoption of the
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16th Amendment is subjected to strict legal scrutiny, the amendment was
never adopted.

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