Pacifist

Must Pay

U. S. Taxes

By ROBERT E. HOYT SPECIAL PRESS CORRESPONDENT Washington - The U. S. tax

court says you have to pay in-

come taxes even if you are a

The court has ordered Abraham J. Muste of New York, ordained Presbyterian minister

and member of the Society of Friends, or Quakers, to pay up \$1,165 in back taxes and \$407 in

penalties for the years 1948 through 1952.

Muste contended that the First Amendment protected his relig-ious beliefs—including opposi-tion to war—and that he there-fore was new required to pay

taxes that would pay for atomic bombs, armies and other war-making potential.

The First Amendment says: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ..."

From 1940 to 1953, when he retired, Muste was executive sec-retary of the Fellowship of Re-

conciliation, a group opposed to participation in, or prepara-

Muste made no secret of his failure to pay taxes. Prior to 1948 he paid, although he had "qualms of conscience." In 1948 he decided that emphasis on

such things as hydrogen bombs made it "irrational" for him-

against his conscience—to pay

money to the government when he estimated that about 60 per

cent of all tax funds were being used to prepare for war.

Once his personal decision was made, Muste informed the Inter-

nal Revenue Service. He wrote each year, just before filing deadline. In 1951, he wrote in

"I am impelled to take this course—by my Christian convictions, by conscience, and by my love of country. . . .

"I would . . . have to reject

war as a means, even if the end. seemed saner and worthler than

that with which the world is to-day confronted. I am unable to regard participation in war . . . as compatible with the teaching and spirit of Christ, to whom

to my allegiance to any ...

"The budget and energies and policies of the Federal Government are today being rapidly sucked into a total commitment to war preparation. I fear that as the drive toward war gathers momentum, less and less weight attaches to the . . . protests . . .

"I consider, therefore, that I am obligated to withdraw . . . from . . . the war-making aspects of the state, to make as nearly total a protest as possible. . . "

His earnings over the five-year period totaled \$16,543.

The tax court ruled that there is no contradiction of the First Amendment in Muste's case.

It quoted from a Supreme Court decision that said, in part; "The power to tax is the one great power upon which the whole national fabric is based.

It is not only the power to destroy, but it is also the power to keep alive. . ."

The court noted, also, that conscientious objectors are exempt from military service because of an act of Congress, not on constitutional grounds.

In his brief, Muste also contended that he could not be compelled to pay war-purpose taxes "by virtue of the Nuremberg principles of international law" which, he said, would make him—as an individual—liable for a violation of international

The court said "there is no principle of international law which . . , relieves citizens from

which ..., relieves citizens from their tax obligations ... or which imposes upon them individual responsibility for the use made of tax revenue."

IRS had assessed Muste an additional \$652 for alleged fraud. The court held there was no evidence of fraud. The court did allow assessments under revenue code sections covering "willful neglect" of the duty of paying taxes.

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