Three Face Jail for Refusing to Pay for War

After a six-year investigation, a five-day trial, and four hours of jury deliberation, three members of The Restored Israel of YAHWEH were found guilty in federal district court on December 15, 2004, of charges related to the nonpayment of federal income tax. The trial took place in Camden, New Jersey, near where the group is based.

Joseph and Inge Donato and Kevin McKee were arrested on April 12, 2004, and were charged with “conspiring to defraud the United States for the purpose of impeding, impairing, obstructing, and defeating the lawful government functions of the IRS in ascertaining, computing, assessing, and collecting taxes; Tax Evasion; and Failure to File Tax Returns” (see MTAP, June 2004). The two men ran a construction business, and Inge Donato was the bookkeeper. While they cooperated with state and local tax laws and filed appropriately for employees who were not members of the society, for those who refuse to pay war taxes the company honored their consciences and did not withhold taxes.

The Restored Israel of YAHWEH has a long history of war tax resistance. “We cannot in good conscience pay a tax that we know goes to kill and fight against other people whose lives were also given to them by YAHWEH,” says a statement by the group. “This stand has been taken in our organization since 1948 when our founder, mentor and spiritual leader, Leo J. Volpe, after much research, stopped paying federal income tax because he did not want the blood of those killed in warfare on his hands.”

Phone Tax: Does Persistence Pay?

By Ruth Benn

Here at the NWTRCC office the phone line with the 800 number is set up with Verizon, chosen against my better judgment after many hassles with that company over the years about phone tax resistance. Nevertheless, when one puts in a new line it’s hard to avoid using the primary local company (the 800 service is with Working Assets).

Many war tax resisters in New York City have been frustrated in their dealings with Verizon (formerly Bell Atlantic, formerly NYNEX, formerly New York Telephone). There was no system and obviously no employee training on this. Sometimes enclosing a note with the bill was enough. Sometimes we were told to send our statement of refusal to a separate address. Sometimes we were given a particular person to call each month to ask for the credit. One resister would be told one thing, another resister something else. In almost all cases, after a few months, whatever system was arranged would collapse, and we’d be back to square one.

It’s been 20 months since the NWTRCC line was set up, and I’ve been sending in our telephone excise tax resistance card with most bills, but a past due amount has accumulated. I finally decided that I was feeling calm and collected and would call to see about getting the past due amount credited. This time pen and paper were ready to record the conversation and write about yet another time when a telephone company employee would not accept refusal to pay the federal excise tax.

Much to my surprise, I got a perfectly nice man who said cheerily, “I’ll be happy to help you with that.” He pointed out to me that I had actually missed a few credits that were buried in the bills and that the account did show a “statement of war refusal.” He noted that the credits were sporadic but that the past due amount was not significant ($4.64) so I shouldn’t worry.

Continued on page 3

Continued on page 6
NEW DEVELOPMENTS

Two items of interest appeared in the Federal Taxes Weekly Alert published by RIA/Thompson.

In August the newsletter discussed new temporary regulations regarding reporting of "non-payers" of excise tax. The regulations are directed at "collectors of excise taxes" involved with certain communications services, air transport of persons, and air transport of cargo. Generally the tax is collected from the taxpayer and then paid over to the government. Collectors are responsible for reporting to IRS the refusal of taxpayers to pay these excise taxes. The new regs specify that the collector must report the taxpayer's refusal to the IRS by the due date of the return on which the tax would have been reported. Collectors are not allowed to seek adjustments unless they have reported the refusal on time.

The second item of interest comes under the headline, "A fourth court rules that telephone excise tax doesn't apply to flat-rate long-distance service." Five cases have been brought in five different district courts from businesses that noticed a technicality about the 3% federal excise tax on the telephone: the tax may not apply to charges for calls that don't take distance into account. In the portion of the IRS's Code dealing with this tax, the definition of "toll telephone service" reads "there is a toll charge which varies with this tax, the definition of "toll telephone service" reads "there is a toll charge which varies in amount with the distance and elapsed transmission time." The IRS argued in court that the word "and" should be interpreted to mean "or" in order to reflect the clear intent of U.S. Congress to tax all long-distance telephone service.

The cases have been in district courts in Pennsylvania, Ohio, District of Columbia, New York, and Florida. Only the Florida court agreed with the IRS. Given the differing conclusions of the district courts and the sizable amount of potential refunds, the IRS likely will challenge any future claims for refunds until the issue is resolved through appeals or legislation. The IRS cautions taxpayers to continue paying the tax. Thus far the cases have not involved individuals, presumably because the amounts are quite small compared to corporate taxes. Office Max and Amtrak brought two of the cases.

IRS STANDARD DEDUCTIONS AND EXEMPTIONS FOR 2005

NWTRCC offers the standard deductions/personal exemption chart as a guide for people who choose to live below the taxable income. IRS standard deduction and exemption amounts are adjusted annually for cost-of-living increases.

However, if you choose to file, it is possible to exceed these income levels, but end up owing no tax (including receiving back 100% of any withholding) by using such options as the Earned Income Credit if you qualify; taking allowances for dependents; making use of

Continued on page 3
pension funds or health benefit plans that reduce one’s taxable income; and taking deductions such as for at-home businesses. NWTRCC does not give specific advice on filling out tax forms or ways to reduce taxable income; there is information on the web for this (see www.sniggle.net/experiment as one sample), and there are professional tax advisers who can assist you. (They don’t need to know that your goal is to reduce your complicity with paying for war, but it could make for an interesting conversation.)

Setting aside filing deductions, to figure out how much you can earn in 2005 before owing income taxes, identify your category and multiply the personal exemption by the number of dependents you can claim, including yourself, then add your standard deduction. For example, if you are married and filing jointly, with two children, you would add $12,800 ($3,200 x 4) to $10,000, equaling a taxable level of $22,800. Below this amount your family would owe no income taxes for the year (for filing requirements see below). This calculation also gives the amount of income the IRS needs to leave you to live on during the year if they are garnishing your wages. This formula does not apply to Social Security taxes.

Filing Threshold: In most cases the numbers on the chart above represent the maximum gross income adults can make before the IRS requires a federal income tax return to be filed. Single: $8,200; Married filing jointly, $16,400; Head of Household, $10,500. The exceptions are: Married, filing separately, is $3,200, and additionally surviving spouse is $13,200. The filing threshold is a bit higher for people who are over 65.

This information is provided not to encourage one method or another but to provide the basis for informed decisions.

### 2005 IRS DEDUCTIONS AND EXEMPTIONS

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard Deduction</th>
<th>Personal Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$5,000</td>
<td>$3,200</td>
</tr>
<tr>
<td>Married, filing jointly</td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>Married, filing separately</td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Head of household</td>
<td>$7,300</td>
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</tbody>
</table>

An additional $1,000 standard deduction may be claimed by a married taxpayer who is at least 65 years old or blind. If the taxpayer is single, the additional standard deduction amount is $1,250. For those who are 65 and blind, a married taxpayer can claim a second $1,000 standard deduction — for a total of $2,000. If the taxpayer is single, s/he can claim a second $1,250 standard deduction — for a total of $2,500.

The personal exemption phases out at higher income levels (approximately $145,000 for singles).

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### Three Face Jail

Volpe himself was investigated and pursued by the FBI in the late 1970s and finally arrested in 1982 on charges of income tax evasion. He had been outspoken about his refusal to pay federal income tax since 1948 because of the connection to war. He spent four months in jail, but continued to refuse federal taxes until his death in 2000. A Jehovah’s Witness in 1944, Volpe also refused to be drafted, and since then the group has supported other conscientious objectors to military service.

A criminal trial and charge of conspiracy against war tax resisters is unusual. A disgruntled former member contacted the IRS about the business, and a particularly relentless local IRS agent pursued the case. U.S. District Judge Jerome B. Simandle set sentencing for April 1, 2005. A two- to three-year sentence is possible, but the recent changes in federal sentencing guidelines allow the judge discretion.

A statement from the society says, “The guilty verdict does not change our conviction that federal income tax pays for war and violates YAHWEH’S commandment, ‘Thou shalt not kill.’ We hope that more and more people will come to understand this, and will understand how unjust it is that our firm religious convictions were labeled as a conspiracy and used against us.”

### Frances Crowe

Frances Crowe is an activist in Western Massachusetts where she headed an office of AFSC for many years. She attends Mt. Toby Friends Meeting and was one of the key organizers in getting two radio stations in the area to air Democracy Now! Much of the text above is from an interview by Dean Grossholtz and Diana Riddle in the Valley War Bulletin (March 2004) with a few updates by the MTAP editor. Traprock Peace Center has an interview with Frances about conscientious objection on their website, http://www.traprockpeace.org/frances_crowe.html.

### WHAT YOU CAN DO:

Send letters of support: Write the judge prior to sentencing asking him to honor the sincere convictions of the group and impose no jail time. (Send letters to Hon. Jerome B. Simandle, Mitchell H. Cohen Federal Building and U.S. Courthouse, 1 John F. Gerry Plaza, Camden, NJ 08101.)

Attend the sentencing, scheduled for April 1 in Camden. Details and directions will be available on the Web site (www.nwtrcc.org) or by contacting the NWTRCC office.

Send letters of support to: The Restored Israel of YAHWEH, PO Box 801, Mays Landing, NJ 08330, or email them at restoredisraelofyahweh@att.net.
New England Gathering Looks at Iraq, WTR Outreach and Support

By Aaron Falbel

Last November over 40 people journeyed to Kennebunk, Maine, for the New England Regional Gathering of War Tax Resisters. The New School and a nearby Unitarian church provided a hospitable locale for the gathering.

The opening keynote address was given by Mary Trotochaud, who, along with her partner Rick McDowell, spent the past year in Baghdad representing the American Friends Service Committee (AFSC). Her presentation, along with a PowerPoint slide show that served as a backdrop, gave attendees of the gathering (and some members of the public) a sense of who the Iraqi people are, what they have endured and are still enduring, and how civic organizations are sprouting all over Iraq after the fall of the regime, showing the resilience and determination of the Iraqi people to shape their own destiny. Many questions were asked about the ongoing war—which one participant insisted should be called an invasion—and the U.S. occupation. It was a poignant and somber discussion, as Falluja and Mosul were being invaded and bombarded in the days before and after our gathering.

The next day turned to the main themes of the gathering: Spreading the Word and Practicing Mutual Aid. The themes were addressed through panel presentations and small group discussions. Concern was raised that we focus too much attention on Tax Day and don’t spread the word enough during the rest of the year. Other ideas were generated, such as tabling at other peace events and hanging banners over prominent highway overpasses. Regarding mutual aid, one participant, Bob Bady, felt that creating a strong, tight-knit, supportive community was the most important thing we could do. “If we create community, they will come,” he said. He felt this is why the religious right has had such an attraction for many people.

Many of the small group discussions seemed to turn into mini counseling sessions, with people asking technical questions about their own situations. This may be a sign that we as a movement—at least in New England—are not paying enough...
SOAW – Another Great Weekend!

A number of us had a fun and productive two days tabling at the School of Americas Watch events in Columbus, GA, November 20-21, 2004. There were over 16,000 people present this year for another very moving series of vigils, protests, speakers, music, concerts, organizational meetings, puppet performances, and the solemn funeral procession.

The NWTRCC table was well received, and it seemed to me people were more serious this year about getting information on how to really stop paying for the madness. I referred a lot of folks to local contacts on our network list, so if you are one of those, don’t be surprised if you get a call from someone who got your name at Ft. Benning.

Seventy-six people signed our sign-up sheets for introductory WTR packets, and we brought in about $65 in literature sales and donations. That’s not bad, since we were focusing on networking rather than selling, not to mention the 73 other tables hawking literature and goodies, too.

Mostly, we just had a great time being together again and working on such a good cause in the midst of such a responsive crowd of beautiful people.

Thanks to Jim Stockwell, Daniel Woodham, Clare Hanrahan, David & Oliver Waters, Zot Szurgot, Thad Crouch, Peg Morton, and whomever else I missed, for all their help in tabling and leafletting. Also to Kathy Kelly for speaking out for WTR every time she spoke—which was pretty often!

—Robert G. Randall II, Brunswick, GA

WTR Exhibit available from NWTRCC. See Resource Box to right for details.

...New England Gathering—Continued from page 4

attention to support/counseling issues.

Thanks to Stephen Soucy, Randy Kehler, Bob Bady, and especially to Larry Dansinger for organizing the gathering, to Daniel Sicken for handling publicity, and to Rick Gaumer, who coordinated the preparations of wonderfully delicious meals. ▼

Resources (Continued)

New Peace Tax Return!

Copying the success of a peace tax return used for the last few years by Conscience—the Peace Tax Campaign in Great Britain, NWTRCC has created a form for use in the U.S. The Peace Tax Return is designed to capture the anger about the war in Iraq and the billions of dollars being wasted there. Use it this tax season! There’s a section to return to the IRS, either for protest or resistance, and a section to return to NWTRCC so that we can track how many participate.

The Peace Tax Form can be downloaded from the NWTRCC website or ordered from NWTRCC. Multiple copies 8¢ each or send a stamped, self addressed envelope for single copies.

WTR Exhibit

Display it at your spring workshops or in libraries, schools, shopping centers, food coops—wherever you can think of—this tax season (be sure to send photos to NWTRCC). The National War Tax Resistance exhibit consists of six posters measuring 22” x 34” each, depicting the history of war tax resistance from 400 BCE to 2000 with one panel on current resistance outside the U.S. The exhibit posters are mailed in a tube, and purchasers should plan to mount it, such as on foam core, for display. Exhibits cost $30 for the set, which includes shipping and handling. (Sample page pictured to left.)

New Flier: “Students and War”

“Students and War” is available free to download from the NWTRCC website or contact the NWTRCC office for an original copy at 800-269-7464.

Order all of the above from the NWTRCC office, PO Box 150553, Brooklyn, NY 11215, (800) 269-7464.

▼
**NWTRCC BUSINESS**

**Nominations Needed!**

**What:** NWTRCC’s Administrative Committee (AdCom) seeks 3 new members.

**Deadline:** March 11, 2005

**Schedule:** New alternate members will be selected at the May 2005 meeting; terms start after the meeting.

**Terms:** Serve 1 year as alternate plus 2 years as full member

**Costs:** Travel is paid for full members or alternates filling in for full member.

**Benefits:** Great people to work with; pleasure of contributing to the smooth-running of the NWTRCC network; travel to fun places and meet interesting people.

**Time commitment:** AdCom meetings are the full day Friday before the weekend gathering, occasional emails and phone calls during the year, and some willingness to volunteer for an extra project according to interest and availability.

**Qualifications:** Interest in being part of NWTRCC’s decision-making structure; willingness to attend two meetings during the year; desire to help promote NWTRCC; geographic and gender considerations determined by current committee make-up.

**Current members:** Rick Bickhart* (NM), Peter Smith* (IN), Lincoln Rice (WI), Eszter Freeman (CA), Cicada LaFey (NC), Linda Holtzbaur (NY, resigned.)

*Terms are ending in May.

**Please contact the office for a job description, or send in nominations and we will follow up with further details. Affiliate groups should make a special effort to offer nominations. ▼

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**MARK YOUR CALENDARS!**

**Next National Coordinating Committee Meeting and War Tax Resistance Gathering**

**Nashville, Tennessee**

**May 6-8, 2005**

Details coming soon on our website and in our next newsletter.

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**NO LONGER A LUXURY**

“The telephone excise tax has become an anachronism. This “temporary luxury tax” has mutated into a regressive tax that hurts the poor. It cannot be justified as a user fee or a sin tax: the revenues are not earmarked for improvements, and the telephone does not injure anyone. The telephone excise tax distorts consumption patterns and discourages innovation in the telecommunications industry, thereby damaging American competitiveness. It lacks a philosophical foundation and reduces the well-being of Americans. The telephone excise tax should be repealed immediately.”

From a report for the National Taxpayers Union Foundation by Sarah Pugh, Associate Policy Analyst, September 1999.

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**…Phone Tax**

*Continued from page 1*

about it. In addition, I have heard similar stories from two other longtime phone tax resisters in New York City who were hassling with Verizon. Both of those individuals made “one more call” and got an employee who adjusted their accounts appropriately.

**PERSISTENT RESISTANCE**

Has something changed with our nemesis in New York City? Only time will tell, but one wants to believe that persistence is paying off. The IRS appears to have clarified some rules also, which may be having an effect (see “New Development” on page 2).

Of course, NWTRCC’s files are bulging with letters from resisters in every corner of the country about practically every phone company that ever existed, and people contact the office on this topic every day. There are some success stories amidst the many “what do you think I should do now?” letters. Cell phone companies are being especially intransigent, and we will be happy to hear of your success stories with any of those companies.

A few years ago there was serious talk at NWTRCC’s national gathering about dropping or at least down-playing phone tax resistance, because there seemed to be an increase in companies cutting off service. Our literature also emphasized this resistance as “easy” or “a good place to start,” and many felt that was misleading. Shortly after that discussion the Iraq War Tax Resistance contacted us about working together on a telephone tax campaign, so we were tugged back the other way.

We have tried to adjust our materials to indicate that dealing with the phone company can be a hassle while problems with the IRS are still unlikely. The website www.hanguponwar.org is an effort to give new phone tax resisters as much information as we can to avoid surprises later. In addition, we do want to remind people of the educational opportunities each time we contact a phone company to tell them about this tax as a war tax and the need to change budget priorities. We are reminded of the story from Northern California WTR a couple years ago about the phone company employee who showed up at one of their workshops because she’d been getting those calls for years.

Finally, though we hassle with the companies, it doesn’t mean that the government is unaware of such resistance; on the contrary, when the telephone tax campaign really heated up during the Vietnam War, the government reacted by seizing property in some cases. There is no doubt that someone is monitoring very closely government receipts from the telephone excise tax. ▼

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**PAGE 6 More than a paycheck • February 2005**
CLEVELAND, OHIO

“A Witness to Love and War Tax Resistance” was held on December 18, 2004, at the North Presbyterian Church in Cleveland, Ohio, in response to the IRS garnishing Maria Smith’s wages. About 50 people attended the liturgical program that included music, readings, speakers, and dance. Maria has been a war tax resister with her husband Charlie Hurst since 1986, and first the IRS attempted to levy his church wages, which turned out to be too low to satisfy them.

The couple has long had a history of interactions with IRS collection efforts (see MTAP, December 2002), and during the past two years they have pursued two due process hearings with the IRS. In both cases Maria felt they had very positive interactions with IRS officers, even if the end result was the same. While the officers entered the meetings with an “either you owe or you don’t” attitude, the war tax resisters came with witnesses and insisted that the officers hear their reasons for refusing to pay federal income taxes. In the end, the IRS report on the couple included an understanding of their deeply held religious convictions and motivations.

Because their support group is small (but strong), they did not try to organize public actions outside the hearings, except at one time another group happened to be working on an event that coincided with a hearing date, so they teamed up and held a good supportive action outside the hearing.

Besides the salary levy at legal aid where Maria is an attorney, the IRS also tried to levy her bank account last fall. Maria called immediately and told the IRS officer that the bank account held only the money that was exempt from the salary levy, making it a “double levy.” Maria discussed her war tax objections and spoke with the agent for some time; she was told the money was “exempt” from the IRS, and that was that.

The group responded to this activity by sending out a press release December 6, 2004. Around the same time Texas journalist Greg Moses interviewed members of the group and wrote an excellent article, “Ask Not Who Bankrolled Falluja: War Tax Resisters Opt Out,” that has appeared since December 7, on many websites and has been circulated widely by email. It can still be read at http://www.cOUNTERPUNCH.org/moses12092004.html or http://www.uruknet.info/?p=7920 (a site from Italy with a link for instant translation into many languages), or contact the NWTRCC office for a copy.

AUSTIN, TX

Increased seizures of wages and bank accounts by the IRS have kept Austin Conscientious Objectors to Military Taxation (ACOMT) busy. A state worker has had her bank account seized twice and recently received garnishment notices from the IRS. A non-profit employee was forced to reduce his income to the poverty level of $662.50 per month to avoid repeat levies. After eleven years of inaction by the IRS, an office worker had his wages garnished.

An emergency room doctor, whose car was seized in 1991, was recently visited by an IRS agent and faced possible seizure of her wages and another car. A teacher, who is new to war tax resistance, has already begun receiving collection notices. Another group member, a housesitter and artist, continues living intentionally below taxable level to legally avoid paying war taxes.

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ACOMT held a public redirection of $1,300 in tax resisted monies on December 23, that was written up in the Austin Chronicle. Money was redirected to Casa Mariannella and Posada Esperanza, shelters for immigrants and refugees. Their statement about the redirection said, “...when we compare our risks with those of Casa residents whose arduous journeys to the U.S. often have involved huge costs, or if we compare our risks with those of a U.S. soldier or Iraqi civilian, we are humbled.” Group member Andy McKenna had an op-ed piece about taxes and war and his own wage levy appear on the website antiwar.com and in the daily Austin American-Statesman on January 19.

Information about the group’s activities is on their website: www.acomt.org.

LOCAL SHORTS

...Over the Martin Luther King Jr. holiday weekend Sonoma County Taxes for Peace held a workshop in Caspar/Mendocino and displayed the new war tax resistance Exhibit. Jef Schultz reports, “The posters were a hit.”

...Peg Morton of Taxes for Peace Not War in Eugene, OR, says that the group has been invited to do a war tax resistance workshop at the Unitarian Church, with a possible second workshop at the Congregational Church. They are planning their public redirection of pooled telephone tax resisted monies and may expand it to pooling their income tax money too, which in the past they have redirected individually.

...New York City War Tax Resistance plans a public event on war tax resistance March 21 at the Brecht Forum, which is opening a new space in the West Village for their progressive programs and political workshops.

...The Jeannette Rankin Peace Center in Missoula, Montana, has requested a war tax resistance program, and the Nonviolent Action Community of Cascadia plans to set up a program with them.

...Activists with the St. Louis Covenant Community of War Tax Resisters will table and represent NWTRCC at the United for Peace and Justice Assembly Feb. 18-20 in St. Louis.
We should be telling people how good it feels to separate yourself from this awful war.

This will be my third year of not paying any federal [income] taxes. My conscience simply would not permit me to. I really reached the point where I just very deeply felt I could not pick up the pen and write the check. I was a total hypocrite, running around talking about these things, and feeling so strongly, while still funding them.

It was when the war started that I really said, “No, I cannot pay.” I wrote a letter to the government saying, “I’m a Quaker. I can no longer support the military budget. I don’t believe in this war. It is an illegal government, talking about conducting an illegal war and I cannot cooperate.” I’ve been open about it and I file. I wrote them a letter about why I didn’t pay and sent copies to my Congress people and the President. I didn’t hear from any of them. Then I heard from the IRS that I had filed a frivolous claim and that they were going to fine me $500. I called them up and asked, “What is frivolous about it? It is not a frivolous thing for me to break the law. It was a very serious thing and I understand what I’m doing.” And she said, “Refile but don’t put any paper in with it. Just refile. Send a copy of what you sent.” I did and I didn’t hear any more.

I’m not making it easy for them to get my money. I put my house and everything else in a trust for my children. I didn’t want to hurt my children or other people but I’m willing to take the full consequences of my actions. I don’t know what the effects will be, but for me, on this issue, that isn’t the most important thing. It’s a deep moral, ethical, and philosophical position.

If we got thousands of people to do this, it would be a powerful strategy. I think it is absolutely necessary and we won’t have real change until we have boycotts and withholding such as that. That’s one of the reasons I talk about it so much. I’d love to see a movement where people refuse to pay for war. It really is a wonderful feeling all day and all night knowing I’m not paying for this.

Now I’m really conflicted. I pay state taxes because I think the services are so desperately needed. But the Massachusetts National Guard is in Iraq, some of my taxes are supporting that... I really feel the only answer is for this state to secede from the Union. It would be great if all of New England would because we could keep our money here to take care of the needs of the people.

My experiences with draft counseling during the Vietnam War was that when you can bring people together and get them to start talking about these things and giving support, they will change. ...The trouble is that people are too comfortable. They are not hungry, and they are so totally caught in by the major media that they’re just shopping and entertaining themselves and feeling that they have to be happy all the time and diverted. I like to be comfortable. I like a warm bath and I like a comfortable bed at night. I don’t like being hungry.

But there is something else also to life, the joy of struggle, that not enough people have tasted. And the joy of community, and the joy of cooperation, instead of competition; these are the values that I want to perpetuate and talk

Continued on page 3