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**It Is About Control:  
Progressivism, FATCA and Global Law**

by

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## Abstract

Progressive ideology has slowly eroded American principles for over a century, declaring social control its ultimate goal. Social control is not possible while American principles, such as individual freedoms and limited government, thrive. Global control is now the favored progressive tactic to overcome such principles, and no sector of our lives is off limits.

This paper intends to examine the motives behind, and consequences of, U.S. legislation known as the Foreign Account Tax Compliance Act (“FATCA”). Thanks to FATCA, financial institutions around the world have been forced into a sphere of global control. Passed without debate as stealth legislation, FATCA moved us towards global control. FATCA is merely a pit-stop to global control over all financial institutions, transactions, reporting, and a host of other areas. Even worse, the pit-stop is a short one. International organizations are currently working on a global version of FATCA.

## Key-words

FATCA, sovereignty, taxation, individual rights, freedom, international, progressivism



## 1. Introduction

For over a century, Progressive ideology has methodically eroded American principles and freedoms. The roots of Progressivism stem from Socialism and subscribes to the misguided belief that America, her freedoms and Capitalism stand in the way of a utopian secular society.<sup>I</sup> The term “Progressive” is descriptive of the agenda itself; gradual steps towards an end goal which condition the masses for change. Progressivism is slowly eroding our individual freedoms while at the same time bolstering ideas of global government and so-called collective rights.

To ultimately achieve the redistributive goals of Progressivism, global control is a necessary precursor. As such, principles of freedom, specifically those of individual liberties and national sovereignty, must be eroded. This is precisely why Progressives argue the United States Constitution and other founding documents are outdated, “living documents” that can change over time (see Hamburger 2015: Ch. 23, 429-481). This is because those documents lay out that our individual rights do not come from government, are “inalienable,”<sup>II</sup> and government’s only role is to protect them. Global control is not possible without the erosion of such principles.

While the shift towards global control may be subtle, it has long been in the works with many progressive steps taken along the way (see Swank 2014, citing excerpts from Skousen 1963). As Socialist leader Norman Thomas said, “[t]he American people will never knowingly adopt Socialism. But under the name of ‘liberalism’ they will adopt every fragment of the Socialist program, until one day America will be a Socialist nation, without knowing what happened.”<sup>III</sup> Each small step conditions the masses for the next.

The Foreign Account Tax Compliance Act (“FATCA”) is a Progressive step towards global economic control. From 2008-2010, Progressives in the United States controlled both Houses of Congress and the White House. Not surprisingly, several highly controversial laws were passed during this time.<sup>IV</sup> One such piece of legislation is FATCA. FATCA’s stated goal is to deter tax evasion. That, however, is nothing but a talking point. FATCA is a Progressive step which slowly normalizes ideas of (1) global control, (2) violations of national sovereignty and (3) loss of individual rights, especially privacy.<sup>V</sup>



Although immense power is given to the Internal Revenue Service (“the Service”) under the FATCA regime, it will eventually succumb to the weight of global authorities. Once the rest of the world is conditioned to report to a global authority, the United States will find it impossible not to conform.<sup>VI</sup> As it has been predicted, “[o]ver the next 20 to 30 years, we are going to end up with world government. It is inevitable...” (Garrison 1995). FATCA has thrust us toward global, centralized control.

## 2. The Implementation of FATCA

FATCA has been surrounded by controversy since its inception. In 2010, when Progressives controlled both Houses of Congress, FATCA was slipped into the Hiring Incentives to Restore Employment Act (“HIRE Act”) without debate. President Obama then promptly signed the bill into law (Garrison 1995). The HIRE Act was aimed at tax incentives for employers hiring previously unemployed workers - a clearly unrelated issue to tax evasion (Christians and Cockfield 2013: 10).

FATCA itself was never passed as legislation on its own. It is stealth legislation. In theory, all federal laws should be revenue neutral going forward. Therefore, FATCA was included in the bill as an offset to costs in the HIRE Act (Yonge 2014; see also Bean and Wright 2015). Although the strategy of passing stealth legislation without public support or debate is contrary to America’s founding principles, it is not shocking considering the political climate at the time. What is shocking, however, is the unprecedented nature of FATCA. Although FATCA was signed into law in 2010, a full implementation was not attempted until 2014 due to difficulties caused by the far-reaching arms of this legislation (Hirschfeld 2013: 688).

### 2.1. Overview of FATCA

At its core, FATCA is a reporting regime for U.S. taxpayers with assets and interests overseas. “FATCA’s stated purpose is to detect and deter offshore tax evasion by requiring all Foreign Financial Institutions (“FFIs”), non-U.S. trusts, and non-U.S. corporations to identify and annually report information to the Internal Revenue Service (“IRS”) about their US accountholders” (Shepsman 2013: 1771). All U.S. taxpayers must comply with FATCA reporting by submitting Form 8938, Statement of Specified Foreign Financial Assets, with



their federal tax return (Jaffe & Co. 2014). If the aggregate value of one's foreign accounts exceeds fifty-thousand dollars, or two-hundred thousand dollars for U.S. taxpayers living abroad, the reporting requirements under FATCA are triggered (Karch and Roberts 2015).

What is most disturbing is that under FATCA the Internal Revenue Service unilaterally demands that foreign governments and foreign financial institutions turn over private information with no evidence of wrong-doing. Not only foreign banks, but brokers, investment firms, insurance companies and some non-financial foreign entities are forced to report to the Internal Revenue Service (Jaffe & Co. 2014). National sovereignty and foreign laws are completely disregarded under the FATCA regime.

It seemed unlikely that FATCA's approach would be successful. Congress and the Service, therefore, made it nearly impossible not to comply. "The overseas entities that do not comply with FATCA's provisions face a thirty percent withholding tax on *all* U.S.-sourced withholdable payments [...]"<sup>VII</sup> The withholding tax penalty for not complying with FATCA effectively forces either compliance or a divestiture of all U.S. holdings.<sup>VIII</sup> It appears there is no real choice when it comes to FATCA compliance.

FATCA has been called "unprecedented in history, out of step with international practice, and unjustified as a matter of international tax norms" (Christians and Cockfield 2013: 2)<sup>IX</sup>. In addition, it is an "abandonment of the United States' previous policy of negotiating with countries" (Shepsman 2013: 1803). The United States, through FATCA, is behaving like a global economic dictator, and even more frightening, a global information gatherer.<sup>X</sup>

## 2.2. Intergovernmental Agreements Under FATCA

Before FATCA was fully implemented,<sup>XI</sup> privacy concerns arose across the globe. The U.S. federal government, therefore, looked for a way to implement FATCA with a softer approach. What followed was the creation of two model intergovernmental agreements ("IGAs"). Foreign cooperation with the implementation of FATCA is now widely done through the use of the two model IGAs.<sup>XII</sup>

The two models, known as Model 1 and Model 2, differ only by how information from foreign financial institutions ("FFIs") is divulged to the Internal Revenue Service. The United States worked with France, Germany, Italy, Spain and the United Kingdom in order to draft the first model IGA.<sup>XIII</sup> "On July 26, 2012, the U.S. Department of the Treasury



(“Treasury”) released the Model 1 IGA” (Ferris 2014: 2). Shortly thereafter, on November 14, 2012, Treasury released the Model 2 IGA (Ferris 2014: 2). Under Model 1, foreign financial institutions must divulge private customer account information to their home country, which in turn divulges that information to the Internal Revenue Service. Under Model 2, foreign financial institutions divulge private account information directly to the Service. Regardless, under either model the outcome is the same; the coerced exchange of information between the Service, foreign countries and foreign financial institutions.

The information in the following chart (“Chart A”) is derived from the Department of Treasury website and depicts the most updated information regarding countries that currently have a FATCA IGA with the United States, organized by the type of model adopted.<sup>xiv</sup> It is notable that most developed countries currently have a Model 1 IGA in effect.

CHART A			
Model 1			Model 2
Algeria	Georgia	New Zealand	Armenia
Angola	Germany	Norway	Austria
Anguilla	Gibraltar	Panama	Bermuda
Antigua and Barbuda	Greece	Peru	Chile
Australia	Greenland	Philippines	Hong Kong
Azerbaijan	Grenada	Poland	Iraq
Bahamas	Guernsey	Portugal	Japan
Bahrain	Guyana	Qatar	Macao
Barbados	Haiti	Romania	Moldova
Belarus	Holy See	Saudi Arabia	Nicaragua
Belgium	Honduras	Serbia	Paraguay
Brazil	Hungary	Seychelles	San Marino
British Virgin Islands	Iceland	Singapore	Switzerland
Bulgaria	India	Slovak Republic	Taiwan
Cabo Verde	Indonesia	St. Kitts and Nevis	
Cambodia	Ireland	St. Lucia	
Canada	Isle of Man	St. Vincent and the Grenadines	
Cayman Islands	Israel	Sweden	
China	Italy	Thailand	
Colombia	Kuwait	Trinidad and Tobago	
Costa Rica	Latvia	Tunisia	
Croatia	Liechtenstein	Turkey	
Curaçao	Lithuania	Turkmenistan	





Cyprus	Luxembourg	Turks and Caicos Islands
Czech Republic	Malaysia	Ukraine
Denmark	Malta	United Arab Emirates
Dominica	Mauritius	United Kingdom
Dominican Republic	Mexico	Uzbekistan
Estonia	Montenegro	
Finland	Montserrat	

It is more difficult to gather information regarding countries that do not have an IGA with the United States (see Alciere 2016). The following chart (“Chart B”) depicts information regarding the countries that do not currently have an IGA with the United States, organized by geographical region.<sup>xv</sup>

CHART B							
<b>Caribbean</b>	Cuba						
<b>Pacific Islands/Oceania</b>	Fiji	Kiribati	Marshall Islands	Micronesia	Nauru	Palau	Papua New Guinea
	Samoa	Solomon Islands	Tonga	Tuvalu	Vanuatu		
<b>South/East Asia</b>	Bangladesh	Bhutan	Brunei Darussalam	Laos	Maldives	Mongolia	Myanmar
	Nepal	Sri Lanka	Timor-Leste	Viet Nam			
<b>Central/South America</b>	Argentina	Belize	Bolivia	Ecuador	El Salvador	Guatemala	Suriname
	Uruguay	Venezuela					
<b>Europe</b>	Andorra	Monaco					
<b>Eastern Europe</b>	Albania	Bosnia and Herzegovina	Russia	Macedonia			
<b>Middle East</b>	Afghanistan	Iran	Jordan	Kyrgystan	Lebanon	Oman	Pakistan
	Syria	Tajikistan	Lebanon				
<b>Africa</b>	Benin	Botswana	Burkina Faso	Burundi	Cameroon	Central African Republic	Chad
	Congo	Cote D'Ivoire	Egypt	Equatorial Guinea	Eritrea	Ethiopia	Gabon



Gambia	Ghana	Guinea	Guinea Bissau	Kenya	Lesotho	Liberia
Libya	Madagascar	Malawi	Mali	Mauritania	Morocco	Mozambique
Namibia	Niger	Nigeria	Rwanda	Sao Tome e Principe	Senegal	Sierra Leone
Somalia	South Sudan	Sudan	Swaziland	Tanzania	Togo	Uganda
Yemen	Zambia	Zimbabwe				

### 2.3. FATCA's Duplicative Nature

The United States already possesses the ability to collect information needed to fight tax evasion, but not surprisingly, does not fully utilize its ability to do so (Christians and Cockfield 2013). In fact, FATCA is duplicative in many respects when compared to current laws and treaties. Where FATCA is not duplicative, on the other hand, is in (1) its vast expansion of data collection, (2) lack of negotiation and, (3) usurpation of sovereign laws. These are clues as to the underlying motives behind FATCA's enactment.

The Service already has a reporting regime in place for U.S. taxpayers with overseas assets known as the Foreign Bank and Financial Accounts Report ("FBAR"), also designed to deter tax evasion (Harvey 2013: 339—40).<sup>xvi</sup> The requirements of FATCA and FBAR reporting have much overlap. FATCA reporting differs from FBAR, however, by significantly increasing the amount of information the Service collects and, more shockingly, by forcing foreign financial institutions and foreign nations to divulge private information without evidence of wrongdoing, even if contrary to the sovereign laws of the foreign nation (Christians and Cockfield 2013: 10).

Further, FATCA has a far greater reach than FBAR. FATCA requires disclosure of additional financial assets not held in foreign accounts (Jaffe & Co. 2014). "This means not only currency and assets held in foreign bank/custodial accounts, but also assets such as shares and bonds not held in custodial accounts (e.g., share certificates)" (Jaffe & Co. 2014). Although there is much overlap with current law, as a result of FATCA there is a vast expansion of data collection by the Service.

Current tax treaties exemplify the duplicative nature of FATCA as well.<sup>xvii</sup> The United States has previously conducted its international tax affairs using the bilateral approach of tax treaties. Under that method, there has been robust sharing of information without the





violation of either's tax system or sovereignty (Christians and Cockfield 2013: 7). "All of the goals the United States' seek to achieve in FATCA are achievable within this rubric" (Christians and Cockfield 2013: 8). Despite this, FATCA was forced onto the global scene. Under FATCA, the United States is now behaving like a global authority, paving the way for global control.

So the question remains, why the need for FATCA? Never before has a foreign jurisdiction unilaterally forced foreign governments and foreign financial institutions to divulge private information without evidence of wrongdoing.

### 3. FATCA Conditions the World for Global Government

Progressives are well versed in human behavior and techniques for controlling the masses (see Grant 2010). Therefore, the same techniques and talking points are routinely used in Progressive circles. FATCA takes several steps towards the total erosion of national sovereignty and individual rights. Progressive fingerprints are all over FATCA.

#### 3.1. The Erosion of National Sovereignty

An erosion of national sovereignty is necessary for global control to take root. The power of taxation is a necessary component to a nation's claim of national sovereignty and autonomy (Christians 2009: 104). Enter FATCA - a well-crafted, Progressive step used to normalize losses of national sovereignty. Although the Internal Revenue Service is not a global agency, nations around the globe are nevertheless being conditioned to report to a foreign authority. FATCA is simply a pit stop to prepare the masses for global control.

The importance of sovereignty is laid out in the founding documents of the very country forcing FATCA onto the world. Respect for the sovereignty of the independent United States is required by her Constitution.<sup>xviii</sup> To quote the 10<sup>th</sup> Amendment, "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."<sup>xix</sup> Each State is its own testing ground with unique needs, policies and laws. Therefore, the people can choose which laws work best and government is close to home. Sovereignty goes hand-in-hand with ideals of freedom and local control. Because of this, principles of national sovereignty, especially over issues like taxation, should be respected globally.



From the League of Nations to the United Nations, however, for nearly a century countries have been convinced to give up their sovereignty and submit to the global community, often in the name of world peace and cooperation.<sup>xx</sup> Such countries are easier converts than more autonomous nations like America.<sup>xxi</sup> That does not mean, however, that countries like America are immune to the effects. Once nations are conditioned to function in this manner it will be nearly impossible for the United States, and all other nations, not to come onboard.

There is no doubt that national sovereignty is under attack. The principle that nations have sovereignty over taxation inside their borders is falling by the wayside (Christians 2009: 100). It is slowly being replaced by international community efforts which are redefining international tax norms (Christians 2009: 100). FATCA is part of that effort. FATCA implementation not only impedes with, but overrides laws of sovereign nations. FATCA treats national sovereignty as a mere suggestion.

Canada is an important example of the negative impacts of FATCA due to the amount of U.S. taxpayers living there.<sup>xxii</sup> A recommendation submitted to the Canadian government concluded that the FATCA intergovernmental agreement (“IGA”) “impede[s] Canada’s efforts to enforce its own tax laws” (Christians and Cockfield 2013: 2). This is illustrated by new legislation enacted to comply with FATCA requirements. The Canadian government was forced to enact the Implementation Act due to conflicts between Canadian law and FATCA requirements.<sup>xxiii</sup> Section 4 of the Implementation Act declares that rules under the FATCA IGA are superior to all Canadian law except her tax code.<sup>xxiv</sup> Important privacy laws, among others, are completely ignored under FATCA, and Canada is not the exception.

Where is the push-back from free nations over FATCA’s violations of sovereignty? Many developed nations, like members of the G20, support implementation because it provides them with more data and, therefore, more opportunity to tax their residents.<sup>xxv</sup> The will of the people has been replaced by the will of the Progressive global elites.

### 3.2. The Erosion of Individual Rights

Another necessary component to the establishment of global control is the erosion of individual rights. A hallmark of Progressive ideology is the denial of our individual rights in



favor of so-called collective rights. The erosion of individual rights is quite often coupled with Progressive cries of security or emergency (see Hamburger 2015: Ch. 23 at 419—39).

Privacy rights are especially vulnerable under FATCA, if not completely disregarded. No evidence of wrongdoing is required for violations of privacy that occur under FATCA. Congress may need a reminder that general warrants are forbidden by the U.S. Constitution.<sup>xxvi</sup> Government must have cause to violate the privacy rights of an individual. Despite this, violations of privacy regularly occur under FATCA, providing the Service with a vast network of information. The United States, via the Service, now has the power to go on “fishing expeditions” for information by receiving “bulk tax information” (Christians and Cockfield 2013: 23—24). Gone are the days where the Service must have a legitimate reason to request information. As it has been noted, it “certainly provide[s] the IRS with a treasure trove of information” (Shepsman 2013: 1811). Just as Alexis de Tocqueville predicted, the American people have been lulled into giving up individual freedoms.<sup>xxvii</sup>

Even worse, “U.S. legislators have already advocated treating FATCA-related information as non-tax return information.”<sup>xxviii</sup> This means the data are not subject to privacy laws in the United States, but are instead easily accessible to all departments of the government combating crimes other than tax evasion (Christians and Cockfield 2013: 24). Given the retaliatory nature of the Internal Revenue Service and other executive agencies, as most recently exposed under the Obama administration, this is a troubling trend.<sup>xxix</sup>

FATCA violates the privacy rights of not only U.S. residents, but individuals around the globe. As a Canadian report described,

[...] FATCA and the IGA unduly harm the privacy interests and rights of Canadians in part because detailed financial information concerning hundreds of thousands of Canadians would be transferred to a foreign government for the first time. Canada is getting nothing in return for this privacy giveaway other than the relief of the threatened economic sanctions. (Cockfield 2014)

The report highlights not only the erosion of privacy rights stemming from FATCA, but also the economic bullying tactics now used by the global community.

To add insult to injury, violations of privacy under FATCA do not likely increase the Service’s ability to catch tax evaders. “American tax policy observers and lawmakers have



already noted that even the expansive surveillance set up under FATCA will be insufficient to catch tax evaders.”<sup>xxx</sup> This is likely because “FATCA is designed to secure information about taxpayers,” and not to catch tax evaders (Christians and Cockfield 2013: 23). As we all know, with information comes power.

#### 4. The Rise of Global Authorities

Because the shift towards global control has been gradual, the concept of global authorities is nothing new.<sup>xxxI</sup> A poignant example of their ascent and, more importantly, the power with which they have is the Organization for Economic Cooperation and Development (“OECD”). It, like other global authorities, has slowly gained influence and power which is supplanting national sovereignty around the globe.

The OECD is currently a global organization consisting of thirty-four member countries.<sup>xxxII</sup> “For the most part, these OECD members control the bulk of the world’s capital, and have similar interests as mature industrialized nations with service and technology-oriented economics” (Cockfield 2006). As for the OECD’s mission, it is rather unclear. Since its inception, the OECD has continued to change its directives and focus (Van Kerckhoven and Wouters 2011: 348—51). “The mission of the OECD has always been one of the least well-defined among international economic institutions” (Van Kerckhoven and Wouters 2011: 349). Perhaps this is part of the secret to its longevity and influence.

Although the OECD has no official authority to dictate global law, its influence is powerful and has a global reach.<sup>xxxIII</sup> The OECD has power in the form of “soft law” by which it attempts to influence nations through economic or political persuasion and pressure (Christians 2009: 119). For example, the OECD sets the standards for international tax treaties and multi-national corporate transactions. Countries are forced to adhere to these standards due to global pressure. The ability to gain influence through political pressure is concerning because policy is usually driven by political factors instead of the needs and rights of each independent nation.

The OECD, as is the norm for today’s global authorities, has all of the hallmark traits of Progressivism. For example, the OECD has made it clear that it disfavors national sovereignty and instead supports control at a global level. The OECD has articulated that it



“prioritizes responsibility to the international community over the individual autonomy of nations” (Christians 2009: 100). In addition, the OECD’s efforts are “endorsing economic coercion rather than encouraging voluntary association” (Christians 2009: 100).

Violations of sovereignty can further be seen in the OECD’s work to reduce what it calls “harmful tax competition” (Christians 2009: 101), or as the rest of us call it, free-market competition.

The essential tension in the OECD’s work to curb harmful tax competition arises from the intersection of the idea that nations are entitled to self-determination in most regulatory matters, including taxation, with the reality of a global marketplace. By articulating standards for appropriate tax competition, the OECD is signaling a major conceptual shift away from the conventional view that equates sovereignty with complete state autonomy over tax matters. [...] Recognizing ourselves as parties to a global social contract would require a fundamental reassessment of the conventional standards of tax policy design. Instead of focusing on national tax policy as appropriately reflecting only or even primarily the needs and wants of national constituents, a global social contract would require national policy to reflect outward as well, to consider the needs and wants of the worldwide community. (Christians 2009: 101-102)

The policies of the OECD fall in line with Progressive ideology. “Whether intentionally or not, a group of people within the OECD is advancing the dialogue and the debate by implicitly proposing a theory of sovereignty that does not support absolute autonomy in taxation” (Christians 2009: 148).

The OECD is currently working to push global law onto the world’s economies in several areas. The OECD has already had success influencing corporate tax law under what it calls the Base Erosion and Profit Shifting (“BEPS”) Project. Under BEPS, the OECD released a set of 15 Action Plans set out to curb companies from using favorable tax laws in certain jurisdictions.<sup>xxxiv</sup> Countries with favorable tax rates have been villainized and targeted. The international community, for example, successfully forced Ireland, a sovereign country with favorable corporate tax rates and structures, to change and even eliminate some its more favorable structures. Instead of attempting to emulate Ireland and attract foreign investment through competitive policy, OECD member nations have pushed Progressive tactics and ideology onto sovereign nations. Sovereignty and ingenuity are being erased with sweeping strokes.





#### 4.1. Global FATCA

For those quick to think this is all dramatics or over-exaggeration, global FATCA is quickly becoming a reality. As I write this article, the OECD is working on a global form of FATCA.

In 2014, at the request of the G20, the OECD released two model documents in order to help facilitate a global reporting standard for information sharing (Ernst & Young 2014). The OECD released a model Competent Authority Agreement (“CAA”) and a Common Reporting Standard (“CRS”), which were based on the FATCA Model 1 IGA (Ernst & Young 2014). The CRS focuses on procedure and must be implemented into local law, whereas the CAA is aimed at effective information sharing standards (Bean and Wright 2015: 32). The work is aimed at creating global standards for the exchange of information (Jarvis-Blees 2014). “[The CRS] is already being referred to in some quarters as ‘GATCA,’ ushering in a global standard for the exchange of financial information” (Jarvis-Blees 2014). Over 50 significant jurisdictions have already signed on to implement the CRS by 2017 (Macdonald 2015).

The fingerprints of Progressivism are all over these model documents. For example, the OECD Background Information Brief addressed problems with the CAA and CRS by stating that “the standard will be a ‘living system’ and so may need to ‘evolve over time’” (Ernst & Young 2014). Sound familiar? Further, the CRS will need to be implemented into local law in every jurisdiction and will impact more accounts than FATCA (Ernst & Young 2014). As predicted, a global authority is now violating individual rights and sovereignty around the world. The shift to global control is nearly complete.

### 5. Conclusion

FATCA is not the first Progressive step taken towards global economic control. It is only one of many steps taken in the Progressive march. The desire for control is not inclusive of taxation either. The step towards global control is currently underway in all areas of our lives.<sup>xxxv</sup> As for the financial world, “[T]he ‘Age of FATCA’ is upon us, changing the international banking scene for good” (Bean and Wright 2015: 26, citing Whitaker 2013). Until we open our eyes and realize the course we are on, we will never be able uphold principles of freedom. Of course, we could get rid of all of this bureaucracy by





simply abolishing the Internal Revenue Service and restoring what our founders envisioned, but we will leave that conversation for another day.<sup>xxxvi</sup> Those who do not learn history are bound to repeat it, and those who do not understand the aims of the ideologies at work in the world are bound to fall victim to them.

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<sup>I</sup> Big government progressives are currently a problem in both major American political parties; for a deeper discussion of Progressive ideology see D'Souza 2016.

<sup>II</sup> The Declaration of Independence para.2, 2<sup>nd</sup> Continental Congress (U.S., July 4, 1776).

<sup>III</sup> Norman Thomas, U.S. Presidential candidate for the Socialist Party of America (1948), <http://www.goodreads.com/quotes/548340-the-american-people-will-never-knowingly-adopt-socialism-but-under> [last viewed Jan. 25, 2016]. Progressives have been more successful than even they predicted. Look at the rise of Senator Bernie Sanders. He is a proud Socialist and gained much support in the 2016 primaries. No longer do Marxists & Socialists have to hide under the cover of terms like 'liberal' or 'progressive.' We are so divorced from our principles that Americans now willingly accept these departures from freedom and individual rights.

<sup>IV</sup> Recall, it was also around this time that the Senate pushed through the highly unpopular Affordable Care Act, also known as Obamacare, in the dead of night on Christmas Eve 2009. The House passed it several months later. It was shortly thereafter that the American people voted out the Democrats and they lost control of the House. It is also worth mentioning that the American people were fed up with Progressive Republicans as well.

<sup>V</sup> In addition, FATCA makes it less desirable to be considered a U.S. person and devalues the dollar. The Progressive agenda to downgrade America is accomplished on many fronts, *see* Bean and Wright 2015.

<sup>VI</sup> Once the world is used to operating within a system of reporting to a foreign centralized agency, that system will be implemented against the United States.

<sup>VII</sup> 26 U.S.C. §§1471–72 (2012), *see also* Shepsman 2013: 1771 [emphasis added].

<sup>VIII</sup> Behrens 2013: 208—09 (wherein he talks about the effects and likely responses of FFIs to the implementation of FATCA); and at 213—14 (wherein he states, “The primary factor encouraging foreign entities to comply is avoidance of withholding”).

<sup>IX</sup> *See also* Cockfield 2014: 10.

<sup>X</sup> This is another “fundamental change” to use progressive speak. Although progressives love to characterize the United States as an evil dictator, there is little truth to most of their revisionist history. With the passage of FATCA, however, the United States is dictating its law to the rest of the world, forcing institutions to violate the laws of their home country and foreign countries to write new domestic laws to allow for FATCA compliance. Progressive policy is a source of tyrannical control.

<sup>XI</sup> Although FATCA was passed into law in 2010 it was not fully implemented until 2014, and even then certain requirements have been continuously pushed out to future dates; *see* Hirschfeld 2013.

<sup>XII</sup> *See* U.S. Department of Treasury (*online at*: <https://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA.aspx>).

<sup>XIII</sup> OECD Newsroom, Tax, *OECD Welcomes Multilateral Efforts to Improve International Tax Compliance and Transparency*, July 26, 2012 (*online at*: [www.oecd.org/newsroom/taxoecdwelcomesmultilateraleffortstoimproveinternationaltaxcomplianceandtransparency.htm](http://www.oecd.org/newsroom/taxoecdwelcomesmultilateraleffortstoimproveinternationaltaxcomplianceandtransparency.htm)).

<sup>XIV</sup> *See* <https://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA.aspx>.

<sup>XV</sup> Although this list is not complete, it is the most updated information that is currently available, *see* <http://non-fatca-banks.com/> [last viewed March 11, 2016], the information on Lebanon is derived from Bean and Wright 2015. The majority of countries without IGAs are undeveloped or economically unstable, however, a few, such as those in Europe and Oceania, appear to be tax havens.

<sup>XVI</sup> (Wherein he describes the overlap of information between the FBAR and FATCA's new reporting form, Form 8938).

<sup>XVII</sup> *See* Christians & Cockfield 2013. *See also* Behrens 2013: 224-25 (wherein he discusses the impact on existing tax treaties and foreign laws).



<sup>xviii</sup> Many top American law schools do not teach the 10<sup>th</sup> Amendment in Constitutional law courses. That also goes for the 2<sup>nd</sup> Amendment, the Contracts Clause, and most other parts of the Constitution that demand limited government. The focus is usually on areas such as the Commerce Clause, which has been used by the federal government to overreach its power in significant ways.

<sup>xix</sup> U.S. Const., Amend. X (1791).

<sup>xx</sup> This is not exclusive of territorial sovereignty over taxation. For instance, the Euro is an example of a voluntary loss of sovereignty over the coining of money.

<sup>xxi</sup> Citizens of nations like those in the European Union have already been conditioned to accept losses of sovereignty. It is much easier to impose a regime like FATCA on citizens of those countries than on a citizenry like that of the United States.

<sup>xxii</sup> Bean and Wright 2015: 23-24 (discussing how several Canadians are suing the Canadian Government due to the violations occurring under the FATCA IGA).

<sup>xxiii</sup> The Statutes of Canada, S.C. 2014, C. 20, S.99 (June 19, 2014), *see also* Cockfield 2014: 10

<sup>xxiv</sup> *Ibid.*

<sup>xxv</sup> *See* Bean and Wright 2015: 19, *citing* Newman 2014.

<sup>xxvi</sup> U.S. Const. amend IV (Dec. 15, 1791); for a discussion on general warrants and freedom *see* Hamburger 2015.

<sup>xxvii</sup> Hamburger 2015: 413—16, *citing* de Tocqueville 1969 (1835): 691—93, II.iv.6.

<sup>xxviii</sup> Christians and Cockfield 2013: 24, *citing* Levin 2012.

<sup>xxix</sup> Recall the IRS scandal where, under the Obama Administration, Conservative non-profit organizations were targeted by the IRS and several other executive agencies simply due to differences in political opinions; a move straight out of the Marxist playbook.

<sup>xxx</sup> Christians and Cockfield 2013: 23, *citing* United States Senate Permanent Subcommittee on Investigations, *Offshore Tax Evasion: The Effort to Collect Unpaid Taxes on Billions in Hidden Offshore Accounts (Majority and Minority Staff Report)* (26 Feb 2014) at 6; *see also* Cockfield 2014: 13.

<sup>xxxi</sup> Because the shift to global control and the take down of American freedoms has been a long, subtle process, the mere existence of global authorities with major influence around the world is evidence as to how successful the conditioning process has been and how long it has been in place.

<sup>xxxii</sup> *See* [www.oecd.org/about/membersandpartners/](http://www.oecd.org/about/membersandpartners/); *see also* Van Kerckhoven and Wouters 2011: 350.

<sup>xxxiii</sup> For further discussion on “soft absolutism,” *see* Hamburger 2015: 412.

<sup>xxxiv</sup> This project is aimed at closing down tax havens and favorable tax structures using global control and pressure, *see* OECD BEPS Project (*online at*: <http://www.oecd.org/ctp/beps.htm>).

<sup>xxxv</sup> Take the climate change issue. This is simply another way to create a ‘need’ for global control. This is why progressives have gone so far as to get caught falsifying scientific evidence to ‘prove’ their case. It is also why progressives had to switch their nomenclature from global warming to climate change. This is about control, plain and simple.

<sup>xxxvi</sup> Recall that it was not until 1916, when the United States Constitution was amended to include the 16<sup>th</sup> Amendment, that the income tax was integrated as a permanent part of our country. Our founders did not find an income tax to be conducive with principles of freedom.

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