

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	
)	Case No. 1:07-CV-0352 TJM/RFT
Plaintiff)	
)	
v.)	SCHULZ DECLARATION # 6
)	
ROBERT L. SCHULZ;)	
WE THE PEOPLE FOUNDATION FOR)	Date: July 27, 2007
CONSTITUTIONAL EDUCATION, INC.;)	Time: 10:00 A.M.
WE THE PEOPLE CONGRESS, INC.)	Ctrm:
)	
Defendants)	

I, ROBERT L. SCHULZ, declare under penalty of perjury:

1. I am a Defendant in the matter captioned above, and I make this Declaration in support of the motion to dismiss the complaint and in opposition to the motion for summary judgment.
2. I make this Declaration in my individual capacity and as Chairman of Defendant We The People Foundation for Constitutional Education, Inc. (“WTP Foundation”), and as Chairman of Defendant We The People Congress, Inc. (“WTP Congress”).

Purpose

3. The purpose of this Declaration is to provide the Court with additional evidence proving the United States had actual notice of all documents and information in Defendants’ Rule 12(b)(6) motion papers: documents material to, referred to and relied on by the United States in framing its Complaint, thereby dissipating the necessity of translating Defendants’ Rule 12(b)(6) motion into one under Rule 56. The purpose is to show the United States has long been in possession of these documents, which were originally prepared for submission

to the United States, and repeatedly served on the United States in the pleadings in a series of lawsuits initiated by Schulz and others against the United States.

4. The complaint refers to and relies virtually entirely on the content of Defendants' March 15, 2003 letter to the United States and the attachment to that letter (the "Blue Folder") with its instructions to workers and companies on how to *legally* stop withholding. The complaint also makes occasional references to Defendants' website.
5. The March 15, 2003 letter, with its attachment (the Blue Folder) was addressed to and served on the United States: that is, the United States' Commissioner of the Internal Revenue Service, the United States Attorney General, the President of the United States, the United States' Treasury Secretary and the leaders of the United States Senate and United States House of Representatives. Therefore, the United States has had actual notice of the documents and information in Defendants' Rule 12(b)(6) motion papers: documents material to, referred to and relied on by the United States in framing its Complaint. Schulz Declaration #1, Exhibit A.
6. On September 16, 2005, the March 15, 2003 letter, with its enclosure (the entire content of the Blue Folder) and the relevant pages from Defendants' website were all served on the United States in *Schulz v United States*, Case No. 05-MC-80184, Northern District of California in Schulz Affidavit #3. Exhibit A hereto is a copy of that Affidavit.
7. The United States has admitted to actual notice as early as November 10, 2005 of these and other documents and information in Defendants' Rule 12(b)(6) motion papers; that is, pages from Defendants' website that are material to, referred to and relied on by the United States in framing its Complaint. See Declaration by IRS

Revenue Agent David Gordon filed in support of the United States' Opposition to the Motion to Dismiss and in support of the cross-motion for summary judgment.

See especially Gordon's Exhibits 19-21.

8. It is also self-evident that the United States has had notice since April 5, 2001 of the document included as Exhibit 22 to the Declaration by Davit Gordon. The document is a copy of the STATEMENT SUBMITTED TO THE SENATE FINANCE COMMITTEE at the Committee Hearing on April 5, 2001. The Statement was served on leaders of the Executive and Legislative branches.
9. Finally, the March 15, 2003 letter, with its attachment (the Blue Folder) was included by Defendant Schulz in a series of lawsuits in which Schulz is a party, beginning in June of 2003, including *Schulz v United States*, USDC Northern District of New York, Case No. 03-cv-1354; *We The People v United States*, USDC District of Columbia, Case No. 04-cv-1211; *Schulz v United States*, USDC Northern District of California, Case No. 05-mc80184; *Schulz v United States*; USDC District of Nebraska, Case No. 05-cv-530; and *Schulz v United States*, USDC Northern District of New York, Case No. 06-mc-131.

Executed this 15th day of July, 2007

ROBERT L. SCHULZ
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