

# Preface and Acknowledgements

It's not easy to determine the sex of a hippopotamus. The 3,000 lb. beast lumbers through water and is apt to become hostile if a stranger should approach. It's tough to distinguish a hippo from a hippette.

At times, trying to decipher tax law can be a bit like struggling to identify the sex of a hippopotamus. You must be mightily interested in finding the answer. And I should know.

Way back in high school, as my classmates kept track of batting averages and passing yards, I clipped and saved obscure but intriguing business stories from the *Wall Street Journal*. Those stories lured me into an accounting program in college and propelled me into a career as a CPA.

I've been at it for decades now, and I'm still stumbling across stories that intrigue me.

This book is an outgrowth of my fascination, the end result of all those years of perking up at the novel and noteworthy. It's a collection of unusual tax and accounting stories told from the perspective of a practicing CPA with a passion for his craft.

Through the years, I often heard snippets or rumors about unusual tax situations. My search to nail down some of those stories led me to squint at the handwriting of Irving Berlin, pore through the papers of the Rev. Martin Luther King Jr. and thumb through 150-year-old books.

Most of the tax stories presented here have rarely, if ever, been told before. Some have only appeared in tax journals or court cases. Many come from forgotten books and newspaper clippings, or items buried in the *Congressional Record*.

Most passages in some way reflect the ancient and unchanging reality of taxation as intrusive, oppressive and essential. As E.L. Godkin explained in his April 11, 1895 editorial in *Nation*:

The history of taxation from the earliest ages has been the history of the attempts of one class to make other classes pay the expenses, or an undue share of the expenses, of the Government. Aristocrats have always been trying to shift the taxes on to the people, and the people on to the aristocrats; the landed interests on to the commercial and the commercial on to the landed.

My research took me from Boston to Los Angeles and dozens of points in between. Many wonderful people helped me. They also shared some fascinating tales. They helped me research, gather materials, and review drafts. Without their help, this book would not have been possible, and I am very grateful to the following friends and friendly strangers:

Bennett Aaron, Miles Alexander, Joseph Bankman, Shirley Barron, Michael Berger, Sam Bettsak, Herbert Cohen, Tom Crosby, Jennifer Davis, Michael K. Deaver, Candace Ewell, Emanuel Feldman, Chris Fritz, Alan Guthartz, Martin D. Ginsburg, Sidney Goldin, Bruce Goldman, Fred D. Gray, William Grooms, David Grossberg, Selwyn Hartley, Gwen Hinze, Ward Hussey, Isabelle Jeter, Ed Koffsky, Richard Litwin, Joseph E. Lowery, Rick Malone, Monica McFadden, Rafael Medoff, Pat Meyer, Nancy Rucker Miles, Robert Myers, Karen Neloms, Thomas Netzel, Edward C. Nixon, Lee Paschak, Mary Lyn Reagan, Patti Reid, Joseph Roberts, Max Rohrlich, Barry Rosenbaum, Les Shapiro, Neil Shulman, Spence Shumway, T.Y. Steen, Eugene Steurele, Melissa Totsch, Josh Ungerman, and Michael Verner.

My very special thanks to John Milton Hendricks, librarian at the U.S. District Court in San Francisco for his invaluable research which helped me trace Judge Ogden Hoffman and the California foreign miners license tax. Col. Michael Kelley, CSA provided me with credible contemporaneous writings by Confederate leaders showing that high tariffs contributed to Southern discontent. Earl Prater, senior counsel at the IRS Office of Professional Responsibility,

helped trace the history of Circular 230 by pulling old versions from the IRS building in downtown Washington despite it being closed for six months due to flooding.

My good friends Sharon Bailey, Michael Broyde, Ira Greenfest, Lew Regenstein, Chana Shapiro, and William Stromsem gave generously of time from their busy schedules to read drafts, provide editing and feedback, along with many other favors and guidance. A nationally prominent tax attorney, a friendly stranger who wishes to remain anonymous, provided hours of assistance for which no words can adequately express my appreciation.

I am deeply indebted to Mark Bixler for having accepted the assignment of editing the manuscript and making it shine. Mark, an editor for CNN, also is the accomplished author of *The Lost Boys of Sudan*. Artist Mike Swaim made the inspired hippo cover image for my idea on using Botticelli's 1485 painting, "The Birth of Venus" against a backdrop of a 1913 Form 1040. Botticelli painted "Venus" in Florence around the same time as Pacioli wrote the first book on accounting in Venice.

This book would not have been possible without the availability and help from the following libraries and depositories:

Libraries I visited:

Atlanta-Fulton Public Library System  
Atlanta History Center – Kenan Research Center  
Beverly Hills Public Library  
Boston University – Howard Gotlieb Archival Research Center  
DeKalb County Public Library  
Eleventh Circuit Court of Appeals Library, especially Sara Straub  
Emory University Libraries  
    Robert W. Woodruff Library  
    Hugh F. MacMillan Law Library  
Library of Congress – Recorded Sound Reference Center  
Los Angeles County Law Library  
Los Angeles Public Library  
The McKinley Memorial Library  
Museum of Taxation, Jerusalem, Israel, especially Mira Dror  
National Archives – Southeast Region  
National Gallery of Art  
New York Public Library  
    Humanities and Social Sciences Library

Science, Industry and Business Library  
Library for the Performing Arts  
Richard M. Nixon Library  
Franklin D. Roosevelt Presidential Library  
United States Tax Court Library  
United States Tax Court Records Room  
University System of Georgia Libraries

Libraries I corresponded with:

Academy of the Hebrew Language, especially Ronnit Gadish  
California State Library – California History Room  
Gerald R. Ford Presidential Library  
Herbert Hoover Presidential Library, especially Spencer Howard  
House Clerk’s Office of History and Preservation, especially Matt  
Wasniewski  
London Zoological Society Library, especially Ann Sylph  
National Archives – Pacific Region  
Senate Historical Office  
Harry S. Truman Presidential Library, especially Liz Safly  
United States Capitol History Society, especially Don Kennon  
University of Mississippi – AICPA Library Service

I gratefully acknowledge permission from the Michigan Association of Certified Public Accountants to reprint the Lewis Carroll parody, and to friends who let me reprint their letters.

Most important of all, I want to thank my children, Aviva, Rifka, Mendel and Natan for all their help, and my wonderful wife, Leah, for her assistance with reviewing drafts and her patience while I was “out at the library” for the past seven years.