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“Tax Expenditures: Nullification?” **RESOLUTION OF** **Letter to** **City Proposal to replace** **What is**

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VOLUME 5, ISSUE 4 BY AND FOR FREEDOM LOVING ALASKANS

“Tax Expenditures”: Not Taxing Is Allegedly Spending

Mises Daily: Monday, April 01, 2013 by [George Reisman](#)

Runaway government spending is among the most important economic problems of our time. It is absolutely urgent that it be brought under control and progressively reduced until it is sufficient to provide for no more than the essential government functions of defense and justice. Only then will the citizens have the greatest possible individual freedom to decide how their earnings are spent and the greatest possible motivation to increase their earnings and improve their standard of living.

As recognition of the importance of bringing government spending under control has grown, the enemies of individual freedom have seized upon a tactic which they hope will avoid the necessity of reducing government spending, and, will allow them to go on increasing it, under a fraudulently created appearance of reduction. The tactic is described as “tax expenditure.”

More precisely, a tax expenditure is a fictional, non-existent tax accompanied by an equivalent fictional, non-existent expenditure. Although the government does not actually collect the tax, the fact that it has the power to do so is used as the basis for pretending that it does collect the tax and that it uses the proceeds to make an expenditure that goes to those from whom it has chosen not to collect the tax. In this way, the taxes that are not collected are treated as though they were collected and then used as a subsidy paid to those from whom they were not collected. In effect, the government’s not taking is alleged to be giving. Its not taxing is alleged to be spending.



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Examples of tax expenditures recently provided by *The New York Times* are the taxation of capital gains and dividends at lower rates

than ordinary income; allowance for deductions from taxable income of the payment of interest on home mortgages, the payment of property taxes, state and local income taxes, charitable contributions; and the absence of taxation on employees for health insurance and pension benefits paid for by employers on their behalf. All in all, according to *The Times*, "Tax expenditures cost the federal government more than \$1 trillion a year in lost revenue."

When one recalls that in World War II, there was a 90-percent bracket in the federal income tax, and that the government has it in its power to impose such a tax rate on everyone but presently chooses not to do so, then it becomes clear that by the logic of the concept, the cost of tax expenditures to the federal government is not just \$1 trillion, but many, many trillions. It is, in fact, everyone's entire income and wealth.

The philosophical principle underlying the concept of tax expenditure is that we are all serfs or slaves in the power of our Lord and Master the Almighty Government. It owns us and all of our income and wealth. All that we earn and possess, we do so by virtue of its largess, by virtue of its giving to us what we may have believed was ours to begin with.

The concept of tax expenditure is as hostile to the principles on which the United States was founded as any concept can be. It flies in the face of the fact that here, in this country, government is supposed to be the servant, not the master; that it is the people who support the government, not the government that supports the people; and, above all, that what the people have earned and saved, they hold by right, not subject to any arbitrary appropriation by the government.

What the government does not take, even though it may have the power to take it, is not something that the government gives. It is the property of the individual citizens who earned it. They do not receive any of it from the government by virtue of the government's decision not to take it from them.

To claim that government spending will somehow be reduced by reducing tax expenditures is a moral outrage. Its only possible meaning is increasing taxes, which will allow government spending to continue on without reduction, indeed, with possible increase.

When, for example, the government taxes capital gains and dividends at a lower rate than ordinary income, it is not giving anything to the people who pay the capital gains and dividend taxes. On the contrary, they are giving money to the government; they are giving the taxes they pay. The fact that they are giving the government less money than it would like to receive and has the power to take, does not change that fact. If the tax rate on these incomes were increased, there would be absolutely no reduction in government spending. But the government would be in possession of additional funds with which to continue its spending and possibly increase it.

To reduce government spending means to reduce the money the government pays out, not to reduce the money it has chosen not to take in. The first is a reduction in government spending; the second is an increase in taxes. Confusing the two is of benefit only to con men who worship an omnipotent state.

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Introduced by: Councilmember Hilling
Introduced: April 8, 2013

RESOLUTION NO. 4569
A RESOLUTION OF NONPARTICIPATION
WITH THE UNITED NATIONS AGENDA 21 PROGRAM
AND WITH ITS CORROLLARY INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL
INITIATIVES (ICLEI)

WHEREAS, the bedrock of individual liberty is the sovereign right over private property, to include one's person; and

WHEREAS, such sovereignty is assured us in (A) the U. S. Constitution by the fourth amendment of search and seizure, the fifth amendment of due process, and the tenth amendment limiting federal powers, and (B) the Alaska State Constitution, Article 1, Section 7, guaranteeing due process in matters over life, liberty and property; and

WHEREAS, the United Nations in 1992 in Rio de Janeiro drafted and passed a globalized "sustainable development" system for the 21st century, in a document entitled *Agenda 21*, whose central thesis is worldwide socioeconomic equity, harmonized with "smart-growth" production and allocation of resources, a sampling of chapter topics being *effecting change in consumption patterns* (ch. 4), *protecting and promoting human health* (ch. 6), *land resource planning and management* (ch. 10), *global action for women* (ch. 24), *strengthening the role of workers and trade unions* (ch. 29); and

WHEREAS, *Agenda 21* entails a far-reaching curtailment of the use of private property and human behavior, to achieve, specifically, such as "a more efficient and equitable world economy," "[balance] in the global patterns of consumption and production," "population [control] programmes at the local level," "responsible planning of family size," "land-use policy [changes] [largely] through 'command and control'" (full quotes and their precise *Agenda 21* document references are on attached addendum); and

WHEREAS, the International Council for Local Environmental Initiatives (full title: *ICLEI – Local Governments for Sustainability*) is a coalition of local governments, whose expressed purpose is *to accomplish Agenda 21 from the ground up*, there being over 500 subscribing United States municipalities, including partly the Fairbanks North Star Borough but not the City of Fairbanks; and

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WHEREAS, the citizens of Fairbanks, without committing themselves to *Agenda 21* or to mandates such as required by subscription to *ICLEI*, are fully competent to conduct their affairs while respecting the natural rights of all concerned;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks, that this council and mayor shall decline to enter into any partnership with *ICLEI*, or to carry out any part of the *Agenda 21* or *ICLEI* programs, which would infringe on the natural and sovereign rights of the citizens of Fairbanks, Alaska.

----- ADDENDUM -----

Selected quotes from United Nations resolution on sustainable development for the 21st century, **AGENDA 21** The following are verbatim quotations from the 300+ page document, Agenda 21.

This partnership commits all States [read Nations] to engage in a continuous and constructive dialogue, inspired by the need to achieve a more efficient and equitable world economy. [Ch. 2, Para. 2.1]

...consensus-building at the intersection of the environmental and trade and development areas will be ongoing in existing international forums, as well as in the domestic policy of each country. [Ch. 2, Para. 2.4]

The removal of existing distortions in international trade is essential. (Ch. 2, Para. 2.7)

Provide for an equitable, secure, non-discriminatory and predictable international trading system; [Ch. 2, Para. 2.10(b)]

...create a focus in national development plans and budgets on investment in human capital, with special policies and programmes directed at rural areas, the urban poor, women and children. [Ch. 3, Para. 3.4(d)]

Sustainable development must be achieved at every level of society. [Ch. 3, Para. 3.7]

Measures to be undertaken at the international level for the protection and enhancement of the environment must take fully into account the current imbalances in the global patterns of consumption and production. [Ch. 4, Para. 4.4]

Achieving the goals of environmental quality and sustainable development will require efficiency in production and changes in consumption patterns... [Ch. 4, Para. 4.15]

Governments ... should strive to...develop a domestic policy framework that will encourage a shift to more sustainable patterns of production and consumption. [Ch. 4, Para. 4.17(b)]

Without the stimulus of prices and market signals that make clear to producers and consumers the environmental costs of the consumption of energy, materials and natural resources and the generation of wastes, significant changes in consumption and production patterns seem unlikely to occur in the near future. [Ch. 4, Para. 4.24]

Population data should be disaggregated by, inter alia, sex and age in order to take into account the implications of the gender division of labor for the use and management of natural resources. [Ch. 5, Para. 5.28]

Population programmes should be implemented along with natural resource management and developing programmes at the local level... [Ch. 5, Para. 5.43]

Proposals should be developed for local, national and international population/environment programmes in line with specific needs for achieving sustainability. [Ch. 5, Para. 5.56]

The health and well-being of all urban dwellers must be improved so that they can contribute to the economic and social development. [Ch. 6, Para.6.33]



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Governments should take active steps to implement programmes to establish and strengthen preventive and curative health facilities which include women-centred, women-managed, safe and effective reproductive health care and affordable, accessible services, as appropriate, for the responsible planning of family size... [Ch. 6, Para. 6.26]

The health and well-being of all urban dwellers must be improved so that they can contribute to the economic and social development. [Ch. 6, Para.6.33]

As a first step towards the goal of providing adequate shelter for all, countries should take immediate measures to provide shelter to their homeless poor ... [Ch. 7, Para. 7.9(a)]

All countries should ... Formulate appropriate land-use policies and introduce planning regulations specially aimed at the protection of eco-sensitive zones against physical disruption by construction and construction-related activities. [Ch. 7, Para. 7.69(d)]

Monitoring and evaluating the development process systematically, conducting regular reviews of the state of human resources development, economic and social conditions and trends, the state of the environment and natural resources; [Ch.8, Para. 8.4(d)]

Laws and regulations suited to country specific conditions are among the most important instruments for transforming environment and development policies into action, not only through "command and control" methods, but also as a normative framework for economic planning and market instruments. [Ch. 8, Para. 8.13]

...since the transport sector is also a source of atmospheric emissions, there is a need for a review of existing transport systems and for more effective design and management of traffic and transport systems. [Ch. 9, Para. 9.13]

A rigid economy of the public contributions and absolute interdiction of all useless expenses will go far towards keeping the government honest and unoppressive.

Thomas Jefferson, letter to Lafayette, 1823

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Letter to the Public

By Donald Louis Hymes 2340 Ravenwood Avenue, Fairbanks Alaska rmsegrak@gmail.com

Ladies and Gentlemen

I am writing in regards to recent government actions against my wife and myself.

On August 29th, 2012 my wife and I were evicted from our home of 37 years at gunpoint by three US Marshalls acting on the behalf

of the IRS.

We have been sparring with the IRS for more than 30 years trying to get them to abide by their own rules and regulations.

The IRS claims a right to foreclose on our home, however, on August 29th the Marshalls had no valid court order, no search warrant and no seizure warrant.

We were given less than ½ hour to pack a few necessities and medication and get our two cats. We were threatened with arrested should we set foot on our property again. The Marshalls told us that the IRS was paying a moving company to pack up all of our personal belongings and put them into storage. That we would be allowed ONE day within the following 30 days to retrieve the property. The personal property amounted to 20,000 pounds. Considering the fact that we had no place to store all of that property or even to sort through it efficiently, we were forced to auction most of our belongings off at a fraction of their value.

The attorney in his first brief admitted that his client(s) had retained a lot of personal property from the Hymes and was planning on auctioning them off to help reduce the Hymes' alleged debt. Despite the Hymes repeated request for inventory lists for both the items 'moved' by the moving company as well as those stolen by the IRS, They have yet to be forthcoming.

Items the Hymes have identified as being 'stolen' by the IRS are:

chickens, bees, bee equipment, 1946 Taylor Craft airplane, a truck belonging to friends, snow machine, coin collection, 6 years accumulation of change, gold, and silver, gold bracelet, diamond ring, antique rings-bracelets and necklaces, gold nugget watch, collector plates, stored food, wine collection, boxes of legal documents and more.

These items alone amounted to more than the \$100,000.00.

With the house and property this amounts to well over \$275,000.00.

Since we were threatened with arrest should we set foot on our property again and also since the IRS changed the locks on the house (so we were told), We have not been able to ascertain whether any of the property, which is not accounted for is still in the house.

Since August 29th, 2012 we have been forced to stay with family and friends. At this time we are waiting for Senior Housing as we cannot afford the rent for other housing, especially since we are still required to maintain our home which includes paying for utilities.

Immediately after our eviction we filed a MOTION FOR EXPEDITED RULING in the US District Court. Two days prior to the scheduled IRS sale of our home and nearly 4 weeks after our Motion was filed the Court had not made the requested ruling. This left us no other alternative but to file for bankruptcy in order to save our home and to force the IRS to provide us and the Bankruptcy Court with the requested VALIDATED PROOF OF CLAIM, signed under penalty of perjury and a VERIFIED TRUE BILL, which they never did and now it is going up for appeal.

Because of the cost of attorneys we have had to do all the paper work ourselves.

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**Like to write?
Have something to say?
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Thank you for your time and attention to this. We know that we are not the only ones to be crucified by the system, but there must be support someplace.

Sincerely Donald Louis Hymes

PS The IRS have scheduled the sale of the Hymes' property even though the IRS does not have title to the property. Title of the property has never been transferred. The Hymes are still the owners of record. The dispute about the property is still in court.



City Proposal to replace Residential Refuse Fee

By Tim Sovde

Fairbanks City Council ORDINANCE NO. 5917 will be acted on April 22nd at the regular meeting of the Council. The following is the proposed information to be placed on the fall ballot.

***Section 1.** The City Clerk is directed to put the following question on the ballot for the voters of the City of Fairbanks at the 2013 general election:*

***INFORMATION:** The City currently charges each residential property owner \$292 annually for refuse collection, which is adjusted every year to cover for inflation and increasing Fairbanks North Star Borough tipping fees. Because the rate is not based on usage, it is essentially a levy placed on each homeowner. The City Council and Mayor wish to give voters the option of eliminating this fee and absorbing it in the annual mill levy. Both the pros and cons of this proposal are stipulated below. Note: the City does not take a formal position on either method of collection.*

***Pros:** The accounting and billing for refuse collection are costly and time intensive as well as inconvenient for residents. This change would eliminate all of the annual overhead costs of approximately \$152,000 and the quarterly billings sent to each address. Also, property taxes are deductible for most homeowners but refuse collection fees are not.*

***Cons:** The base mill rate set in the City Charter is fixed at 4.9 mills. Eliminating the refuse fees and adding them to the mill rate would require the elimination of this mandated fixed rate. The 2013 mill levy would be raised by approximately .743 mills, which is the equivalent to \$149 on a \$200,000 home, less than what is currently charged annually for refuse collection. Some may prefer the assurance a fixed rate currently gives rather than returning to the original tax cap formula where the rate varies slightly from year to year. Commercial properties will not realize a benefit and will see their property taxes increase by the same mill rate.*

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Ballot Question No ____:

Should the City eliminate the current residential refuse collection fee system found in Division 1 of Article II of Chapter 66 of the Fairbanks General Code and amend City Charter Section 6.5(A) by eliminating the sentence "Of the total amount of taxes that can be collected, property taxes are limited to 4.9 mills subject to charter section 6.5(B)"?

A yes vote eliminates the residential refuse fees and adds the cost to the annual mill levy.

A no vote retains the existing fee system that charges for monthly residential refuse collection.

The argument for the municipally enforced monopoly of residential refuse collection is public health. The second argument for refuse collection is aesthetics. Considering diseases like plague and cholera are no longer in the conscious everyday thought of the public, a strong argument can be made that the driving argument is therefore aesthetics. The image of people throwing their garbage on the road or in vacant lots appears to be the primary motivating factor for acceptance of the current system. Currently the residential large garbage generators are being subsidized by their neighbors.

The City acknowledges the fee structure is unfair as the cost of the service is not based on usage. Mayor Cleworth at the Council Meeting where the proposal was presented addressed this issue. The Mayor spoke briefly on past discussions and proposals on how

to address this inequity. No reasonable solutions were found to the problem.

The current proposal allows two options. Continue refuse collection as currently done which has the inherent inequity of residential property owners paying for service they do not use. Or shift the costs of the refuse service to the entire tax base not just the residential property owners. In order to determine which should be supported the primary reason for garbage collection must be identified.

Would the public health be threatened if the city did not enforce residential refuse collection?

A health threat would only occur if one supposed the public would simply throw their garbage either in the streets or vacant lots where disease would be able to breed and spread. Responsible people would make arrangements to dispose of their garbage in a responsible manner. Other not so responsible people would still dispose of their garbage responsibly because of peer pressure. Which would leave a very small minority of irresponsible people who would be subject to prosecution for littering as a deterrent. A meeting of critical mass in regards to disease propagation could not occur in this case. If you take the position that residents would let their baser instincts guide their actions. Then, yes, enforce residential refuse collection would be needed to protect public health. The first is more likely.

Would the City of Fairbanks be aesthetically less pleasing if the city did not enforce residential refuse collection?

As touched on previously, peer pressure and litter law enforcement would discourage wide spread dumping of garbage. But would that be enough to maintain the level of aesthetics we are accustomed? Currently we have people volunteering their time and money to collect refuse in order to beautify Fairbanks. Could the public volunteers maintain and even increase their level of effort if they had to deal with greater amounts of garbage which could result from not having enforced residential refuse collection? This is unlikely.

If one accepts the positions above then the primary reason for city mandated garbage collection is to maintain the level of aesthetics city wide. The next question is, should the residential property owners then be made to bear that cost through an inequitable system? Answer that question for yourself and then proceed with looking further into the proposed ballot initiative.

The initiative asks two questions:

- 1 Should the City eliminate the current residential refuse collection fee system found in Division 1 of Article II of

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Chapter 66 of the Fairbanks General Code

- 2 and amend City Charter Section 6.5(A) by eliminating the sentence “Of the total amount of taxes that can be collected, property taxes are limited to 4.9 mills subject to charter section 6.5(B)”?

Question one does not require a vote of the people as the council could do that today as it is within their power. But it is being linked to the second part to show how the service would be paid for if approved. So the first question is asking for the approval of a specific course of action. The proposal would remove residential refuse collection fee monies from the public coffers and replace it with monies raised through increased property tax levies.

Question two does require a vote of the people as they are being asked to amend the section of the charter which limits the mill rate levied on property to 4.9 mills. The concern is the removal of this restriction would lead to uncontrolled City government spending. The charter still has language in it similar to the borough tax cap which restricts rapid increases in city spending.

Hopefully this article will provide food for thought on this topic. The proposal has enough merit to be placed on the ballot so the public can have a discussion about all the issues raised by the proposal.



What is Nullification?

By Bob Bird

I will answer the question first by saying what it is not.

Nullification is not: secession, unconstitutional, untried or ineffective; for those who may be a little more familiar with American history and have remembered something from their professors or history books, it is not racist or uniquely the possession of the ante-bellum south.

The fact is, nullification has a considerable history in the north before the civil war. The refusal of northern states to cooperate with the federal fugitive slave laws constituted a de facto nullification. It has also been used recently, when some 24 states resisted the implementation of the Real ID Act in 2008; when Montana refused to abide by federal law regarding guns manufactured within their own state. States are adopting nullification in defiance of federal drug laws and by establishing “sanctuary cities” for illegal aliens. The point is, the federal power is very weak when states refuse to cooperate.

To define: Nullification is the action of a state, either officially or through its failure to cooperate, to regard a federal law as unconstitutional. To say that nullification is an unconstitutional and rebellious act presupposes that all actions from the federal government are automatically in conformity with the Constitution, and that the compact between the states and the federal government is to demand obedience from the states but never restraint from Washington.

Historically, nullification was first proposed simultaneously by both Thomas Jefferson and James Madison, way back in 1798, when the Sedition Act created an overt and blatant attack on the First Amendment. Jefferson and Madison convinced both Virginia and Kentucky to defy the law and to use the power of the local states to protect its citizens from arrest and confiscation of property --- in this case, newspaper editors and their printing presses that did not like President John Adams or his Federalist Party.

Apologists for federal, nationalized power are quick to declare that the Supreme Court, not the states, is the ultimate arbiter of what is and is not unconstitutional. Permitting the states such power, they contend, will create a constitutional crisis.

Without getting into the overthrow of the Constitution that took place in 1803 with the noted case of Marbury v. Madison, to this argument we say that we already have a “constitutional crisis”, that we’ve been living in one all of our lives, and it is the

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federal power that has created it; that the people and the states, and not the courts, are the authors and arbiters of the Constitution, as defined not only in its Preamble, but also in the ratification process. And while no state holds a lock on defining constitutionality, neither do the courts, which often reverse their increasingly absurd and convoluted opinions. Alaskans must ask their state legislators to stand in the breach for us. Don Young, Lisa Murkowski and Mark Begich will do nothing effective in these matters.

All politics is local. The legislature and governor must realize that gas lines, roads, harbors, permanent funds and other legitimately important aspects of their legislative session, can no longer be their first priority. They too take an oath to defend the Constitution. It is not an oath to blindly defend the federal government.

In the coming debate, pay little heed to the court historians, nationalists and socialists who cherry-pick American history, or cite nullification as historically unsound or rebellious. It is nonsense. Nullification seeks to restore the Constitution, not violate it.

Bob Bird has been teaching the social sciences for 40 years, holds an M.S. degree in History and has twice been a candidate for the U.S. Senate.

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