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Judgment Day for UBS

July 10, 2009

After months of fanfare, political saber-rattling and liberty-minded A-Letters, the U.S. government's offshore war against the Swiss bank UBS is coming to a head.

This coming Monday, their trial will commence about an hour from our home office, down in Miami.

The IRS issued a "John Doe summons" for UBS to show up in court after refusing to release information belonging to 52,000 Americans...individuals who – the IRS alleges – are all illegally evading taxes with the help of the Swiss bank.

That's right, those 52,000 names.

Understandably, many of us let this story float off into a whirlwind of new healthcare plans and stimulus talk. There's too much happening these days to keep the public's attention on anything for more than a few moments. And that's when the Swiss government made their move...

A Curious Bunch

Which might seem odd to an American.

After all, A-Letter readers will recall that our politicians were up on the bully pulpit for months...preaching hellfire and damnation for those Americans who dare run afoul of the IRS. Meanwhile – with the story in the spotlight – the Swiss government stood back in the wings, offering the occasional platitude to a press yearning for a response.

But there's something you have to understand about these guys. They're a curious bunch...

Again, at least to us Americans. It's something I came to appreciate after several conferences spent offshore with our Council of Experts. Namely; they value their own privacy as much as that of their clients. They're not celebrity bankers, but that's deliberate. You'll never see their name in the press, because they're often working with just a relative handful of clients.

At the risk of putting cliché to paper; it's a different world.

And that carries through likewise in Swiss politics. Now nobody's perfect, but in Swiss politics, there's a deep-rooted appreciation for privacy, for individual liberty and for their legendary financial system. As such, there wasn't any need for horse-trading or "saving face" while the U.S. slandered offshore financial centers in the

Instead, they bided their time. And when the story faded from the mainstream, they turned to UBS and ordered them not to share the information.

Now UBS is definitely conflicted, and the plot thickens at that point...but the momentum of the "War on Offshore" has been stifled by the Swiss government's relative non-reaction. So this is where it gets interesting...

According to Goran Mijuk of the Wall Street Journal, there are three potential immediate outcomes...

- 1. Most Likely: UBS settles out of court to the tune of Billions of dollars.
- Less Likely: Court orders IRS to drop John Doe summons and provide specific evidence...or else they have to drop the charges
- 3. Least Likely: Court orders UBS to surrender the names. Mijuk calls this a

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"nightmare scenario...that would sour the friendly relation between the U.S. and Switzerland and further cripple UBS' efforts to turn itself around." (again, highly unlikely, but still a possible outcome)

So the IRS will likely take a massive, multi-billion dollar payoff and drop the campaign. You can just smell the idealism!

Bob Bauman – our Legal Counsel and Resident Offshore Expert – is currently getting in touch with a few of our Swiss Banking & Asset Management contacts, so we can get the inside scoop on what they think this all means for UBS and the future of offshore banking. Look for his direct reports in upcoming A-Letters.

Everyone Present & Accounted For

But for now I can tell you this; the future of offshore banking is actually getting brighter and brighter.

That's because there are a number of opponents in the war on offshore. So if a world power really wants to take on the industry, they'll need their regulators and their media. Likewise, they'll have to go after not just individual banks and countries (via the OECD) but individual people and – most importantly – companies.

And after months of firing shots across the bow, everyone's finally present & accounted for...

The Swiss government showed up and essentially stomped out the IRS' attempt to directly regulate foreign countries. And rightfully so; as such matters have historically been carried out diplomatically, not through legislators and financial regulators.

What's more, Obama turned up the heat with his announcement of a new, nightmarish corporate tax. This was the kind of thing that reminded me of those theoretical math problems that boggled the mind with their real-life implications.

So the corporations had to step up, and Steve Ballmer of Microsoft said the plan would give him the incentive to further move his work force offshore. Like the fiery government speeches and press releases, this was corporate America's shot across the bow. And they've got more clout in Washington's lobby than even Washington does.

Meanwhile, Dan Mitchell & the Cato Institute have been putting the full court press on everything from Obama's corporate tax plan to his baseline ideology about government spending and offshore banking. Academically speaking, Mitchell makes a sound case that the administration's fiery rhetoric hasn't really addressed.

What's more, Obama's credibility with the economy seems to be dwindling as the year wears on. Overly-optimistic economic projections, slow-working stimulus that favors areas that overwhelmingly supported his campaign, and the inevitable left-vs.-right food fights that follow Democrats into office...all these things combine to lag our President's political capital.

The Bottom Line...

...is that this recession *will* worsen, and the President's political capital – when it comes to the economy – will continue to waver.

The corporate tax plan is the major turning point here. Because you can badger individuals all day...you can hassle foreign banks and even foreign countries. But American corporations simply have too much riding on their current structure to let the radical new tax plan go through.

And let's face it. Our economy is in a bad way. You've got two-thirds of the backbone of American manufacturing – Chrysler and GM – lumbering through bankruptcy. You've got plummeting orders and consumer spending. And this plan goes after a company's bottom line in a big way.

By the time the administration returns to the idea, it's probably going to be in their best interest – and our economy's best interest – for them to table the issue indefinitely.

And tThat might swing this aggressive trend in the opposite direction...or at least stall it for a little while. Giving you an opportunity at all the practical peace-of-mind, honesty, and financial privacy that offshore financial centers offer today.

Your best opportunity to meet one of these quiet, discreet Swiss bankers would likely be at one of our offshore conferences — namely this year's Offshore Advantage Academy in November. Held in Los Cabos Mexico, away from the reach of U.S. media & authorities, our Council of Offshore Experts go to great lengths just to get some breathing room and the chance to meet new clients like yourself. Plus; each and every one of our experts has been vetted, background-checked and worked with us for years, so we can vouch for their legitimacy. Come out and do more for your nest egg in one weekend than you've done in all your time up to that point. And if you sign up today, you can get in for half off...

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