
Table of Contents

PREFACE.....	v
ACKNOWLEDGMENTS.....	xi
TABLE OF CASES.....	xxi
TABLE OF STATUTES.....	xxx
TABLE OF REGULATIONS.....	liii
TABLE OF RULES.....	lxi

PART I: A FIRST GLANCE

Chapter 1 <i>Applicable Tax Rates</i>	1
A. Tax Rates and Progressivity.....	6
B. The Impact of Filing Status.....	11
C. Liability for Tax and the Innocent Spouse Rules.....	19
<i>Cheshire v. Commissioner</i>	20
Chapter 2 <i>Computing Liability for Tax</i>	31
A. Determining “Taxable Income”.....	31
B. Overview of Deductions and Credits.....	43
1. Household and Dependent Care Credit.....	46
2. Higher Education Credits.....	48
3. Credit for Income Taxes Withheld on Wages.....	51
4. Earned Income Credit.....	53
5. Child and Family Tax Credit.....	54

PART II: A CLOSER LOOK

Chapter 3	<i>The Meaning of “Gross Income”</i>	57
A.	Judicial and Administrative Definitions of Income	57
1.	Defining Gross Income	61
	<i>Eisner v. Macomber</i>	61
	<i>Commissioner v. Glenshaw Glass Company</i>	64
2.	Finds	67
	<i>Cesarini v. United States</i>	67
3.	Barter and Imputed Income	74
	<i>Revenue Ruling 79-24</i>	74
4.	Illegal Income	78
	ORGANIZATION, FUNCTIONS AND ACTIVITIES: A NARRATIVE BRIEFLY	
	DESCRIPTIVE OF THE PERIOD 1919-1936	79
	<i>James v. United States</i>	83
B.	Compensation for Services	88
1.	Payments to Third Parties	88
	<i>Old Colony Trust Co. v. Commissioner</i>	88
	<i>McCann v. United States</i>	90
	<i>United States v. Gotcher</i>	95
2.	Meals and Lodging Furnished on Employer’s Premises	100
	<i>Commissioner v. Kowalski</i>	101
	<i>Smith v. Commissioner</i>	107
3.	Statutory Fringe Benefits	112
4.	Property Received for Services	115
C.	Gifts and Bequests	121
	<i>Commissioner v. Duberstein</i>	124
	<i>Olk v. United States</i>	134
	<i>Duncan v. Commissioner</i>	138
	<i>Wolder v. Commissioner</i>	142
D.	Loans and the Cancellation of Debt	146
	<i>United States v. Kirby Lumber Co.</i>	149
	<i>Zarin v. Commissioner</i>	152
E.	Gains from Dealings in Property	161
1.	The Formula for Computing Gain	161
	<i>Helvering v. Bruun</i>	163
	<i>Philadelphia Park Amusement Co. v. United States</i>	170
2.	Special Basis Rules	174
3.	Transfers in Satisfaction of an Obligation	177
	<i>United States v. Davis</i>	178
F.	An Introduction to the Flavor of Income	180

G.	An Introduction to the Timing of Income	185
	<i>North American Oil Consolidated v. Burnet</i>	186
	<i>Commissioner v. Indianapolis Power & Light Company</i>	189
H.	Assignment of Income	194
	<i>Lucas v. Earl</i>	195
	<i>Helvering v. Horst</i>	197
	<i>Salvatore v. Commissioner</i>	200
	<i>Estate of Stranahan v. Commissioner</i>	203
	<i>Commissioner v. Banks, Commissioner v. Banaitis</i>	207
Chapter 4 Tax Treatment of Taxpayer Costs		217
A.	Introduction to Deductions	217
B.	Expenses Versus Capital Expenditures	224
	1. Costs Related to Tangible Assets	227
	<i>Commissioner v. Idaho Power Co.</i>	230
	<i>Fedex Corp. v. United States</i>	237
	<i>Midland Empire Packing Company v. Commissioner</i>	240
	<i>Mt. Morris Drive-In Theatre Co. v. Commissioner</i>	244
	2. Costs Related to Intangible Assets	249
	<i>INDOPCO, Inc. v. Commissioner</i>	250
C.	Deduction for Expenses	259
	1. Trade or Business Expenses	259
	<i>Welch v. Helvering</i>	260
	<i>Jenkins v. Commissioner</i>	263
	<i>Exacto Spring Corp. v. Commissioner</i>	274
	<i>Estate of Rockefeller v. Commissioner</i>	283
	<i>Commissioner v. Groetzinger</i>	290
	<i>Commissioner v. Tellier</i>	301
	<i>Northern California Small Business Assistants Inc. v. Commissioner</i>	306
	2. Investment Expenses	313
	3. Amortization of Start-Up Expenses	315
	4. Qualified Business Income	318
D.	Treatment of Capital Expenditures	324
	1. Depreciation of Tangible Property	326
	<i>Simon v. Commissioner</i>	327
	<i>Simon v. Commissioner</i>	335
	2. Bonus Depreciation by Election and Limits on Depreciation Deductions	346
	3. Amortization of Intangible Property	355
	<i>Selig v. United States</i>	356
	<i>House Report No. 103-111</i>	362

E.	Losses.....	366
1.	Business and Investment Losses.....	366
2.	Casualty & Theft Losses.....	368
	<i>Mazzei v. Commissioner</i>	369
	<i>Revenue Ruling 79-174</i>	374
	<i>Carpenter v. Commissioner</i>	376
3.	Net Operating Losses.....	380
4.	Loss Limitations.....	381
a.	Transactions with Related Persons.....	381
b.	Limitation on the Deductibility of Capital Losses.....	383
Chapter 5 Statutory Exclusions from Gross Income		389
A.	Annuity and Life Insurance Proceeds.....	389
B.	Scholarships and Fellowships.....	395
	<i>Bingler v. Johnson</i>	395
C.	Compensation for Personal Injuries & Sickness.....	402
	<i>Amos v. Commissioner</i>	403
	<i>Johnson v. United States</i>	413
	<i>Private Letter Ruling 200041022</i>	413
	<i>Murphy v. Internal Revenue Service</i>	416
D.	Other Exclusion Provisions.....	424
Chapter 6 Timing		431
A.	The Cash Method.....	433
1.	Income Items.....	435
	<i>Hornung v. Commissioner</i>	436
	<i>Davis v. Commissioner</i>	442
	<i>Veit v. Commissioner</i>	443
	<i>Veit v. Commissioner</i>	446
	<i>Cowden v. Commissioner</i>	447
2.	Deduction Items.....	452
	<i>Commissioner v. Boylston Market Association</i>	455
B.	The Accrual Method.....	457
1.	Income Items.....	458
	<i>Revenue Ruling 74-607</i>	459
	<i>Spring City Foundry Co. v. Commissioner</i>	461
	<i>Clifton Manufacturing Co. v. Commissioner</i>	462
	<i>Flamingo Resort, Inc. v. United States</i>	465
	<i>Schlude v. Commissioner</i>	470
	<i>Artnell Company v. Commissioner</i>	477
	<i>Tampa Bay Devil Rays, Ltd. v. Commissioner</i>	477

2.	Deduction Items	480
	<i>Gold Coast Hotel & Casino v. United States</i>	480
	<i>United States v. Consolidated Edison Co. of New York, Inc.</i>	490
C.	The Taxable Year	495
	<i>Burnet v. Sanford & Brooks Co.</i>	497
	<i>United States v. Lewis</i>	501
D.	Error Correction.....	503
1.	The Tax Benefit Rule	503
	<i>Alice Phelan Sullivan Corporation v. United States</i>	505
	<i>Unvert v. Commissioner</i>	508
	<i>Hillsboro National Bank v. Commissioner United States v. Bliss Dairy, Inc.</i>	510
2.	Restoration of a Claim of Right.....	527
	<i>Reynolds Metals Co. v. United States</i>	530
	<i>United States v. Skelly Oil Co.</i>	532
3.	Other Correction Devices	540
	<i>Commissioner v. Sunnen</i>	541
	<i>United States v. Dalm</i>	544
Chapter 7 Flavor		561
A.	Capital Assets	561
	<i>Byram v. United States</i>	564
	<i>Corn Products Refining Co. v. Commissioner</i>	572
	<i>Arkansas Best Corporation v. Commissioner</i>	573
	<i>Womack v. Commissioner</i>	579
B.	The “Sale or Exchange” Requirement	588
	<i>Kenan v. Commissioner</i>	589
C.	The Preferential Rates for Long-Term Capital Gains (and Qualified Dividend Income)	593
D.	Section 1231 Gains and Losses	608
E.	Depreciation Recapture	613
Chapter 8 Transactions in Property		621
A.	The Impact of Debt Relief on Amount Realized	622
	<i>Crane v. Commissioner</i>	625
	<i>Commissioner v. Tufts</i>	631
	<i>Woodsam Associates, Inc. v. Commissioner</i>	643
	<i>Estate of Franklin v. Commissioner</i>	643
	<i>Pleasant Summit Land Corp. v. Commissioner</i>	645
	<i>Revenue Ruling 90-16</i>	646
B.	Tax Aspects of Home Ownership.....	649

C.	Like-Kind Exchanges.....	658
	<i>Revenue Ruling 77–297</i>	668
D.	Involuntary Conversions	673
	<i>Revenue Ruling 96–32</i>	674
	<i>Revenue Ruling 64–237</i>	678
E.	Installment Sale Method.....	681
	<i>Overview of Issues Relating to the Modification of the Installment Sales Rules</i> <i>by the Ticket to Work and Work Incentives Improvement Act</i> <i>of 1999</i>	681
	<i>Burnet v. Logan</i>	691
Chapter 9 Personal Matters		697
	<i>Estimates of Federal Tax Expenditures for Fiscal Years 2022–2026</i>	698
A.	Extraordinary Medical Expenses.....	705
	<i>Revenue Ruling 97–9</i>	706
	<i>Revenue Ruling 2003–57</i>	708
	<i>Revenue Ruling 2003–58</i>	709
B.	Charitable Contributions	712
	<i>Hernandez v. Commissioner</i>	715
	<i>Sklar v. Commissioner</i>	725
	<i>Revenue Ruling 81–163</i>	737
C.	Taxes	740
D.	Tax Aspects of Supporting a Family	742
E.	Tax Aspects of Divorce and Separation	750
	<i>Gould v. Gould</i>	750
	<i>Okerson v. Commissioner</i>	752
	<i>United States v. Davis</i>	754
	<i>Revenue Ruling 2002–22</i>	758
	<i>Kochansky v. Commissioner</i>	759
	<i>United States v. Gilmore</i>	760
F.	Bad Debts and Worthless Securities.....	762
	<i>Bugbee v. Commissioner</i>	763
	<i>Whipple v. Commissioner</i>	767
Chapter 10 Dual-Purpose Expenses		773
A.	Travel	774
	<i>Commissioner v. Flowers</i>	775
	<i>Revenue Ruling 99–7</i>	778
	<i>United States v. Correll</i>	783
	<i>Hantzis v. Commissioner</i>	786

B.	Entertainment Expenses and Business Meals	801
	<i>Moss v. Commissioner</i>	803
C.	Job-Seeking Expenses and Moving Expenses.....	807
	<i>Revenue Ruling 75-120</i>	807
D.	Education Expenses.....	811
	<i>Wassenaar v. Commissioner</i>	812
	<i>Galligan v. Commissioner</i>	818
	<i>Warren v. Commissioner</i>	818
	<i>Sharon v. Commissioner</i>	819
E.	Home Office and Vacation Home Expenses	828
F.	Clothing Expenses.....	833
	<i>Pevsner v. Commissioner</i>	834
	<i>Nicely v. Commissioner</i>	838

PART III: TAX SHELTERS & TAX AVOIDANCE

Chapter 11	<i>Tax Shelters and Tax Avoidance Limitations</i>	839
A.	Hobby Activities.....	844
	<i>Prieto v. Commissioner</i>	846
B.	At-Risk Rules	862
	<i>General Explanation of the Tax Reform Act of 1976</i>	862
C.	Passive Activity Losses	869
	<i>General Explanation of the Tax Reform Act of 1986</i>	870
D.	Alternative Minimum Tax	887
Appendix 1	<i>Estimates of Federal Tax Expenditures for Fiscal Years 2022–2026</i>	893
Appendix 2A	<i>Excerpt from Revenue Procedure 87-56</i>	901
Appendix 2B	<i>Excerpt from Revenue Procedure 87-57</i>	907
Appendix 3	<i>Answers to Review Questions</i>	915
INDEX	967