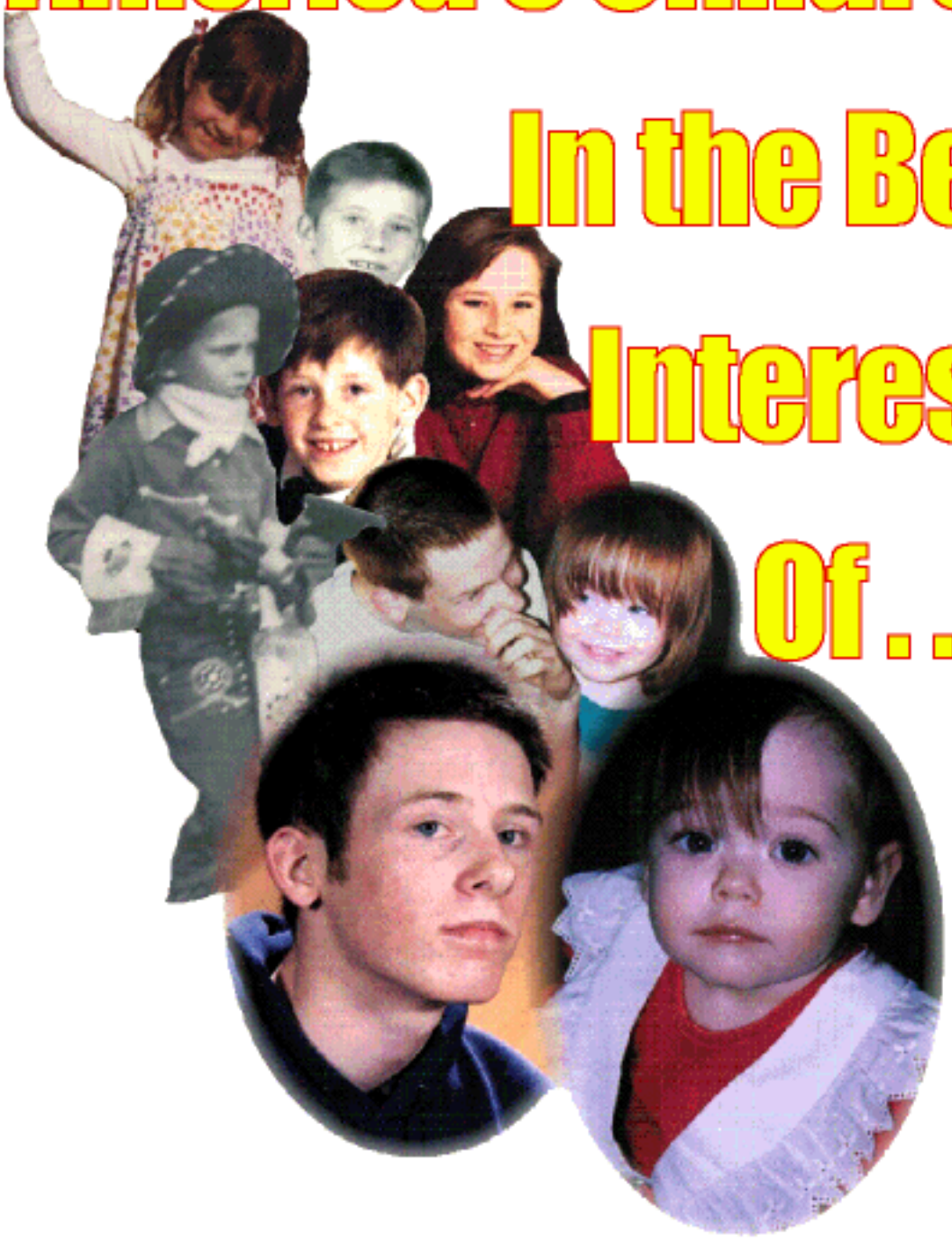
Trust Fever IV: My "Evil" Twin p. 38

AntiShyster

Critical Commentary on America's Legal System

America's Children: In the Best Interests Of . . . ?



AntiShyster

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"... it does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds."
– Samuel Adams

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Black's Law Dictionary defines "shyster" as "one who carries on any business, especially a legal business, in a dishonest way. An unscrupulous practitioner who disgraces his profession by doing mean work, and resorts to sharp practice to do it." Webster's Ninth New Collegiate Dictionary defines "shyster" as "one who is professionally unscrupulous esp. in the practice of law or politics." For the purposes of this publication, a "shyster" is a dishonest attorney or politician, i.e., one who lies. An "AntiShyster", therefore, is a person, an institution, or in this case, a news magazine that stands in sharp opposition to lies and to professional liars, especially in the arenas of law and politics.

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Should Schools Teach Values?

by Nathan Taylor

This may be the most simplistic article I've ever published. It deals with mutual respect and the Golden Rule – ideas that've been around for thousands of years and are today dismissed as little more than cliche's. And yet, if you read between the lines, this article is both profound and ironic. As you'll see, our government spent $9 million to discover the Golden Rule, used that discovery to topple the Soviet Union, and then tried to conceal the discovery from the American people.

How many problems have you ever had that can't be finally traced to a lack of respect? He doesn't respect your person or your work; you don't respect his person or authority. Result? Conflict, shouting, divorce, fights, sometimes jail, sometimes war.

"R-e-s-p-e-c-t! Find out what it means to me!" Who hasn't heard the song? But who has understood it? Perhaps more than love, we truly need respect.

In 1971, I attended the University of Tennessee to get a degree in Education. I wanted to be a teacher so I could take an active role in developing high moral values in the next generation.

However, during one of my classes, the professor stated: "You can not teach values in public school because *whose* values are you going to teach?" I didn't know how to refute his statement so I remained silent. Nevertheless, because teaching values was forbidden, I reconsidered my career as a public school teacher. Although I completed my undergraduate work in Education, I never even applied to teach in a public school. I had no desire to contribute to an institution that prohibited the promotion of values. Instead, I worked for private organizations such as the Boys' Clubs and Scouting which promoted values as a priority.

Over the years I've been haunted by the fact that I didn't try to refute the professor's assertion that values can not and should not be taught in public school. Over the years, however, I found proof that teaching values (specifically the "Golden Rule") is not only lawful but has an important, perhaps essential, role in our public school curriculum:

In 1955, during the Cold War, Dr. Robert Humphrey researched "Conflict Resolution Methodology" at the Massachusetts Institute of Technology and discovered there are Natural Laws of human behavior which are controlled by *values*. As a result, *values* are the key to understanding, predicting, and even *modifying* human behavior. He established that humans get emotionally charged by the things they "value". The higher they value something, the greater risk they are willing to take to protect or keep it.

For example, our individual life and the lives of our loved ones are normally our highest value because we will fight to the death to protect them. This value or natural trait is common to all humans. In essence, when you violate the fundamental Natural Law of human behavior (all humans value their lives equally and will become violent when treated otherwise), crime and violence results. Properly understood, Dr. Humphrey's work is the key to creating a better, less violent and more cooperative world.

Dr. Humphrey's discovery attracted the attention of the U.S. State Department and he was recruited as an Ideological Warfare Specialist. He was sent on covert missions to several communist bloc countries to resolve crime, violence and cultural unrest. His methods worked and his missions were highly successful. He became a secret weapon of the State Department and was sent to hot spots all over the world because of his ability to change peoples' attitudes and behavior.

Secretly financed with $9 million, Humphrey began his work in Turkey where the U.S. was building nuclear missile silos and basing the U-2 Spy planes. According to the $9 million research project, the root cause of crime and violence is "people feel they are

being treated with disrespect". Stated in a positive way; we tend to get along with those we respect and who show respect toward us. Dr. Humphrey's work proved that almost all social ills can be resolved by simply motivating people to show greater respect toward others. It sounds simple, but his conclusions were closely guarded to prevent his methods for effecting behavior from being widely known.

At the completion of his foreign missions, Dr. Humphrey returned to the U.S. At his debriefing he said he was excited to be home so his knowledge could be used to help stop violence, promote racial harmony and improve the education system. He was amazed when the government officials stated, "Destroy all of your documents and tell no one of your work." Apparently, government did not want crime and violence curtailed or racial tensions resolved.

During the late 70's early 80's, Dr. Humphrey's son Brad wanted to demonstrate how effective his father's methods were. He set up his own street corner school located in one of the rougher neighborhoods in National City, California. He took in only those kids that the public school system declared, "could not be educated". However, according to an article in the *San Diego Union* newspaper, in just 13 months he turned these "could not be educated" hard-core dropouts into, "bright, sparkling pictures of health, who bubble with enthusiasm when asked about their lives and plans for the future." Brad Humphrey's school received the county's outstanding award from the Greater Industry and Education Council, and also from the Corrections Department for juvenile offenders.

Curiously, the more successful Brad's private school became, the more official opposition resulted from the public school bureaucracy. Eventually, Brad's private school moved to Canada because, "The educational establishment, especially at the local school board level, kept trying to close the school". The reason? "We (the public school bureaucracy) favor a strong *public* school system; we are not interested in going *private*." Apparently, the *public* schools didn't like being outperformed by a *private* school or being required to reform to meet modern needs. A school based on the concept of teaching children to truly respect each other was unwelcome.

Today, some public educators even deny that there is scientific proof of a universal value shared by all humans, or that there are Natural Laws of human behavior. However, The FBI's Behavioral Science Department proves that there is a science of human behavior and that there are Natural Laws which control behavior. After all, FBI behavioral scientists can determine the characteristics of a person who committed a crime before the person's identity is known. How could that be possible if there were no fundamental laws of human behavior? Therefore, if it is possible to determine the characteristics of *criminals* (someone who assaults society), doesn't it follow that it's also possible to determine the characteristics of individuals who can resolve conflict, stop crime and violence, promote racial harmony, protect others and generally support society?

The answer is Yes. Dr. Humphrey identified those characteristics forty years ago. He successfully trained agents in Communist Bloc countries to cause nonviolent, positive social change and advance the cause of individual freedom. Doing so helped to win the Cold War and topple the Soviet Union. The basic technique these agents used was to promote human equality and respect toward others. Shouldn't our children be taught these same characteristics and values in public schools?

How important are these behavioral characteristics? Harvard psychologist Daniel Goleman researched this question in his book *Emotional Intelligence*. According to Dr. Goleman, the ability to positively effect others has a greater effect on one's success than intelligence. (See, *Time Magazine* 10/2/96).

Even our military is aware of the importance of teaching values. Marine General Krulak knew of Dr. Humphrey's missions during the Cold War. Later when he became Marine Commandant, General Krulak added an extra week to basic training for values training. According to Commandant Krulak, "Developing moral values has become an integral part of Marine Corps training. We hope to bring this awareness to the entire military. After all, everything the military does affects the rest of society. Now, if only our civilian institutions would get in step."

History teaches that society ben-efits from teaching children to be more respectful of others; and that even reaching just one child can produce profound world changes. Consider George Washington, Thomas Jefferson, Abraham Lincoln, Gandhi, Rosa Parks, Martin Luther King, or Jesus. Their cause – freedom – and message have always been based on the idea that all are equal under the eyes of God, and all should treat others as they would like to be treated.

Today, if that professor were still around to ask me, "*Whose* values are you going to teach?" I would not sit silent; I could answer that we should teach respect for the *universal* value shared by all humans. This value can

be stated, "My life and the lives of my loved ones are just as important to me as your life and loved ones are to you." This leads logically to the "Golden Rule": Do unto others as you would have them do unto you. Treating people with respect is not only just a good idea, it's the law - the Law of Nature.

And if he still resisted teaching values, saying there was no legal foundation to do so, I would remind him that our Founding Fathers were not only aware of the importance of values, Thomas Jefferson enshrined those values as the "Laws of Nature and of Nature's God" in the *Declaration of Independence*. The American Revolution was finally fought to achieve a measure of equal respect: "We hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." If the *Declaration of Independence* isn't sufficient legal authority to promote and teach the value of mutual respect in our public school system, what is?

In any given situation, our natural instinct is to "fight or flee". In both cases - fleeing *and* fighting - the motivation comes from *fear*. To make the world a better place, someone must be courageous enough to step forward and try to resolve conflicts *nonviolently*. Someone who neither fights nor flees. He seeks the middle ground, using his knowledge and skill to achieve voluntary cooperation. To create positive social change, the conflict resolution specialist must act not from the emotion of *fear*, (fight or flee), but rather from the emotional feeling of *fearlessness*.

A fearless person has no problem approaching adversaries face-to-face to discuss a problem. Some people are confident and fearless by nature. They make the best conflict resolution specialists. Their personality invites friendliness. People respect these characteristics. In most cases, problems can be resolved by mutual respect and empathic verbal persuasion.

If you're not lucky enough to be naturally fearless, one the fastest ways to boost confidence is through training in the art of self-defense. Another, better way is to find your faith in God. Faith is truly the opposite of fear, and with real faith, one becomes fearless – not in an aggressive sense, but in the sense of one ready to help, ready to serve, ready to respect.

The Cold War is over. Isn't it time that Dr. Humphrey's methods for achieving positive social change through values development be made public? Armed with this knowledge, our public school system would be better able to teach our youth how to become successful, resolve social problems, stop crime and violence, and even help maintain world peace.

It's interesting that our government reportedly used Dr. Humphrey's discovery to reduce crime and violence in Communist countries, but refused to do the same in the USA. This implies that governments depend on domestic crime and violence for "legitimization" and the key to destabilizing an adversary's government is not to institute violence, but peace. *(If there are no foreign or domestic threats, why do we need or even tolerate government?) Was the key to destroying the Soviet Union teaching Communists to respect each other? Conversely, is the key to maintaining our federal government's power the maintenance of the public's mutual disrespect and resultant high crime rates. . . ?*

One last point: If there's a school anywhere that should teach values, *it's law school. According to an article in* The Florida Catholic *("Dean: Legal System Has Hit Bottom"; 12/11/97), Professor David Link, dean of the University of Notre Dame Law School recently said, "The adversarial system is not about justice but about winning. Adversarial ethics . . . leads to disregard for the broader concerns of justice and fairness." As a result, "the reputation and ethical level of the legal profession are at an all-time low. Part of the problem was that law schools teach a kind of sterile ethics rather than emphasizing professional responsibility."*

Professor Link's solution? "Scrap adversarial ethics . . . adopt a 'do good' ethical system . . . [and] return to the day when lawyers were trusted . . . because they concentrated not so much on winning but healing."

Like most lawyers, Professor Link's comments are erudite but obscure. They sound good, but what to they mean? Is it possible that when Professor Link talks about "ethics", "reputation" and "responsibility" all he's really discussing is "respect"?

Our adversarial court system is inherently disrespectful – it actually teaches and institutionalizes *professional contempt for opponents and clients. The "win at any cost" mentality is finally based on a contempt for others that refuses to consider the possibility that your opponent might be a decent person or even right. If courts treat litigants with respect, those litigants won't riot even if they lose their cases. But if the courts treat litigants, their families and values with contempt, those litigants will be angry even if they win – and potentially dangerous if they lose.*

Lawyers can't use their education, privilege and courts to routinely smear innocent people, destroy businesses and families, ignore righteous values, and still command America's respect. Every judge and lawyer who truly wants to regain a measure of respect for himself and his profession should read Mr. Taylor's article, study Dr. Humphrey's research and learn to simply treat the public with real respect.

If you, me, and even lawyers want respect, we have to earn it. How do you earn it? You give it. Do unto others. This "natural law" is so simple we dismiss it as naive. But as Dr. Humphrey's work suggests, this "law" may be profound, even self-enforcing and can therefore be ignored only at our peril .

For additional information concerning Dr. Humphrey's methods for promoting values and activating children to show greater respect toward others contact Nathan Taylor, PO Box 2079, Dunnellon, Fl. 34430.

■

Unfinished Divorces

by Francis Baumli, Ph.D.

Are divorces caused by lack of love or lack of respect? The answer can be seen in a government study indicating that 75% of all divorces are caused by financial stress. Finances have little to do with love, but are, for many of us, the essence of respect.

But no matter how much or little respect you and your spouse share in your marriage, you can bet that every bitter divorce starts with a lack of respect, and ends with the real contempt of one spouse for the other. Which, of course, is exactly why marriages can be ended easily but, for some of us, divorce just goes on and on – waiting for that former spouse to finally show us the respect we believed we deserved.

Anyone who's subscribed to the AntiShyster for long has probably read one of my diatribes about my 1984 divorce and how its associated injustice drove me half nuts (temporarily, of course) and laid the foundation for this publication and all that's flowed from it. So I won't do that dance again – at least here.

But even now, fourteen years after the fact, I'm still learning to understand what happened. After reading the previous article ("Should Schools Teach Values"), I realize for the first time that the foundation for the grief, rage, and hatred that flowed from my divorce was the court's refusal to respect me as a decent man and a good father. That infuriating disrespect cost me several years of depression and ultimately reversed my attitude toward government from something benign to something distrustful, adversarial, perhaps even paranoid.

And so, I can relate to this article by Dr. Baumli – another divorce court casualty in the process of trying to "understand" why he was assaulted. But when I read Dr. Baumli's story, I can't help but laugh. It's one thing for the divorce courts to enrage a post-alcoholic roofer like me. But Dr. Baumli has a Ph.D. in psychology*! Get it? He* knows *how to deal with "negative emotions," depression, rage and the impotence we call "hate". He's a* shrink*, and yet, the divorce courts are even driving* him *nuts! Now,* that's *funny!*

I don't mean any disrespect for Dr. Baumli, and I certainly don't trivialize his pain. But I feel like a guy who's been standing all alone in a septic tank with the poo up to my lower lip. I don't much like my predicament, but I've steeled myself to endure it. And then one day I look around, and there's Dr. Baumli, not only standing in the same tank with the poo is up to his nose *– but he's even trying to* swim*! The damn fool doesn't understand his predicament – he still thinks this legal system is a swimming pool filled with nice clean water! Call me "sick-o" if you like, but I can't help laughing.*

However, after a while, I stop laughing and get angry. As a former drunk, roofer and college dropout, I had some self-esteem problems that predisposed me to accept the court's injustice and disrespect. But as you'll read, Dr. Baumli seemingly had it all: Ph.D., intact second family, legal custody of his daughter, even the law *was on his side – and the system still beat him. Seeing even Dr. Baumli gutted by the divorce courts only confirms that I wasn't a "loser" in my divorce, I was a* victim*. My children were victims. Even my ex-wife (who ostensibly "won" our divorce battle) was a victim of the biggest extortion racket in the Western World – the U.S. judicial system.*

And that makes me mad. It's one thing for a huge "system" to inadvertently step on and crush a few of the weak and less nimble who can't adequately defend themselves or get out of the way. But when the system even crushes the strong, you begin to see that no defense – not even righteousness – is possible. Faced with that reality, there's little alternative but to surrender the false "beliefs" you've been taught ("the best legal system in the world"?), flush the crippling contradictions from your mind, and begin to believe your own eyes rather than the CBS Evening News.

That's why I find Dr. Baumli's article both amusing and instructive. It's not the story of a divorce or custody battle. It's the story of a man who, for the first time in his life, is being forced

to see the truth about the courts and his own education. He is in the midst of the painful process of exchanging his dependence on the pleasant beliefs that come with TV and Voters Registration for a wary reliance on his own perception. He's just beginning to see that all the talents, positive attitudes and credentials that he once relied on to provide him with respect are flimsy and more likely to attract assailants than provide his defense.

And although Dr. Baumli doesn't say so in this article, I suspect that his anger is based on the court's failure to pay him any respect. If so, this is important because 1) this story supports the conclusions regarding respect in the previous article ("Should Schools Teach Values?"); and 2) even though Dr. Baumli has a Ph.D. in psychology and is highly educated in the causes for the kind of mental distress he's experiencing, his article does not once reference the term "respect". This implies that the entire profession of psychology may be ignorant of the "natural law" of concerning respect and the psychological and social consequences that follow disobeying that "law". If any of this is true, how can we explain psychologists who don't understand the fundamental psychological law behind the Golden Rule?

According to the previous article ("Should Schools Teach Values?"), life's primary "value" is our determination to protect ourselves and our families. If so, any government that tampers with families guarantees to enrage its citizens. No decent government can provoke that kind of rage in its own people and still survive.

Dr. Baumli not only secured a Ph.D. in psychology, he even raised his daughter from age two to fifteen, primarily on his own. These are not small accomplishments. They indicate that Dr. Baumli may be characterized by remarkable measures of personal responsibility and determination. Dr. Baumli's story implies that he's dedicated his life to books, reason, and diligent effort to become a man whose attitudes, accomplishments and credentials were "guaranteed" to earn a measure of public respect.

But since his divorce, Dr. Baumli appears haunted by the possibility that, instead of dedicating himself to being reasonable, responsible and "respectable," he should've learned the martial arts and arrogance necessary to kill government officials. Dr. Baumli still has his second wife and young son, so like most of us, he'll probably never engage in anything more violent than a philosophical distrust of government. And, as stated in the Declaration of Independence, that's normal: ". . . all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

But are these "evils" still sufferable? Government's institutionalized contempt for justice, unalienable rights, and the American people's dignity is creating a body politic where millions of decent people begin to ask why someone, anyone, doesn't follow Shakespeare's advice about lawyers. Dr. Baumli is an excellent example:

When I was divorced in 1977, my wife received custody of our two-year old daughter. But she chose not to keep our daughter and left her in my care. A few months later, I went back to court and obtained uncontested custody, which I retained for the next 13 years.

My former wife rarely exercised her visitation rights, with the ironic (albeit predictable) consequence that my daughter began to idealize her absent mother. To deny the grief caused by the fact that her mother had never cared about her, my daughter chose to believe all her mother's excuses and lies that explained why she didn't visit more often. Thus, when my daughter, at age 15, went to visit her mother in Florida, she decided that she was old enough to choose to live with her mother, and she refused to return home. She, in effect, placed herself on her mother's doorstep, hoping to force her into taking care of her.

I spent thousands of dollars over the next few weeks purchasing various legal maneuvers, and since The Uniform Child Custody and Jurisdiction Act (UCCJA) was on my side, I finally succeeded in getting my daughter back. But then my former wife pressed for custody, motivated by the hope that she would receive large sums of child support. The result: Despite spending more than $20,000, despite putting a thousand hours of my own time into preparing for that trial, despite utilizing the services of five experienced domestic-relations attorneys, despite the fact that I am remarried and have an intact home with a six-year old son, and despite the fact that I was fully confident I would win – I lost.

Divorce stories are like nightmares. They are horrible to the person experiencing them, but the details are usually boring to others. So I will not bore with details.

But I believe it would be valuable to relate a few of the more general things I learned during those several months and that three-day trial. My advice might save other men in similar situations a lot of money. It might save

some heartache. At the very least it might keep a divorcing man from nursing false hopes about the kind of relationship he can hope to have with his children.

The main thing I learned is that despite all the work done by the men's liberation movement over the last twenty years the many prejudices against fathers remain. In any divorce or custody proceeding the father is guilty from the beginning – guilty of anything the mother alleges and everything the judge suspects. I had thought that with my history of being a dependable parent, my experience in the men's rights movement, and my legal acumen, that I could overcome those prejudices.

Quite the contrary. My history as a good parent caused the judge to state, in no uncertain terms, that he thought I had failed to be a productive citizen since I had not played out the male role as fully as most men do. As for my involvement in the men's liberation movement, this was the main cause of my undoing. The men's rights book I had edited, *Men Freeing Men*, was brought forth as evidence of how unconventional and deviant I am. As for my legal expertise – the judge found this threatening, and was visibly irritated when I worked closely with my attorney in the courtroom. As a result I now suspect that any man going into court as a seasoned father's rights activist will likely discover that his "credentials" actually put him at a disadvantage.

The second lesson learned (or rather, relearned) is that feminists are not the only enemies of fatherhood. An enemy just as great is male chivalry -- men's attempts at winning women's approval by idealizing them, coming to their rescue, or trying to give them anything they want. I encountered such chivalry in the judge who heard my case. He extended it toward my daughter, my former wife, the female attorney who represented my former wife, and my daughter's attorney – a court-appointed, female *guardian ad litem*.

At the same time, I encountered the chauvinism toward women which always goes hand-in-hand with chivalry. My attorney, also female, was young, attractive, hard working, and brilliant. The judge was a dull-witted, unsophisticated man in his late forties who had obtained his position because of his father's money and political connections. He seemed intimidated by this pretty, brilliant woman, and responded by openly deriding her in the courtroom, sneering at her, sometimes yelling at her. When she fought back, he took the attitude that she was being a bitch. When she did not fight back, he took the attitude that she was a dumb blonde. His chivalry did not extend to a woman who seemed threatening.

So there it was . . . sexism toward me as a male simply because – as an actively involved parent, I appeared too unconventional – and sexism toward my female attorney because she was an intelligent woman. As happens not infrequently, an issue in men's liberation found company with an issue in women's liberation.

There also was blatant classism in this judge. He was wealthy, from a pseudo-aristocratic family, and he took the view that my world is decidedly inferior to his given that I am interested in art and spend my days working as a writer and editor. The moment that judge began discovering the particulars of my personality – my artistic interests, my work as a writer, my academic credentials, my interests in philosophy – the opposing attorneys sniffed out his prejudices and proceeded to build their case upon these prejudices. They assassinated my character, derided me as a male, and joined the judge in sneering at my attorney.

What should one conclude from all this? Men's liberation has changed very little in the legal system. It still is the case that in the eyes of most judges a man is nothing more than a species of vermin the moment he enters a courtroom. Can he use his time in court to convince the judge otherwise? Probably not.

I dealt with several attorneys during the months before trial, and a third lesson learned is that attorneys treat you, their client, exactly like they treat the opposition. If your attorney is sleazy, dishonest, and aggressive toward your enemy, he or she will probably be sleazy and aggressive toward you. I have seen it happen many times: The more sleazy the attorney, the more likely you are to win your case, i.e., defeat your enemy. But in the end you will feel defeated too, because throughout the case your sleazy attorney will be driving you crazy by bullying you, making false promises, and indulging in that one trait attorneys are best at: procrastination. And in the end the sleazy attorney will not be through with the case until he has screwed you financially. (Of course, the question here arises: How do you find a nonsleezy lawyer? I don't know, but I'm still looking.)

A fourth lesson learned – or rather, mulled over – is this: When the odds are so decisively stacked against a man simply on the basis of gender, why bother fighting the battle? I could come up with only two reasons. One is the very small chance that he will win. So if you are a man and you want to play against the odds, go ahead – it's your money to burn and your soul to waste. (Don't be deceived by the statistic that 10 percent of men get custody of their children. Most of these men had custody handed to them because of uncaring mothers. And those who did win custody because of the outcome of a court battle often got it in name only, i.e., they were given legal custody, which entailed financial responsibilities, but were not given physical custody. Furthermore, don't be deceived by the fact that men, on appeal, win custody as often as 50 percent of the time. These men are usually wealthy, and their pleas would never have been accepted by the appellate court in the first place if they had not possessed a meritorious case, i.e., a good chance of winning.)

The second small reason for fighting a custody battle is to more or less cleanse yourself. This way, if harm comes to your child(ren), you will know that you did your best to prevent it. I had thought I would win that court

battle; but even had I expected to lose, I still would have fought it. This way, if my daughter were to get molested or raped by her stepfather, or if she were killed in a car wreck because of a lack of parental supervision, I would not have to blame myself. Or, if someday her life were in a shambles because she went to live in an unfit environment at the age of 16, then I would never have to believe that her unhappy life is my fault because I sat by passively and let it happen.

But if a father hasn't the financial resources, or the emotional stamina, to go through with such a fight, or if he simply cannot bring himself to fight a losing battle, then he should not feel bad about his choice. We as a nation constitute but 6 percent of the world's population, yet we have 70 percent of the world's lawyers. Maybe we'd all be better off if we simply refused to fight those court battles and let the lawyers starve. Maybe then they'd stop being lawyers. (A nation without lawyers? It puts one in mind of heaven.)

I learned a lot from that trial. I learned that when there are children involved, a man never really succeeds in divorcing his wife. This trial was just one more of many attempts at trying to thoroughly divorce my first wife. I now realize that there will be further unsuccessful attempts occasioned by life's events – my daughter's college, her marriage, grandchildren which my ex-wife and I might share. And always, always, that ex-wife will be there, with malice in every motive, and monetary gain as her primary agenda.

Going through this trial helped me understand an important facet of American politics. Everyone in government seems to want the kind of power which the executive branch has. Members of Congress would certainly like such power, considering how powerless they feel themselves to be. This point was driven home back during the Vietnam War when Mike Mansfield, then Majority Leader of the Senate, upon being asked on national television why he did not do anything to stop the war, replied indignantly, "Me? I'm just a Senator!"

As for our judges, they supposedly do no more than interpret the law. At the county level, the sheriff is the executor of the judge's rulings; at higher levels, state or federal police officers act as executors of judges' dictates. Thus, while our chief executives are relatively all-powerful, and legislators are relatively powerless, judges occupy a position somewhere in between. Although they supposedly have no executive power since they must depend on other people who are executors to carry out their mandates, they actually, in this arrangement, possess and direct considerable executive power.

Thus, our judges, while they have less power than our highest executive officers, nevertheless – because they direct and utilize the services of sheriff and police officers – have considerably more power than legislators do. But, like all officials with power, they lust for more; and, at every opportunity, they grasp and use more power by pretending to abide by the law while actually handing down whatever judgement suits their whim, then using the police to enforce it. In so doing they forsake their duties as judges and instead behave very like member' of our executive (i.e., dictatorial) branch of government. This likely is why Supreme Court nominees receive such a grueling examination at the hands of Congress and the press. Once appointed these judges have tremendous power. Hence, before giving them confirmation, Congress and the press, who resent this power, give these justices one last lesson in morality and accountability before they go on to occupy an echelon of government where they are virtually beyond reprimand or recall.

Do I exaggerate in thus describing the power of judges? At one point, when working with my courtroom attorney, she described to me an appalling decision made by a judge in a recent domestic matter. "But can a judge do that?" I asked her.

"A judge can do anything he wants," she replied, then added, "and your only recourse is to appeal."

"To *another* judge — who can do anything he wants," was my rejoinder, to which she nodded grimly.

One nagging question remains unanswered. I understand why there are so many lawyers. We think we need them, so we hire them, we pay them, and they are very adept at creating a chaotic world which no one believes can function without lawyers. But why are there so many judges? What I mean is, how do they manage to stay *alive*?

I *hate* the judge who took my daughter from me. I *hate* those two attorneys who spent three days in court slandering my name. I *hate* my ex-wife. And I don't know what to feel toward my daughter.

But meanwhile I have a good marriage, a six-year-old son with my second wife, and I want to get on with my life. Basically I am a peaceful man. So . . . as much as I hate that judge, I will leave him alone.

But there are men out there, some I have known, who would not let a judge off so easily. These men are good with guns, hot with their tempers, long on revenge, and short on mercy. If a judge did to them what that judge did to me, they would kill him.

A fellow who lives in a rural county, north of where I used to live, had quite a reputation as a survivalist. He had a family, and he lived off the land by poaching wild game and selling the meat. He was deadly accurate with a gun or a bow, and no one – I mean *no one* – messed with him. I came into contact with this fellow when, working as a psychologist, I gave testimony on behalf of his son who was a plaintiff in a lawsuit. The survivalist talked to me freely about his "work." Asked if he was afraid of the law, he answered simply, "If a game warden or the sheriff tries to arrest me for poaching, they'll end up in the same lime pits where I throw the deer guts I've poached. If the prosecutor, or a judge, tells the sheriff to go after me, then some morning that prosecutor or judge will go to his front door to get the mail, and '*thwock*'! He'll see my arrow in his heart before he dies."

When you heard this fellow talk, you believed him. So did the local law officials. They left him alone.

I've thought about this guy a great deal since losing that trial. If it had been him, instead of me, there would be one less judge. Of that, I'm sure. And I'm sure there are a lot more men like him. Which makes me wonder why there are not fewer judges. Fewer lawyers. And a lot less misery being experienced by divorced fathers.

But maybe it is time to stop wondering. Of late there has been a rash of courtroom killings across the country. Desperate fathers, cornered and beaten, crazed with pain and grief, pull a gun. Judges, lawyers, ex-wives die. Sometimes the father takes his own life too.

Maybe the revolution has finally begun. Too bad it couldn't have happened peacefully.

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If wondering whether we should (figuratively) "kill all the lawyers" sounds unbalanced, read that the headline on page 53 of the March 12, 1998 Business Week *magazine: "Chamber of Commerce Battle Cry: Kill All The Lawyers". Even the stodgy ol' Chamber of Commerce is up in arms. According to that article, pollster Frank I. Luntz has advised Republican candidates for the 1998 election that, "it's almost impossible to go too far when it comes to demonizing lawyers."*

Apparently, it never crossed the lawyers' collective mind that there's a limit to the number of people they can rob. As a result, victims of judicial abuse like Dr. Baumli and myself are no longer radical extremists. We are now so numerous, we comprise a significant national voting block that will be systematically wooed by candidates in the 1998 election.

Further, although the ideas and attitudes in the AntiShyster are sometimes presented with a directness some regard as radical, these ideas and attitudes are shared by at least a plurality of Americans, and perhaps a majority. I'm almost embarrassed to admit it, but it seems that the AntiShyster has become (almost) "mainstream". What a world, hmm?

Corporate Ownership of Children

By Stephen Kimbol Jr

The question of who "owns" our kids is neither new nor easily answered. The question once drove Solomon to suggest that a child be cut in half so each of the two contesting "owners" (mothers) could have equal parts. We presume that, if anyone "owns" our kids, it must be the parent(s). But that presumption is routinely challenged by media accounts of parents who lose "custody" of their kids for reasons that seem irrational. As a result, some people begin to suspect that maybe we don't really "own" our kids.

The heart of this suspicion is government's habit of simply taking children without due process of law or affording the parents the presumption of innocence. In fact, government agencies sometimes seize our kids much like the bank "repo's" our cars when we fall behind on the car loan; somebody just pulls up to the curb in a car and tows 'em away. The reason banks can repossess your car without going to court and affording you due process or the presumption of innocence – is that until you repay your car loan, you don't "own" your car. Since you don't own it, the bank can seize it.

It's hard to believe, but perhaps the same reasoning applies to our children. Maybe government can seize your kids because the parents do not legally "own" them. As with the bank repossessions, it follows that if you don't "own" your kids, the only party who can take them is the true owner, or the owner's representative. In other words, government couldn't seize your kids unless government already owned 'em. (Can you say "com-mu-nist", boys and girls?)

Government seized the children of this article's author. In attempting to discover the government's legal right to take his kids, the author reached the following conclusions:

Most of us find it unremarkable when Bill Clinton says, "Our children are our most valuable assets." Although the President uses the collective term "our" to describe these children, we assume the President is speaking in the individual sense of "yours", "mine", and "theirs" when he talks about "our" children (surely, he couldn't mean that we Americans own all children *collectively*, and even more obviously, the President's use of "our" couldn't mean the kids belong to the *government*!) . We also assume the President is speaking metaphorically when he describes "children" as "assets" (surely, he doesn't mean our kids are actually the physical "property" of the sort that might be registered as "assets" of a business or corporation).

However, my research indicates the President is speaking with great precision when he says, "Our children are our most valuable asset." He means: 1) "your" children are in fact legal property of the federal government; and 2) those state-owned children are worth a lot of money to the government. And he's talking about almost every American child.

You'll probably find my research disturbing since it suggests that American parents – you, perhaps – are selling their children into slavery. My understanding of this incredible problem began when my wife and I were accused – by the government – of reading the Bible to our children without training. As ridiculous as that charge sounds, it's true. Based on that charge, the government took our children and caused us great suffering.

In the aftermath, I began to search the laws for the government's authority to take our children, and here's part of what I found:

First, according to 28 U.S.C. 3002-15, the "United States" is not a "government"; it's a private corporation and the other fifty "states" (plus Guam, Virgin Island, Washington D.C., etc.) are mere corporate franchises. The "United States" only deals in Commerce and does so under private international law.

Second, on April 9th, 1912, the United States Inc. created the Children's Bureau in the Department of Commerce and Labor to keep track of America's children. (see, 62nd Congress, Session II. Chap. 73 pages 79-80). This should have sent up a red flag, but it didn't.

Then in 1921, Congress passed the *Sheppard-Towner Maternity Act* that created the United States birth Regis-

tration area (see Public Law 97, 67th Congress, Session 1, Chapter 135, 1921). The *Sheppard-Towner* act allows parents to register their children when they are born and then receive a copy of the birth certificate.

I have a photocopy of an August 6, 1985 letter from the Health Services Agency of the County of Shasta, California, which illustrates the significance and consequences of having (or not having) a birth certificate:

"Dear Ms. R,

"As I understand it, you gave birth to twin girls on July 30 & 31, 1985 at Mercy Medical Center of Redding, Ca. I also understand from the hospital staff that you did not desire to register the birth of your girls with them at this time. I'm writing to inform you of information you may be unaware of.

"According to State regulations, if you do not register your daughters' birth within the first year of their delivery, they would then have to be registered on the delayed registration of birth form and the cost would be, this time, $15.00. Considering the fact that you delivered in a hospital and had a physician in attendance, this would probably be of no consequence or trouble for you now, but in later years this may be a problem for your daughters. I am sure you are aware of the utmost importance in having a birth certificate as soon as possible. In twenty years, the hospital records could have been destroyed and your physician may not be available to help you or your girls.

"Consider the fact that in order to be registered for *school*, apply for a marriage *license*, grants or scholarships in school, the State of California requires a certified copy of a birth certificate. The Federal government requires a certified copy of a birth certificate when applying for military service, passport, or *social security card*. [Emph. add.]

"When you realize all the times they may need their certificate of birth, you may want to contact me and we'll arrange to have them taken care of for you. Please contact me if you any questions in this matter.

"Sincerely, Linda L. Allen

"Deputy Registrar, Vital Statistics"

Ms. Allen's letter implies that in 1985 without a birth certificate, you couldn't attend (or be forced to attend) public schools; couldn't get (or be forced to get) certain licenses; and couldn't even apply for a social security card (without a social security card, you can't pay income taxes). In fact, the relationship established by the birth certificate with government is far deeper than Ms. Allen's letter implies.

Today, when you voluntarily register your children, they become Federal Children and subjects of Congress. A copy of the birth certificate is sent to the Department of Vital Statistics in the state in which the child was born. The original birth certificate is sent to the Department of Commerce in "New Columbia" (the former District of Columbia) and then your child's future labor, properties and body are put up as collateral for the public debt. This is the first step in the United States Inc.'s control and custody of your children.

If these assertions seem incredible, ask any parent who's ever been in a divorce court custody battle if the judge didn't act as if the *state* (not the parents) owned the kids. And ask the parents who've been threatened with jail for disciplining their children if they, too, don't sometimes suspect if the government owns their kids. This bizarre suspicion is a lot closer to the truth that almost any American could imagine.

Nevertheless, government's ownership of America's children is not secret. There are many court cases which openly declare that our purported government *owns* virtually all of America's children. For example, according to *Tillman v. Roberts* (108 So. 62, 214 Ala. 71): "The primary control and custody of infants is with the government." According to *Nichols v. Nichols* (Civ. App., 247 S.W. 2d 143), in its capacity of *"parens patriae,"* government may assume direction, control, and custody of children, and delegate such authority to whom it may see fit. (See, *Ridgeway v. Walter*, 133 S.W.2d 748, 281 Ky. 140; *Shelton v. Hensley*, 299 S.W. 979, 222 Ky 808.)

As a result, government has authority to have "your" children raised

and taught whatever *government* thinks best. As a parent, you have *no* legal authority over "your" children. Although you may have equitable possession and control over "your" kids, they are the *legal* property of the state. That's why government tends to dismiss parents' complaints about subjects like "Outcome-Based Education". Under 28 U.S.C. 3002-15, complaints to officers of a private international company (the "United States") about what they're doing with *their* property (the kids you thought were "yours") is ludicrous. In fact, most parents no longer have any legal standing to question, challenge or complain about any government Legislation or regulation pertaining to children. And, as "property," even the children have no rights since only real people owned by no one but themselves or God can have rights.

The people better wake up and study law and procedure, because if they don't understand the law, they are also wards of the government. We must study law to be responsible for ourselves and our children. In fact, there is much hope and a way out of this mess through the law and procedure taught by the Redeemer of Man (Logos).

For a free information package, write To: Stephen Kimbol Ames C/O P.O. Box 5373, Harrisburg, Pennsylvania [17110], or call (717) 567-7675.

Stories of government agencies seizing children from parents based on little more than suspicion are common. While everyone wants to protect children – especially from physical or sexual abuse – no one can justify a slow process of final determination of charges based largely on anonymous tips, rumors or simple allegations of alternative life styles like home schooling or religious instruction.

Maybe it's right, maybe it's wrong for government to take a child into a kind of "protective custody". But it is absolutely wrong to keep that child away from his family for one minute longer than absolutely necessary to determine if the underlying allegations of child abuse can be supported by enough evidence to prove a case in court. If government seizes the child today, it should hold habeas corpus hearings almost instantly to determine if there's enough evidence to prove the alleged abuse might have taken place. After a quick, thorough investigation of the child's physical condition, if the child abuse charge is based on nothing more than unsubstantiated rumor, the child should be instantly returned to the parent.

That kind of quick determination can cause tragic mistakes – but that's the way it must be if we're going to maintain the presumption of innocence in our courts. Under the emotionally-charged guise of protecting children, we are sacrificing an even greater value: the presumption that all of us (even parents) are "innocent until proven guilty." If parents can be denied the presumption of innocence and due process today, tomorrow it will be the grand parents, and the day after, you and I. The hard truth is this: there are greater dangers facing this nation than child abuse and we cannot afford to ignore the greater dangers to satisfy the emotional appeals of the lessor.

If we really care about our children's welfare, we should look to the national attitudes and institutions that cause *child abuse. For example, according to some studies, mothers are responsible for 60% of all child abuse and stepfathers are eight times as likely to physically or sexually abuse a child as is the biological father. If you play with those numbers a little, it becomes obvious that the parent least likely to abuse a child is the biological father. Do you* really *want to reduce child abuse? Then you'll have to reverse the "maternal presumption" in our divorce law and custody determinations that favors women over men in family law issues. How many women* really *care enough about child abuse to forfeit their personal stake in the maternal presumption? Not many.*

According to government statistics, women file 70% of all divorces. Part of the reason women are twice as likely to file as men, is that the maternal presumption provides an "incentive" for them to do so. Since losing the maternal presumption would prob-

ably diminish the number of divorces filed and therefore the income of lawyers, how many lawyer and legislators care enough about child abuse to forfeit their financial interests in maintaining the maternal presumption? Very few.

If stepfathers are eight times as likely as biological fathers to commit child abuse, it's obvious that the number of stepfathers (and resultant child abuse) could be dramatically reduced if we eliminated "no fault" divorces and made divorce so difficult that (for the sake of the child) divorce was once again uncommon. How many lawyers, judges, welfare workers, court-appointed psychologists and politicians are really *so appalled by child abuse that they'd support new laws to make divorce less common – and also less lucrative for the family law industry? Virtually none.*

A recent government study indicated that 75% of all divorces are caused by financial stress. But government currently takes about 55% of every adult's income as local, state, and federal taxes. It follows that big government (which takes over half of our income) is the chief cause for our financial stress and therefore a primary cause *for divorce. Because big government takes over half a man's income, a father can no longer take home enough money to support his family. Result? His wife must work to make ends meet. Result? Mom's not home to raise the kids. Result? Children grow up in day care, or as latchkey kids, or on the street with a gang for a family. Result? Moms lose respect for their husbands (they aren't good "providers") and husbands lose self-respect for the same reason. Result? Marital stress, alcoholic escapes and divorce (how many marriages can survive without the spouses' mutual respect?)*

Since the probability of child abuse is increased by both divorce and poverty, how many politicians and government agencies truly care enough about stopping child abuse to reduce taxes (and government) to levels that minimize "financial stress" on families, encourage spousal respect, and thereby reduces the probability of poverty, divorce and child abuse? Almost zero.

While feminists, lawyers, welfare workers, court-appointed shrinks, politicians, and government officials cry and struggle day-and-night for "tougher" child abuse laws (even if it means trashing the Constitution), not one of those special interest groups will take effective, collective action to reduce the root causes of child abuse. Why? Because every one of those groups collectively profits *from various unjust laws or attitudes (maternal presumption, easy divorce, excessive taxes) which help* cause *child abuse.*

So far as I can tell, the one group that's least likely to commit, cause, or profit from child abuse are biological fathers – and they are routinely scorned, disrespected or ignored by government, courts, feminists and media.

Don't kid yourself – despite all the emotional rhetoric surrounding child abuse, kids have no "special interest" clout. They don't vote or make political campaign contributions and are therefore politically "disposable". Although a lot of organizations use children as excuse to advance their interests, there is no effective, collective interest in protecting kids sufficient to overcome the "special interests" whose profits depend on laws that ultimately encourage child abuse.

If there is no real governmental or collective incentive to protect kids, who will protect them? The answer's as old as time and can be seen in 99% of all mammals and birds: the child's biological parents operating as an intact family.

Every law, institution, policy or attitude that causes, encourages or merely allows the break up of the biological family unit ultimately contributes to child abuse. So long as family law is written to favor special interests who profit from the destruction of families, child abuse will not only continue, it will increase. This increase must be recognized for what it is – manufactured by forces outside the family – and resisted rather than used as a reason to further destabilize marriage and diminish the rights of all Americans.

■

"Straight Facts" on Child Support?

by Gregory J. Palumbo, Ph.D.

At first glance, increased child support payments seem like a fine idea. Who can argue against more money and better care for children? In fact, the issue's emotional appeal is so powerful that any debate seems unnecessary, insulting and even heartless.

But similar reasoning was also bandied about in the 1960's and 1970's to justify increasing welfare payments to impoverished mothers – provided that the unemployed father or boyfriend could not live in the same home. Result? Two or more generations of Blacks seduced by the promise of welfare money to remove fathers from the black children's lives. Result? Social chaos, illiteracy, crime, violence, and early death in the black community.

But isn't government enforced child support just a kind of "privatized" welfare? And regardless of intent, isn't the ultimate effect of child support to encourage divorce and the separation of children from their fathers? Therefore, should we be surprised if child support ultimately helps cause the same chaos for all Americans that welfare already caused for blacks?

Dr. Palumbo is the Policy Analyst for the American Fathers Coalition, Washington, D.C. and Assistant Professor, University of Oklahoma Health Sciences Center, Oklahoma City, Oklahoma. His article illustrates bureaucratic "special interests" in increasing child support enforcement.

On November 25, 1997, Oklahoma media reported on a joint House and Senate Judiciary Committee meeting on Oklahoma Child Support Guidelines (Interim Study 97-33). Unfortunately, the press did not report that the Child Support Enforcement Division (CSED) officials of the Oklahoma Department of Human Services (DHS), attempted to manipulate Committee members and the public into raising Oklahoma child support guidelines with false or mistaken information.

The CSED advocated a *forty-five percent* increase in the child support guidelines for Oklahoma. To achieve their agenda, CSED officials attempted to mislead the Committee with an unpublished faulty study, made untrue statements, and demonstrated a lack of understanding of child support issues including the derivation of Oklahoma's child support guideline tables. Why the deception? Because the proposed increase would ultimately promote the growth of the bureaucracy for which they work.

CSED officials falsely claimed that Oklahoma has the lowest average child support awards in the nation. This claim was based on a *summary* of unpublished work from a child support "expert", Dr. Pirog-Good, an Indiana University associate professor. CSED attempted to enhance Dr. Pirog-Good's authority by distributing a "fact sheet" that claimed she contributed to the House Ways and Means Committee "Special" Green Book for 1997. There was no "Special" 1997 Green Book as the Green Book is published in even-numbered years, nor was Dr. Pirog a contributor to the last Green Book published in 1996.

The Pirog study cited by CSED officials was based on *hypothetical* child support cases that had family incomes higher than Oklahoma's current median household income. The study was also erroneous in that it only considered basic child support payments to children who didn't require child care or high health care costs even though both of these expenses are included in Oklahoma's child support awards as *add-ons*. The Pirog-Good study also compared child support awards in all 50 States as equals in income and award procedures when, in fact, States differ in their approaches for determining child support awards. Should Oklahoma (which ranks 46th for household income) have child support awards that rank 25th or even 1st in the nation? Of course not.

Further, Dr. Pirog-Good's unpublished study used data on child support awards in Oklahoma since 1988 that varied for each case. But Oklahoma's child support guidelines have been unchanged since 1990 and thus there should be no difference in the awards for each case. A check of child support awards in other States also showed

variation when there should be none. Calculation of child support awards for 1997 in several other States, indicated child support award data were also wrong for 1997—some were high, others were low – so her rankings are invalidated by faulty data.

Data for the three hypothetical 1997 cases Dr. Pirog-Good presented to CSED showed a big drop from her 1995 survey of Oklahoma's and the nation's Child Support Guidelines. She reported decrease in Oklahoma awards from 1995 to 1997 of $143, $170, and $226 dollars per month. However, a calculation of the actual obligations for child support in each of her three 1997 cases showed her data *under-reported* the awards by $91, $91, and $115 per month. The data she used for Oklahoma was wrong.

There was more misinformation provided by the Director of CSED for Oklahoma. For example, it was claimed that the Oklahoma child support guidelines haven't changed since 1989. But Oklahoma child support is based on an" Income Shares Model" that uses percentages of gross *income* as a basis for the guidelines, not actual *costs*. According to the U.S. Department of Agriculture (USDA), since 1985, there has been no dramatic change in the cost of raising children as a percentage of income. USDA estimates on expenditures on children by families mirror an Income Shares formula estimate on gross income spent supporting children.

CSED also claimed the cost of raising children in Oklahoma was higher than the National average, with child rearing expenses that approach those for the Urban Northeast Region. This, of course, is untrue.

Although the press missed the significance of some child support issues, arguments and public statements, the Committee members in attendance did understand. Interim Study chairman Rep. Opio Toure, D-Oklahoma City, set out goals to make Oklahoma comply with the Family Support Act of 1988. These goals include establishing the cost for raising children in Oklahoma and examining how to apportion those costs to each parent. A second part of the guideline review is examination of child support cases to determine if Judges in Oklahoma are correctly following the child support guidelines. Case review will also determine whether judges are justifying deviations from the presumptively correct child support amount. The push for a 45% increase in child support was defeated. We support the joint House and Senate Judiciary Committee's stated objectives and goals for the Oklahoma Child Support Guideline review, and believe this action is long overdue.

Dr. Pirog-Good's study is invalid and replete with too many errors to justify raising Oklahoma child support guidelines. But where did Dr. Pirog-Good's data come from? From the Oklahoma State Department of Human Services (DHS) – the same agency that contains CSED. Therefore, Dr. Pirog placed Oklahoma "last" in her child support rankings based on faulty data provided by the DHS – the agency that would probably increase its budget, personnel and salaries if child support awards were increased. I don't believe in coincidences.

So why would CSED wish to raise Oklahoma child support guidelines by 45%? U.S. Census data indicates child support does not statistically impact the removal of families from poverty. Could it be that by dramatically increasing the child support guidelines, CSED creates more caseload as non-custodial parents can't afford to pay their increased obligation and the oppressive enforcement drives them into "beat dead" status? But with over 55,000 state and federal Child Support Enforcement (CSE) workers in 1995 – whose annual cost to taxpayers is a billion dollars more than is collected for the children they are supposed to serve – do we need a CSED agenda that continues to grow the agency at the expense of parents and children?

CSED provided faulty data to Dr. Pirog-Good that was used to generate a faulty study that was used by CSED to push for a 45% increase in the State's child support guidelines. One might conclude that DHS officials conspired to mislead the Committee members, the public, and the press in order to push their agenda. So where is the investigation of CSED officials?

During divorce, the spouses are often so emotional that their decisions are irrational. Therefore, the idea of allowing "disinterested professionals" (lawyers, judges, bureaucrats) to manage our divorce, custody and child support affairs seems smart and necessary.

But "disinterested professionals" is an oxymoron. There is no such thing as a "professional" (who gets paid for his services) who has no "interest" in increasing his income. Almost inevitably, when we surrender our personal responsibilities to others, it's not long before the "others" begin to profit from – and then encourage – our calamities. "Professionals" aren't here to help you, they're here to help themselves (usually to your money). As a result, the supposed agents of your salvation usually evolve into the agents of your destruction.

The solution to child support problems is unpleasant but simple: face the truth. Despite what we see on TV, the purpose of marriage is not eternal love, great sex, or even reproduction. Those are all fascinating attractions, but the primary purpose of marriage is to raise strong, healthy children capable of making productive contributions to society when they become adults.

Proof? Marriage is not necessary to be in love, have great sex, or conceive a child. All of that can be done by complete strangers who may only meet once in a lifetime. The one thing you typically can't do without marriage is raise strong, healthy children. There's no cause for debate. Children from intact marriages tend to flourish; children from broken homes tend to wither.

More precisely, don't believe that "single-parent" families are the cause of a child's problems. The "single parent" excuse implies that children of divorce become dysfunctional because there's a mathematical disadvantage in having one *parent while the other kids have* two. *There's some truth in that generality, but the "single-parent" explanation ignores the significance of* which *parent is missing. If successful parenting were only a function of the* number *of one's parents, then stepfathers (who change single-parent families into two-parent families) should not be eight times more likely than the biological father to sexually abuse a child. Likewise, if two parents of any gender or identity are better than one, it logically follows that two lesbians or homosexuals are, on average, better parents than single, heterosexual mothers (let's see you serve that opinion with apple pie at a baseball game and get the mothers of America to salute).*

Further, if the only difference between "single" and "double" parent families is a question of numbers, *it follows that "three-parent" families must be superior to a "two-parent" families. Shall we therefore legalize bigamy and polyandry? And if three are better than two, why not four or five or fifty? Why not surrender children to be raised by the government so they can have hundreds or even thousands of "parents"?*

In truth, it doesn't "take a village" or a bureaucracy to raise good kids. Quite the contrary. It takes an intact family, and particularly a strong, moral biological father. This observation is not news. About 400 B.C., the prophet Malachi (2:15) explained God's reason for permanent marriage and binding a husband and wife into "one flesh": "And why one? Because He was seeking godly offspring."

2,400 years ago, folks understood the real purpose for marriage was not "true love" but to raise "godly offspring". And what are "godly offspring"? Boys who grow up to be priests and girls who become nuns? Of course not. "Godly offspring" are children who, by virtue of having a mother and a biological father, *tend to love and*

respect others.

Some athiests might dismiss this ancient Biblical wisdom as folklore with no modern application. Well, I invite these critics to take a stroll through an African-American urban community populated with a high concentration of fatherless kids. "Yea, though I walk through the ghetto of the shadow of the fatherless children I will fear no evil"? I think not. You'll be scared every step of the way. And why? Because these kids are black and presumed racially inferior – or because they're fatherless?

I believe the biological father is the "bridge" that carries children from their family into society. Biological fathers instill confidence and self-esteem in children that cannot usually be derived from single-parent mothers. Without the self-esteem that a loving father can provide, children of divorce are often unable to stand up or fight for themselves. They tend to become victims and victimizers.

Watch Jerry Springer or any of the other TV "freak shows". How many of the strippers, whores, homosexuals, depressed, alcoholics, drug addicts, sadists, masochists, neurotics and psychotics who appear on those programs come from intact families? While cripple after cripple shows up with his/her mother, fathers are seldom mentioned and rarely seen. In truth, the one common denominator that appears in virtually all dysfunctional personalities is a dysfunctional relationship to the biological *father. If that father is abusive or missing, the child tends to be dysfunctional.*

Abusive biological fathers are relatively rare (stepfathers are eight times as likely to be abusive) but missing *biological fathers are commonplace in our Brave No-Fault World.*

Are there exceptions? Sure. Bill Clinton's a classic example of a child from a broken home who "made good". So not every child of divorce is doomed to failure. But Bill Clinton is also a classic example of a dysfunctional personality. His wife is allegedly a lesbian. Serious allegations exist that Bill has been responsible for massive drug smuggling into Mena, Arkansas and even murder. According to Ms. Lewinsky, President Clinton has occasionally called her for phone sex – i.e., while she "talks dirty" over the phone, Bill masturbates in the Oval Office. Think about it. We're not just talking about a powerful man with a strong libido, we're talking about a man who is obsessed by his private parts. There's something wrong with that guy. Psychologically, Bill probably has more in common with the Bloods and the Crips than the Republicans or Democrats. Yes, he's the President, but Yes, he is also dysfunctional.

Obviously, children who grow up without fathers won't necessarily die young or waste their lives. But only rarely will they become all they might have been.

Look back in history. "Legitimate" children take their father's surname – not their mother's. Every child has a mother, but those who also had fathers tended to prosper and make positive contributions to society. Even ancient people understood that from the moment of birth, a child's future was so dependant on a close relationship to his biological father that his name confirmed his relationship to his father. Conclusion? From a sociological perspective, the ritual of marriage is not intended to bind a husband to a wife so much as a child to his or her father and thereby insure that the child has maximum opportunity to be socialized, civilized, and enabled to make positive contributions to his society.

On February 16, 1998, the Science section of the Dallas Morning News printed an article by Jane Brody titled, "Evolutionary Scientist Give Genetic Viewpoint on Stepfamily Violence," which reads in part:

"[The] incidence of violence and abuse is vastly greater in stepfamilies than in traditional families in which the children are biologically related to both parents and to each other. . . . Martin Daly and Margo Wilson, evolutionary psychologists at McMaster University in Hamilton, Ontario, found that the rate of infanticide is 60 times as high and sexual abuse is about eight times as high in stepfamiles as it is in biologically related families. . . . The matter is especially pressing now when rates of divorce and remarriage are at an all-time high.

The researchers presented their conclusions in a politically correct manner by comparing "traditional families" to "step families". But in America, what is the pragmatic difference between "traditional" and "step" families? 95 times out of a hundred, the difference is the presence of the biological father. Without their biological fathers, *infants are 60 times as likely to be* murdered, *children are eight times as likely to be sexually abused – and who knows how much more likely they are to suffer "mere" physical and emotional abuse?*

The article continued:

"Traditional sociological explanations for abuse and conflict in stepfamilies have focused on issues like economic stress, low socioeconomic status and emotional instability. But evolutionists say these are only proximate, not ultimate, causes of the difficulties that sometimes arise in stepfamilies. . . . Drs. Daly and Wilson found that when the degree of genetic relatedness is taken into account, the role that economic stress plays in problems common in stepfamilies becomes

almost negligible."

This research implies that the determining factor in a strong family life is not the amount of money available (like child support) but the presence of the biological father. If you want to trash a child's life, pass laws that encourage divorce. If you want to really cripple kids, pass laws (maternal presumption, harsh child support enforcement, etc.) that separate children from their biological fathers. Drs. Daly and Wilson's research implies that a child of divorce is better off having a positive relationship with a "deadbeat" dad than being raised in a fatherless home that receives adequate child support.

Men and women are not equal. (No, that's not a typographical error. I really wrote, "Men and women are not equal." Quote me if you like.) Even though they are impoverished, intact families can *raise fine children, but even wealthy fatherless families tend to fail. The one person in all the world most important to ensuring a child is not murdered or abused is the* biological father. *Whether we like it or not,* fathers *are generally more important to a child's psychological development and physical safety than money or mothers. (Quote me.)*

Of course, virtually every lawyer, bureaucrat, feminist, and gold-digging whore will shake their heads in scorn. Ha! The very idea that fathers *might be more important than money is* blasphemy*! And more important than mothers is . . . (bluster!) . . . absurd!*

Maybe. But I invite every liberal who denigrates the value of fathers to move into any African-American community where the illegitimacy rate (fatherless children) currently exceeds 70%. See how long it takes for you to realize that fatherless children aren't merely abused, troubled and dysfunctional – they are dangerous. The kids who will rob you, beat you, rape you, and fire three slugs into your skull for fun and the fifteen bucks in your wallet tend to be not black or brown or poor, but fatherless.

We don't say so publicly, but most of the "inner city's" social chaos is secretly attributed by both whites and blacks to the black's "natural inferiority". Racism. Maybe not. Maybe the real problem with African-Americans is that they were simply fool enough to accept Washington's welfare with the proviso that unemployed black fathers could not live with families receiving welfare. Blacks traded their fathers for Washington's welfare money, and look at the result.

What common denominator underlies most gangs, drive-by shootings, etc? Wake up and smell the gunpowder, folks. Gangs are the inner-cities' "big brother" program . . . halfway houses for fatherless kids looking for values and structure that fatherless homes don't usually provide.

Further, the fatherless chaos in Black communities will not be easily corrected. Ohh, we can revoke the welfare laws that force fathers from poor black families, but we've already had at least two generations of fatherless black kids. Boys who grow up without fathers, don't know "how to be" fathers; girls who grow up without fathers can't imagine any reason why their children should have fathers. In other words, fatherless children beget even more fatherless children and all the social disruption that is sure to follow.

Ahh, but what the hey – that's blacks. Who cares, right?

Well, you'd better start caring because the government that gave blacks fatherless homes through welfare is doing the same thing to whites (and browns and everyone else) with family laws that favor "no-fault" divorce, the "maternal presumption" and "git tuff" child support enforcement.

After all, what is government-enforced child support if not a kind of "privatized" welfare? Mothers are encouraged to divorce by the promise of child support and are thereby lured onto the same welfare trap that's already decimated blacks.

Just wait until the fatherless children of white divorces reach the "critical mass" already achieved in the black community. There's no reason to suppose that fatherless whites will be any less dangerous than fatherless blacks.

Solutions?

The best solution to the child support problem is honor your wedding vows and don't divorce you spouse unless he or she clearly poses a threat to other family members than cannot be healed. "In sickness or in health, for better or for worse" – remember?

But if we're gonna have no-fault divorce, let's at least have honest no-fault divorce, because honesty will at least minimize the child support problem. If a divorce is truly "no fault," then it's fair to say the spouse who files for divorce is self-centered, egotistical, irresponsible and ungodly. After all, if

the other spouse has committed "no fault," then the plaintiff has no reason to file for divorce except to satisfy his/her own selfishness.

While "no fault" divorces may be acceptable for couples without kids, parents should be absolutely prohibited from "no-fault" divorces. The plaintiff-parent in a no-fault divorce is sacrificing his/her children, spouse, and worth with God to seek some personal pleasure. If your spouse has done nothing wrong other than to get older or less exciting, your decision to file a no-fault divorce is inexcusably selfish and arguably wicked.

Any fool knows that divorce will damage the children. Therefore, any parent who files *a no-fault divorce is knowingly committing the greatest single act of* child abuse *his/her children will probably ever experience. Should that egotistical, ungodly self-centered bitch or bastard be rewarded with exclusive custody of the children he/she is willing to cripple by filing for a "no-fault" divorce? Should the spouse who committed "no fault" be threatened with high court costs and the loss of parental rights because his/her spouse wants to sleep with someone else? Or should that self-centered plaintiff be saddled with all court costs, loss of managing custody of the kids and a generous child support obligation?*

The answers are obvious to all who don't profit from the divorce industry – we should not reward parents who <u>file</u> no-fault divorces.

So what am I arguing? That everyone should be forced to stay in their marriages no matter how unpleasant? No. Nothing so simple. I'm arguing that to minimize the child support problem we must minimize the divorce problem – and not with force (which is almost certain to be counterproductive) but with education. I'm not arguing that we change the law (which is fairly simple); I'm arguing that we change ourselves (which is irritating and difficult) and then change our neighbors (which often makes folks mad).

The child support problem doesn't begin with divorce or even marriage. It begins in the way we are raised and the values we are taught to understand and respect. If we haven't been taught those positive values as children, as adults we must first teach ourselves, and then teach our children.

And finally, we can debate the existence of God, but we can't deny the presence of earthly religions which are both restricted and protected by law. Maybe the laws concerning recognized religions (one of which is Satanism) could be helpful. People who profit from divorce do so by encouraging spouses to break their marriage vows to God, jeopardize their souls and cripple their own children (all of which is contrary to Biblical mandates). Could the divorce industray be therefore characterized as contrary to Christian and Jewish religious precepts? Could the divorce industry even be accused of using government institutions (like the courts) to advance the specific interests of the religion called "Satanism" at the expense of other religions?

If so, could Jews or Christians characterize divorce court lawyers and judges as "constructive" Satanists? Could divorce and others laws that encourage people to break their vows to God be challenged as "constructive Satanism" – a violation of the 1st Amendment and the separation of church and state doctrine?

I don't know. Probably not. But maybe we'll run those rabbits another day. In the meantime, know this: Any law that serves by intent or accident to destroy a child's relationship to his or her biological father is irresponsible, contrary to any legitimate notion of the general welfare, and arguably wicked. ■

Farmland or Waste Dumps?

by Geri Guidetti, the Ark Institute

We tend to think of "food" as green leafy vegetables, bright fruits, and fresh meat, but our real food is the vitamins, minerals, carbohydrates and proteins these items contain. In a sense, an apple isn't precisely "food," it's a kind of natural "package" that contains a particular set of vitamins, minerals, carbohydrates, etc. Likewise, a slab of salmon isn't "food" either; it's a natural "package" of a unique set of vitamins, minerals, etc. that are quite different from those in apples. Our decision to eat an apple or a salmon steak is fundamentally no different from choosing to purchase a box of Cheerios or a bag of Fritos – the object is not the package, but it's chemical components.

From this perspective, the chemical components of fertilizer are our real "food" and fertilized plants are a form of "packaging". In a sense, then, our fundamental "food" is fertilizer. Our automatic association of fertilizer with manure makes this insight unsavory. Nevertheless, this insight is necessary to recognize our fundamental dependence on fertilizer.

Further, our dependence on fertilizer goes beyond "mere" food since virtually all of America's material wealth is based on American agriculture. While the constant struggle to find food consumes almost all the energy of people in impoverished nations, Americans have been blessed with relatively plentiful and inexpensive food and therefore freed to expend our creative energies on the development of an impressive technology and standard of living. In the end, American farmers put the first man on the moon, developed cures for diseases like polio, and paid for the telephone wires that connect us on the Internet. It follows that the critical foundation for America's wealth, technology, and hopeful future has been our vast, fertile farmland. If that fertile farmland is somehow lost, we will also lose the foundation for our technology and standard of living.

The following article is a January, 1998 Internet message concerning a story in the Seattle Times about unscrupulous corporations using loopholes in federal fertilizer laws to dispose of tons of toxic waste on American farmland. Toxic fertilizer may not only generate three-legged frogs in farmland ponds, but also human babies with no legs at all. This farmland pollution will be, at best, difficult to correct, and may not only poison members of our generation, but also generations to come. Quite a legacy, hmm?

I get a lot of mail and EMail. People see things happening in fields and farms near their homes, and they want to share it, especially when they see something that concerns them. Many letters contain newspaper clippings of local stories that never quite make it to national coverage. Recently, I opened my mail to find a special report from *The Seattle Times* entitled, "Fear in the Fields."

It was aptly titled, and after reading it, I would add "anger" to the emotions it evokes. According to the lengthy investigation (printed as a series in *The Seattle Times* on July 3, 4 and 13, 1997) massive amounts of this country's hazardous industrial wastes – including such toxic heavy metals as lead, cadmium, arsenic and even *radioactive* substances – are being incorporated into fertilizers that are unwittingly applied to agricultural lands all over the United States. According to the series, all of this is being done with the approval and even the blessings of the EPA. How could this *be*?

Rail cars arrive at Bay Zinc Co. in Moxee City, Washington carrying toxic waste from two Oregon steel mills. Bay Zinc has a federal permit to store hazardous wastes in two silos attached to the company. The toxic waste goes into the top of each silo and is then taken out of the bottom as raw material for fertilizer. According to the *Times* piece, Bay Zinc's President, Dick Camp, said, "When it goes into our silo, it's a hazardous waste. When it comes out of the silo, it's no longer regulated. The exact same material. Don't ask me why. That's the wisdom of the EPA."

* A trucker picks up toxic ash from a plant in California and has to hang a hazardous waste sign on his

truck. When he crosses the border into Nevada, Oregon or Washington, he can remove the sign. The hazardous waste is now a fertilizer component.

Nightmare in the heartland

The Seattle Times investigation can only be described as a nightmare:

* Industrial waste laden with toxic heavy metals including lead, cadmium and arsenic is being recycled as fertilizer ingredients in the United States.

* It is being spread on crop fields – *legally*.

* Gore, Oklahoma: a uranium processing plant is spraying 9000 acres of grazing land with 10 million gallons per year of its low-level radioactive waste by licensing it as liquid fertilizer. State and federal officials approved the "fertilizer" in 1986. The material is being piped to 75 acres of Bermuda grass pasture where up to 400 cattle graze. Although there is no proof it is related to the fertilizer program,[1] a two-nosed cow, a nine-legged frog and 124 cases of cancer and birth defects in families living near the plant have occurred.

* Tifton County, Georgia: Five southeastern steel mills paid Sogreen Corp. to take their waste, a dust consisting of 10 percent zinc, 3.6 percent lead, cadmium and chromium. Sogreen dubbed its product (a mixture of one part waste plus three parts lime) "Lime Plus." Zinc was listed as a micronutrient. There was no mention of lead, cadmium and chromium as ingredients. Over 1000 acres of peanut crops grown for human consumption were killed by the mixture. Farmers who used it are trying to detoxify their soils. They don't want their names or farms identified.

* Deer Trail, Colorado farmers question Denver's plan to cycle liquid waste from the Lowry Landfill (one of the worst Superfund sites in the country) through its sewage treatment facility, combine it with sewage sludge and apply it to a 50,000 acre wheat farm owned by the government. The *Times* states: "The EPA is considering the novel disposal plan in a ruling that may set a precedent for new ways to clean up Superfund sites. A public comment period ended June 30."

* Stoller Chemical of Charleston sent 3,000 tons of cadmium and lead-loaded waste for fertilizer to Bangladesh and Australia in 1992. They did not notify the EPA of this especially toxic shipment; a U.S. attorney noted that "We just happened to catch it." They were fined $1 million. The fertilizer, in the meantime, had been spread on rice fields in Bangladesh before it was recalled. In Australia it had been used on pastures and by market gardeners.

* Two California fertilizer companies are being investigated for mixing zinc into a hazardous waste product to sell as a "zinc-based fertilizer." Similar investigations are ongoing in Missouri, New York and Texas.

* By attaching a fertilizer factory to the Nucor steel mill in Nebraska, Alabama-based Frit Industries avoided having to get a federal permit to use some of its toxic by-products. The black waste comes from a pollution-control device in the steel mill's chimney. It is rich in zinc, a plant nutrient. It is also rich in lead and cadmium. The dust is a federal hazardous waste unless it is turned into fertilizer. According to the *Times*, the Frit fertilizer product is sold to fertilizer dealers in the heart of U.S. corn country and "to custom blenders throughout the Midwest." An Idaho organic fertilizer manufacturer, John Hatfield, is quoted: "Nucor didn't want to ship their lead/zinc dust to Monterrey, Mexico at $100 a ton, and so they got Frit Industries to move in there. You say, how do I know that? Because they asked me to do it before Frit, but I declined."

* In Camas, Washington, a highly corrosive, state-classified, dangerous waste is collected from the chimney of a paper mill on the Columbia River. Seven hundred tons of the stuff is collected a month. Workers add water to it, put it into trucks and bring it to six farms where it is spread on 425 acres of farmland. It is then called "NutriLime", a farm product registered for use in Washington and Oregon. It's spread on soils growing oats, grass, clover and other pasture for livestock. In samples of the ash tested by state regulators in 1991, 4 parts per million of lead were found. Later tests showed 562 parts per million. According to the

Times, mill manager A.G. Elsbree said, "The popularity of NutriLime is growing daily, and we look forward to serving the agricultural community."

Inadequate labeling

Okay, I could cite examples forever, but let's look at the big picture, instead.

The *Seattle Times* found that industrial wastes laden with dangerous heavy metals and other materials are being spread as fertilizer over farmlands across the nation. There is a lack of federal regulation and labeling requirements, so farmers know what plant nutrients are in the fertilizer but nothing about the toxic compounds.

Canada and Europe refuse to buy toxic industrial by-products routinely spread on American farms. According to the *Times*, Canada's limits on lead and cadmium in fertilizers is 10 to 90 times lower than our limit for metals in sewage sludge.

Because mere trace amounts of lead cause developmental defects in children, the U.S. regulates lead in paint, gasoline, and food cans. But lead in fertilizer is not regulated and is never disclosed on fertilizer labels – even when it is found to be as high as 3 percent of the product. When farmers and orchardists and market gardeners spread these fertilizers according to the manufacturer's directions on the bag, they are unwittingly spreading toxic lead and other unknown hazards as well.

Bill Liebhardt is Chairman of the Sustainable Agriculture Department of the University of California and once worked for fertilizer companies. He is quoted: "When I heard of people mixing toxic waste in fertilizer, I was astounded. And it seems to be a legal practice. I'd never heard of something like that – getting cadmium or lead when you think you're only getting zinc.

"Even if it's legal, it's just morally and ethically bankrupt that you would take toxic material and mix it into something that is beneficial and then sell that to unsuspecting people. To me it is just outrageous."

Worse, a physician with the National Lead Information Center said she had no idea that lead was being recycled into fertilizer. She said she was under the impression that lead was no longer allowed in fertilizer. As far as safety of lead is concerned, she said, "There is no 'safe' level."

Follow the yellow brick road

Why does toxic fertilization go on? Just because no one is watching?

More than that: It's very profitable.

According to soil scientists, industries are calling all the time to find out how they can recycle their hazardous wastes into fertilizer. In at least 26 states, according to the series, programs exist to try to match hazardous waste generators with "recyclers." Rufus Chaney of U.S. Department of Agriculture's Research Service said, "It is irresponsible to create unnecessary limits that cost a hell of a lot of money." He explained, "Recycle and reuse, that's our national strategy. It costs so much more to put it in a landfill. And if the recycling program avoids any chance of risk, then it's a responsible program."

"Avoids *any* chance of risk"?

"*Responsible* program"?

There is little science to support that. The simple fact is, we just don't *know* what the risks are. We don't measure or regulate any of the toxic materials in these fertilizers. Manufacturers only have to list the plant nutrient values – you know, N-P-K (nitrogen, phosphorous, potassium). And heavy metals don't go away. They accumulate, blow into the wind, run off into surface water and can end up in reservoirs and wells.

But if you don't know what's in each bag of chemicals, how do you *know* there is no chance of risk? *Of course* there's risk. There is *no* "safe" level for lead. There is much data accumulating on the dangers of cadmium. We already know arsenic is no good for us. And these are only a few of the hazards in these toxic mixes.

What's for dinner, mom?

Then there's the really *big* question: Are our foods laced with heavy metals taken up with soil nutrients from these toxic fertilizers? Will they be as this practice spreads?

The uptake of metals by plants tends to be different for different crops. For example, the accumulation of aluminum in trees in dying forests exposed to acid rain, has been implicated in their deaths. There was sickly wheat and corn in fertilized farms in Washington State. There were dead cows. Then there were the high levels of aluminum, antimony, lead, arsenic and cadmium found in the hair of children who live on a Washington farm fertilized by these "products." No risk.

Yesterday, I wrote that the winter wheat harvest was going well. Though much less was planted this year, 72% had been harvested by July 20th. Corn in the Corn Belt is behind average in maturity for this time of the year, stressed by both a cool spring and then by prolonged hot and dry conditions. Soybean condition declined due to the same hot, dry conditions that afflicted corn fields.

Spring wheat condition is a mixed bag and needs to be watched carefully. Here in Maryland, seven con-

secutive weeks without significant rain has left most agricultural land natural disaster areas. Farmers in this state have lost over half the corn crop, most of the soybeans and an estimated 90% of vegetable crops. The Ark Institute's corn is about three feet high and in tassel. A sad sight, indeed.

Yet, all of this pales in importance as we consider a more insidious threat to our food safety and supply. How much toxic waste in our soils will finally amount to too much? Is there some unseen threshold we'll reach before we begin to see serious, irreversible problems? Will cause and effect be clear or will clusters of new syndromes, diseases, defects and disorders occur for which there are no clear etiologies, no known cures? One has only to look at the Gulf War Disease debacle to answer that one. And who do we hold responsible?

Grow your own

I suggest *we* are responsible for what happens to our farm lands, to our foods. Once again, willingly transferring *all* responsibility for the production and delivery of your food and water to an increasingly small handful of growers, businesses and agencies takes *you* out of the loop. It's a system begging for abuses.

In the meantime, learn to grow your own food. Learn to make organic fertilizers from your own clean yard and garden debris. Finding clean land may become increasingly difficult in the near future; create your own where you are or where you are going. Create good soil: black gold. It really is more valuable than that yellow stuff.

To learn more; write for The Seattle Times Special Report: Fear in the Fields Reprint, Seattle Times, P.O. Box 70, Seattle, WA 98111-0070. They ask for $1 to cover postage and handling. Free reports are on the Internet at www.seattletimes.com. Reprinted with permission of AMERI-WATCH of Louisiana, 2305 Tilman Drive, Bossier City, Louisiana 71111-5909, Phone: 318-746-0766; Fax/ 318-747-3738; E-mail bobworn@aol.com

The corporate crimes alleged in this article are potentially worse than "mere" murder and may rise to the level "mass murder". While the federal government expends billions of dollars to deny Saddam Hussein the biological or chemical weapons of mass destruction that might be used against the USA, some American corporations legally poison our farmland (and then us) with toxic chemicals whose long-term effects may be far worse than anything Hussein could devise.

Any corporation that poisons fertilizer is poisoning our food and is no different from some psycho who grinds glass into jars of Gerber's apple sauce. If government cares more about our children (or even us) than corporate political campaign contributions, the use of fertilizers to conceal the dumping of toxic waste on American farmland should not only be stopped, but criminalized. Every corporate executive responsible for knowingly poisoning our farmland should be jailed until the fields he helped pollute are certified "clean" or for the balance of his natural life – whichever comes first.

[1] Editor's Note: According to a February 19, 1998 CNN article, "Radon, a natural radioactive gas that collects in some homes, is linked to about 21,800 American lung cancer deaths a year. . . . Radon gas comes from the decay of uranium and radium in soil and rocks. Leaking from the earth, it can collect in houses or basements. When inhaled, the gas can leave in the lungs Alpha particles that emit low levels of radiation over long periods of time. "A single Alpha particle is capable of producing quite profound damage," said Dr. Eric Hall of Columbia University in New York. . . . [L]ung cancer can result from damage to a single cell. Based on mathematical models, the committee estimated that radon exposure played a role in 15,400 to 21,800 of the 157,400 lung cancer deaths reported in the United States in 1995. This means radon exposure is second only to cigarette smoking in causing lung cancer." What are the effects on a farmer, his family, and neighbors, of inhaling dust from a recently plowed field that had been previously "fertilized" with nuclear waste?

Biological-Warfare Experiments in America II

by Joyce Riley

The single most vocal activist seeking to expose evidence concerning the Gulf War Illness is nurse Joyce Riley. As a Captain in the Air Force Reserves, Joyce helped sick or wounded veterans during the Gulf War and saw the Gulf War Illness first hand.

In AntiShyster Volume 7 No. 3, we published a previous article by Joyce Riley on "Biological Experiments on Americans". Once people (especially veterans) heard Joyce speak out, they began sending her some surprising information. As a result, Joyce uncovered a great deal of additional evidence indicating that several biological warfare agents have been released in America by our own government.

Persian Gulf War I

The first Persian Gulf War was fought in January and February of 1991. Approximately 500,000 allied ground, air, and naval forces – chiefly from the United States – were arrayed against an Iraqi army estimated to number 540,000. Iraqi fatalities exceeded 200,000. American fatalities were initially less than a dozen.

In 1992, Dr. Garth Nicholson (an M.D. Anderson Cancer Center research scientist and Nobel Prize nominee) and H. Lindsey Arison III (a former aid to the Undersecretary of the U.S. Air Force) presented evidence that at least some of the veterans suffering from the mysterious "Gulf War Illness" had been infected with a biological warfare agent *(mycoplasma incognitas) that was: 1) man- made; 2) more lethal than AIDS; 3) communicable through the air; and 4) infecting the veterans' wives, children and neighbors. If these allegations were correct, a man-made plague had been released into the United States.*

Almost all attempts to reveal this information through the mainstream media have been resisted. As a result, the allegations are virtually unknown to the American people. Some researchers believe that evidence of bio-warfare has been intentionally concealed by our government because that bio-warfare agent (mycoplasma incognitas): 1) was probably manufactured in violation of international treaties prohibiting "germ warfare" in a Houston, Texas laboratory ; and 2) was illegally sold to Iraq prior to the Gulf War by a biotechnology firm whose stockholders included former President George Bush and his Secretary of State, James Baker III. These allegations were previously reported in AntiShyster Volume 5, Nos. 3 & 5, and Vol. 6 No 4.

Persian Gulf War II

In 1992, after the Gulf War ceasefire, trade restrictions were placed on Iraq pending certification that Iraq retained no nuclear, chemical, and biological "weapons of mass destruction". After six years, UN inspectors have discovered little tangible evidence but still refuse to certify no "weapons of mass destruction" exist in Iraq.

In January, 1998, Iraq prevented one of three UN weapon inspection teams from inspecting a "sensitive" Iraqi site. Iraq claimed the inspection team's leader (American Scott Ritter; a former U.S. Marine intelligence officer) was actually a U.S. spy. The Clinton administration countered that Iraq was restricting Ritter's inspection because his team was close to uncovering shocking evidence that Saddam Hussein had tested biological weapons on Iraqi prisoners.

According to the Jan. 15, 1998 Dallas Morning News, *U.S. and UN spokesmen claimed they had "fairly strong evidence" that, between 1994 and 1995, Iraq "used prisoners as guinea pigs" to test biological weapons. Iraqi spokesmen denied those claims as "sheer lies" used by the U.S./ UN to sustain the trade restrictions against Iraq. News media headlines erupted.*

Regardless of which side lied, both sides based their arguments on an essential truth: Public opinion is shocked by any government that uses its own citizens – even prisoners – as unwitting or unwilling guinea pigs to test biological weapons. These kinds of experiments violate numerous treaties protecting fundamental human rights and thereby provide a legitimate cause for invading and overthrowing the offending government. In fact, the suspicion that Saddam Hussein had conducted biological experiments on

unwitting Iraqi "guinea pigs" was so shocking, it laid the moral foundation for a second Persian Gulf War – which nearly happened in February of 1998.

But not for the gander

Coincidentally, while UN inspectors struggled to expose evidence of Hussein's bio-experiments on Iraqi "guinea pigs", Joyce Riley was publicizing evidence of similar biological experiments conducted for the CIA by the U.S. Department of Defense (DOD) *on unwitting* American *"guinea pigs". Unlike her UN counterparts, Joyce Riley's evidence was more than "fairly strong" suspicions – she had several reports on biological experiments conducted on Americans that were published as fact by the* U.S. Senate.

The first of these reports was published by the U.S. Senate based on Senate hearings on March 8 and May 23, 1977. In the introduction to this Senate report ("Biological Testing Involving Human Subjects by the Department of Defense"), Senator Ted Kennedy admitted, "We are a free people living in an open society but some of our most cherished freedoms have been threatened by these CIA activities. As a result, individual Americans from all social levels high and low were made unwitting subjects of drug tests, scores of universities were used to further CIA research."

Curiously, no one has suggested we go to war with our Department of Defense. No coalition of "allied" forces is threatening to invade the USA to protect us from verified crimes by our own government that Saddam Hussein is only suspected to have committed. Apparently, moral outrage exists for just one purpose – the government's. While Americans can be taxed and imperiled to save Iraqis from Saddam Hussein's oppression, our government recognizes no similar impulse to save Americans.

Joyce Riley presented evidence that government has conducted secret biological experiments on Americans to the Dallas-based Citizens for Legal Reform meeting on December 30, 1997. The following is an edited transcript of that presentation.

I am not antigovernment, anti-military, or anti-American. I served as a flight nurse in the Air Force and still serve as a Captain in the Air Force Reserve. Veterans like myself joined the military because we wanted to protect this Constitution from enemies foreign and domestic. But when I joined, we never imagined there were any real "domestic enemies". Today, we know otherwise.

For example, in 1997, the *Pittsburgh Post Gazette* exposed the "Tuskegee Experiment" conducted for forty years (1932 to 1972). According to the Associated Press, "The government withheld treatment from 399 black men with syphilis so they could study how it spreads and kills."

That's not an "experiment". That's genocide. If it happens to one Black man or ten Eskimos or 300 Hispanics it is wrong and violates everything this country stands for. President Clinton apologized on behalf of the government on a public stage to the aging male survivors. But it wasn't just the 399 men who were damaged. Their spouses also got the disease and their children were born deformed, and over 6,000 Americans were sickened, deformed or killed as a result of our government's Tuskeegee "experiment" to study how syphilis kills, but President Clinton didn't bother to bring them up on the stage.

Most Americans dismissed the Tuskeegee Experiment as a unfortunate onetime anecdote. Bigots dismissed the incident as unimportant since the victims were black. But as you'll see, Tuskeegee was not a onetime anecdote; it's just the tip of an iceberg that indicates they're still doing experiments on the American people as we speak.

I know these allegations sound incredible. Impossible. So I'll show you *evidence*. You'll be surprised and shocked because some of your lives may be at stake.

For example, in the 1977 Senatorial Select Committee on Intelligence hearings (reported in "Project MK-Ultra; the CIA's Program of Research in Behavior Modification"), the CIA revealed that over 40 universities and institutions were involved in extensive testing and experimentation with covert drug tests on unwitting citizens at all social levels. In 1977, the University Of Maryland newspaper reported that during the 1950s and 1960s, 44 colleges, 15 research foundations, 12 hospitals, and 3 prisons knowingly participated in MK Ultra experiments — but people that were experimented upon were never informed or asked to consent to be "guinea pigs". So if you were in one of those institutions during the 1950s and 60s, you may have unknowingly "participated" in some of these experiments.

Project MK Ultra was one of the biggest military experiments (there were 149 subprojects) and lasted for years. It included human drug and biological testing by the Department of Defense (DOD) under the direction of the CIA over entire American *communities*. The Bureau of Narcotics and even the IRS participated in MK Ultra. When you see these government documents, they're more frightening than the rumors because our government actually *admits* these experiments happened. For example,

* In 1950, the government released a bacteria (*serratia marcesens*) that causes pneumonia and urinary tract

infections into the San Francisco Bay. The bacteria were "aerosolized" by the surf and blown inland to study how effective an offensive biological weapon would be against the people of San Francisco. According to the report, it blew 50 miles inland. People *died* as a result of that experiment. (Incidently, the amount of *serratia marcesens* in San Francisco is *still* about three times the national average. It follows that we can legitimately ask how much of the syphilis that we have in the South today is a direct result of conducting the Tuskeegee experiment for 40 years when they could have stopped it? And how much of today's other diseases are a result of government "experiments"?)

* Fort Dietrich, Maryland "weaponized" mosquitoes. They actually grew viruses inside mosquitoes, placed the mosquitoes in balloons, released the balloons from aircraft over American communities and infected people. They had to infect people to tell how far the disease went and how far it would spread. How many of today's diseases today are a direct result?

* Another experiment was done in 1965 at Kessler Air Force Base. If you were there, you might've "participated" in what may be the first experiment to test a vaccine for the Gulf War Illness microplasma. A Lt. Colonel admits that in 1966, 12,000 recruits at Kessler Air Force Base received the "microplasma vaccine". Obviously an experiment.

"MK Delta" was established by the CIA in 1952 for the use of biochemicals in clandestine operations.

"MK Ultra" — considered various means of controlling human behavior; it was literally a mind control project.

* "MK Action" was funded with CIA money through the Geschicter Foundation at Georgetown University. In the 1977 Congressional hearing Dr. Geschicter testified that during the Vietnamese War, the CIA didn't know if various Vietnamese nationals were double-agents. Therefore, the CIA included a material in the anti-cholera vaccine given to pro-American Vietnamese which made them glow when they were exposed to an ultra violet light and helped identify those who rejoined the Viet Cong. This may be a clever wartime strategy, but it illustrates that as early as the 1960's, our government used *vaccinations* for purposes other than the prevention of disease.

* The 1977 Senate Hearing report (Biological Testing Involving Human Subjects by the Department of Defense) actually says that unwitting American people were involved in open air testing. For example, it says, "the Army was using live organisms which we know can infect human beings." The Food and Drug Administration *allowed* it; *entire cities* were involved in the testing of these biological agents.

Our government even placed biological warfare agents in the New York city subway to see how many people would be infected. They did the same thing in Pennsylvania's Kittatinny and Tuscarora turnpike tunnels; you would drive through and receive aerosolized bacteriological agents.

* "MK Naomi" – a biological project from the 1950s through 1969 which exposed six *entire towns* (including Ft. McClellan, Ala.; San Francisco, Cal.; Ft. Wayne, Ind.; Minneapolis, Minn.; and St. Louis, Mo.); to biological warfare agents dropped out of aircraft to see how many people would become ill. They say MK Naomi ended in 1969. I don't believe it.

On page 160 of the 1977 "Human Drug Testing by the CIA" Senate report (S. 1893) they discussed "EA3167" – a compound they could rub up against you and it would absorb into your skin and kill you. They tested it in Pennsylvania and Kentucky *prisons*. It was applied to the skin through some type of adhesive tape. They also did this on military and civilian people without telling them what they were exposed to or getting their informed consent.

Note that the primary excuse for (almost) going to war again with Iraq in February, 1998, was the suspicion that Saddam had been conducting biological experiments on his own prisoners. If those experiments are evil for Saddam, how can they be legal, let alone moral or ethical, in America?

Law and order

In 1997 Congressional hearings, the Army admitted conducting these experiments but argued that "We just didn't tell you about it because nobody was hurt and there was no problem."

However, there were "problems". Sally Medley's daughter became deathly ill because she got the Gulf War Illness (GWI) *before* the Gulf War started. She got it because her husband was a Huntsville, Texas prison guard who caught it from prisoners used in experiments. They didn't know it was GWI then, but they knew it was killing their 17 year-old daughter. So Sally Medley searched a law library until she found Title 50 Chapter 32 Section 1520 that allows our government to experiment on us with biological and chemical agents.

It is now *legal* for the DOD or their contractors to experiment with biological and chemical agents on the American people provided that at least two unspecified local officials are notified within the subject community – and they could be the dogcatcher and the FEMA guy. Then the test can begin in

30 days. But *you* are not told. Your *children* aren't told. [See Editor's Sidebar, this page.]

It's all in your head

90% of the Gulf War Veterans complaining of a mysterious illness have been given a psychiatric diagnosis and offered Prozac. First thing the VA does if you're a Gulf War veteran and you say you've got a problem – I don't care what that problem is – they give you a psychological test.

***** Greg Jones was only 20 when he joined the military. He came back from the Gulf War when he was 22 shaking like an old man who had Parkinson's disease. So his mother took him to the VA hospital in Salt Lake City, Utah, because the "VA cares". They tested Greg and told his mother, "We did a psych eval on your son and found out that your son really has a mental problem. He has apron strings that are just too tight."

His mother said, "No, you don't understand, guys in the 82nd Airborne don't have 'tight apron strings' or they wouldn't jump out of airplanes in the first place. How dare they do this to the best and brightest!"

***** Scott Seefdon served his country proudly. So did his Dad and five sisters. When Scott came back from the Gulf War, he got a rash. Eventually, the VA told him that he needed surgery because this rash was so bad.

They removed *all* of Scott's skin, supposedly to save his life. But you *can't live* without your skin. Scott Seefdon died in Plainfield, Iowa two weeks before his son was born. The DOD ruled Scott had a "mental problem". Scott's mother and dad said that they were the most patriotic people this country ever saw until the government took their only son and lied to them. Now, this farm wife says "I will never ever trust anything they ever say to me again."

And then there's the children, the tiny victims of Dessert Storm. Born without arms and legs. Similar to the thalidomide babies. It's called Golden Heart Syndrome. I just got a news release today that says that Golden Heart babies are born at three times greater

EDITOR'S SIDEBAR

"TITLE 50 - WAR AND NATIONAL DEFENSE; CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM; Sec. 1520. Use of human subjects for testing of chemical or biological agents by Department of Defense; accounting to Congressional committees with respect to experiments and studies; notification of local civilian officials

"STATUTE- (a) Not later than thirty days after final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense, whether directly or under contract, involving the use of human subjects for the testing of chemical or biological agents, the Secretary of Defense shall supply the Committees on Armed Services of the Senate and House of Representatives with a full accounting of such *plans* for such experiment or study, and such experiment or study may then be conducted only after the expiration of the thirty-day period beginning on the date such accounting is *received* by such committees.

"(b)(1) The Secretary of Defense may not conduct any test or experiment involving the use of any chemical or biological agent on civilian populations unless local civilian officials in the area in which the test or experiment is to be conducted are *notified* in advance of such test or experiment, and such test or experiment may then be conducted only after the expiration of the thirty-day period beginning on the date of such *notification*.

"(2) Paragraph (1) shall apply to tests and experiments conducted by Department of Defense personnel and tests and experiments conducted on behalf of the Department of Defense by contractors.

"SOURCE- (Pub. L. 95-79, title VIII, Sec. 808, *July 30, 1977*, 91 Stat. 334; Pub. L. 97-375, title II, Sec. 203(a)(1), Dec. 21, 1982, 96 Stat. 1822.)

"CODIFICATION Section was *not enacted* as part of Pub. L. 91-121, title IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

"AMENDMENTS 1982 - Subsec. (a). Pub. L. 97-375 *struck out* par. (1) which directed the Secretary of Defense to supply not later than Oct. 1 of each year the Committees on Armed Services of the Senate and House with a *full accounting* of all experiments and studies conducted by the Department of Defense in the preceding twelve month period, whether directly or under contract, which involved the use of human subjects for the testing of chemical or biological agents, and designated par. (2) as subsec. (a)." [Emph. add.]

Note that 50 USC 1520 *legalized* biological experiments on Americans and was passed in July, 1977 – just two months after the final Senate hearing that produced report "Biological Testing Involving Human Subject by the Department of Defense".

That timing cannot be coincidental. Instead, it appears that since the DOD had been exposed in the March and May 1977 Senate Hearings for conducting illegal, secret biological experiments on Americans, Congress simply passed a new law in July, 1977 to *legalize* those same experiments. Of course, they dressed up the new law with some limp-wristed reporting requirements: the DOD had to notify unspecified local "officials" before conducting experiments and, afterwards, make an annual report to Congress of *all* experiments conducted during the past year. But the DOD would not need the consent of all the little pickininnies out there in TV-land who were subjected to DOD "experiments" so long as the DOD notified and accounted to the Great White Fathers in Washington. (Free blankets, anyone?) Acts by the DOD that were at least criminal (and might rise to the level of genocide) were legalized by Congress. Instead of sneaking around and hoping to God they wouldn't be caught "experimenting" on Americans, the DOD could now experiment with complete assurance that they were operating "within the law."

Congression reenforced this betrayal of the American people just five years later (1982) when the "Great

White Fathers" *amended* the original act (1977) to absolve the DOD from their annual obligation to report each year's experiments to Congress.

Today, it's only necessary that the DOD notify the House and Senate Committees on Armed Services as well as some unspecified "local officials" of their "plans" (but not the *results*) to experiment on Americans. For example, if their "plans" are to release a biological agent to increase everyone's IQ by 30 points, that's all they need to report. Sounds pretty good. But if their "plans" go awry, and their experiment instead causes 10% of the local population to come down with brain cancer – Ohhh, well – the results need not be reported to Congress or the local officials.

Further, while the law requires the DOD to "notify" Congress and local officials, it does not require Congressional or local *approval*. In fact, this law does not even require Congress and local officials to read or respond to these "notice(s) of plans". Instead, if the DOD sends notice to the proper officials and hears no response within 30 days, it's free to proceed with its experiment. It's not unusual for "notices" to government officials to be lost or buried in piles of correspondence for 30 days or more. Practically, then, this "law" (which was not even enacted) simply *legalized* the use of American people as guinea pigs for DOD experiments. My guv-a-ment 'tis of thee, hmm?

50 USC 1520 is not the only statute concering biological or chemical experiments on Americans. Congress has passed several additional laws such as 10 USC 980:

"TITLE 10 - ARMED FORCES, Subtitle A - General Military Law, PART II – PERSONNEL, CHAPTER 49 - MISCELLANEOUS PROHIBITIONS AND PENALTIES

"HEAD- Sec. 980. Limitation on use of humans as experimental subjects

"STATUTE- *Funds appropriated to the Department of Defense* may not be used for research involving a human being as an experimental subject unless -

"(1) the informed consent of the subject is obtained in advance; *or*

"(2) in the case of research *intended* to be *beneficial* to the subject, the informed consent of the subject *or a legal representative* of the subject is obtained in advance. [Emph. add.]

"SOURCE- (Added Pub. L. 98-525, title XIV, Sec. 1401(c)(1), Oct. 19, 1984, 98 Stat. 2615.) Effective Date Oct. 1, 1985"

Note that 10 USC 980 only prohibits experiments conducted with "funds appropriated *to the DOD*" – what about funds from other sources? The 1997 Congressional report on bio-experiments illustrated that the DOD often conducted experiments on behalf of (and presumably funded by) the CIA. Therefore, these "surrogate" experiments would not be prohibited by this law.

As in 50 USC 1520 (*supra*), 10 USC 980 also allows experiments without the subjects' informed consent if the experiments are "*intended* to be beneficial". The roads to Hell and fascism are always paved with "good *intentions*" and free "benefits".

If Congress really wanted to stop chemical and biological experiments on American "guinea pigs", why not simply pass a law something like this:

"Any person found guilty of aiding, funding or conducting medical, chemical, or biological experiments or research on human subjects who 1) have not been fully informed concerning that experiment's purposes and possible outcomes and 2) have not given their written consent to participate in the experiment, shall be jailed at hard labor for the balance of his or her natural life." Once that law was passed, how many "weaponized" mosquitoes and similar "experiments" might be conducted on unsuspecting individuals and/or communities? Any? However, instead of passing an unambiguous law with teeth, government passed an assortment of laws that, under the guise of restricting experiments, actually *legalized* government experiments that constitute criminal, unconstitutional, and even terroristic assaults on innocent Americans.

in 1992, why haven't they been repaired or replaced?

This 1993 Senate report includes two color maps showing chemical and biological exposures. One color map shows that an area from Bosra to Baghdad was exposed to the chemical and biological agents that were detonated at Khamisiyah. That's their *1993* map. But the DOD said they didn't know anything about it until *1996*. Wrong.

When General Schwartzkopf (January, 1997) and Colin Powell (April, 1997) "testified" before Congress concerning the Gulf War, they alone were not sworn in at those Congressional hearings. Every other Gulf War vet had to be sworn in. Both Schwartzkopf and Powell declared there were no chemical or biological weapons used against American troops in Iraq.

Then we found Senate Report 103-647 which discussed the truth about the Gulf War Illness and Gulf War veterans' problems: rashes, sores, bleeding from the rectum, respiratory problems, hair loss, headaches, memory loss and the big problem that we're running into right now which is the inability to maintain their temper. Gulf War Veterans are committing murders, and violent acts because they have sustained neurological problems from the exposure to chemical and biological agents.

So when I found 103-647, I was furious. Back in *1993* the government *knew* some Gulf War vets were experiencing severe mood swings and intense anger – periods of violence which were far beyond the normal pattern of their pre-Gulf War behavior. Today, according to one Provost Marshall's office, violence and the suicide rates are high in the military. Remember the Fort Bragg soldier that killed those eight people in 1997? Gulf War veteran.

In 1993, they even knew about Dr. Nicholson's research into treating GWI with doxycycline. On page 17 of 103-647 the panel reports there's a doctor who suspects a biological basis for the GWI and gets a positive response by treating veterans with certain antibiotics.

Today, about 50% of the Gulf War

veterans are positive with the microplasma biological warfare agent. So five years after 103-647, why can't the VA and the DOD give doxycycline?

And this is not just a military problem. Currently, 62% of civilians suffering from chronic fatigue syndrome are testing positive for the same biological warfare agent (microplasma) that Gulf War veterans have. *62%*.

Vaccinations, then and now

In 1997 the DOD announced that 2.4 million of our troops would be injected with an anthrax vaccine, due in part to the possibility that Saddam Hussein might use anthrax as a biological weapon in our next confrontation with Iraq.

However, the DOD didn't bother to tell you that according to a 1994 Senate Veterans Committee report, "Anthrax vaccine is an FDA-approved vaccine that is considered safe and effective for individuals whose *skin* may come in contact with anthrax such as with veterinarians. It is *not* for *inhaled* anthrax. . . . Unfortunately, when anthrax is used as a biological weapon it is likely to be aerosolized and thus *inhaled*, therefore, the efficacy of the vaccine against biological warfare is unknown. It appears that there is only one relevant animal study which showed that anthrax vaccine apparently provided additional protection against *relapse* in monkeys that were given additional antibiotics. It is not sufficient to prove that anthrax vaccine is safe and effective as used in the Persian Gulf." [emph. add.]

So why should we risk giving 2.4 million of our military something that might harm them? Besides, it takes 18 months for the vaccine to become effective. Moreover, given current law and the DOD's history, how do we know we're really getting anthrax vaccine? How do we know it's not another "experiment"?

In 1997, after the DOD announced the government would give anthrax immunizations to our military personnel, Channel 11 in Houston came out to my house to get my statement. I gave him my statement and then I asked him, "Anthrax is really a problem — do you know why?

He said "Well, because Saddam Hussein has it."

I asked, "Do you know how Saddam Hussein got it? We sold it to him."

"No way. No way," he said.

"Yes, we did." So I pulled out the 1994 'Regal Report' (Senate report 103-900) and turned to the page and I said, "Right here is where we sold anthrax to Saddam Hussein complete with dates and batch numbers."

He was so shocked he said, "I'm going to go back and do the story on this."

As he left I told him, "You're the fourth reporter that's been out from Channel 11 and nobody's ever run this story. That may tell you something."

That night the story ran but all it said was, "Joyce Riley Says Gulf War Veterans are Furious about the Anthrax Immunizations."

The domino theory

Despite the American media's reluctance to cover these issues, we had a real win on February 9, 1994, U.S. Senator Don Regal — an absolute hero to veterans – announced that we sold biological weapons to Saddam Hussein and the resultant disease is communicable. So far as I know, only one newspaper in the entire country ran it — the *Hartford Current*. No one else published this story. Further, the big, 600 page Regal Report was taken off the shelves of the Government Printing Office. You can no longer get this document. The government doesn't want you to see what's in here.

Nevertheless, we had another big win in 1997 when *our* video forced General Schwartzkopf to admit that he had lied when he said he had no knowledge of chemical or biological weapons used in the Gulf War. Our video included his unsworn congressional "testimony"; then we showed the documents that proved he was lying. Even his men stood up and said, "General Schwartzkopf, you're not telling the truth." General Schwartzkopf's *bodyguard* called him a traitor for what he had done, for abandoning his men. It's very powerful.

So another big domino has fallen. General Schwartzkopf admits that he lied. He is no longer a hero to his men, and when he speaks at his $50,000-a-date luncheons, veterans stand outside with placards. You don't see them on TV, but their placards say Schwartzkopf abandoned his men.

What goes around?

For three years we've tried to make the Pentagon admit that Gulf War veterans were exposed to chemical and biological agents. Just like the Tuskeegee experiment, the government finally made that admission – but how many people have suffered and died while the government denied?

So it makes me furious when I see these people on nightly news saying "There's no evidence, we can't figure out why these guys are sick, they have some mysterious illness." The evidence is there.

I've spent my life's earnings to expose this problem. I've cashed in everything I own. I'll probably never be allowed work as a nurse again. I've had three other identities that somebody manufactured with my social security number. They took out sixteen credit cards, four bank loans and a federal bankruptcy on my social security number. I had to go to federal court and pay $1,000 to get it taken off. And just yesterday I found out that, although I don't have an IRS problem, somebody's placed an *IRS* lien on my house in the name of "Jane Gillis". I don't even know who "Jane Gillis" is. So now I've got to go fight that one.

But it's worth it. Because there's a million Gulf War veterans, family members and Americans who are sick – and even if I never work again, a million Gulf War veterans lives are far more important than anything I'll ever have. These men and women served this country and we owe it to take care of them.

Today, Gulf War veterans are treating themselves for GWI. They're going to *livestock* feed stores to get the most effective medical treatment (doxycycline; tetracycline is not recommended) because VA and the DOD doctors are not allowed to give doxycycline.

Military personnel realize the Pentagon lied to them for six years since the Gulf War. As a result, the Pentagon has a serious credibility problem with it's troops. I've heard from as high up as officers in Special Forces who know what's going on. They're sick and upset. Their spouses are sick and they know I've been telling the truth for the past three years.

We've got Navy Seals that are sick, and can barely walk. One Seal told me, "I'll tell you what. We train all our lives to be Seal and we eat stress for breakfast – so we don't take it too well when we're told we have a 'stress related problem'. You give them a message for us. We know we're sick. We know *why* we're sick and Seals take care of Seals. You don't do this to your trained assassins."

A recent *USA Today* poll ("Whom Do You Trust?") reported that, "The American people now trust the fire department - 78%; the federal government - 6%." This is the same federal government that's been lying to us about the health and welfare of our military for the past six years. It's time that we wake up, read the documents, and understand what's going on. Once we're enlightened, we *have* control. But until then, we *are* controlled. . . . God bless, and God save the Republic.

Joyce Riley has several videos, audio tapes, and copies of government documents available that expose information on the Gulf War Illness and government's biological "experiments" on Americans. She asks a nominal contribution to pay for these items, but encourages you make ten or twenty additional copies and disperse them in hospitals, truck stops, police departments (a lot of MP's became police officers), fire departments and other public places where they can be picked up by veterans and other concerned Americans.

For further information and/or copies of the documents referenced in this article, contact Joyce Riley at website: www.gulfwarvets.com.

Humble Pie

by Alfred Adask

Prior to the Cold War, if a politician wanted to destroy another nation ("mass destruction"), he had to build up his army, train 'em, equip 'em and *transport* them to his foreign adversary's country. "Mass" destruction could only be achieved by *transporting* a "mass" of trained killers. The preparation alone could take years and cause expensive social dislocations that might cause the politician to be thrown out of office before his troops fired the first shot. From the politician's point of view, war was indeed Hell – not because people died, but because the preparation and political requirements were a logistical nightmare.

That logistical "hell" was temporarily eliminated during the Cold War when hi-tech weapons (nuclear bombs) were combined with hi-tech "delivery systems" (B-52 bombers or Intercontinental Ballistic Missiles) to allow mass destruction without all the historic aggravations attendant to training, and transporting a mass of unruly soldiers. War became a rich man's game since those who could not afford both hi-tech weapons and hi-tech delivery systems were virtually helpless.

In the 1950s, it took the technological and financial might of an entire nation to create both the weapons of mass destruction (H-bombs) and an appropriate transportation service like the Strategic Air Command to deliver that weapon to Moscow. The Cold War's terror was based as much on hi-tech "delivery systems" – *transportation* – as hi-tech weapons. If China made a nuclear weapon, who cared so long as they had no credible delivery system to transport it to their adversary's country?

Today, that hi-tech-weapon plus hi-tech-delivery-system equation has been replaced by a "low-tech" equation of *biological* weapons plus inexpensive, commercial air travel that's available to *anyone*.

Biological weapons have been accurately described as the "poor man's H-bomb," but few of us realize how "poor" you can be and still afford biological weapons. Today, a pizza deliveryman can probably sustain the financial costs associated with creating and then delivering a bottle of anthrax from California into the water supply of Washington D.C. or St. Paul Minnesota. A conspiracy of three pizza deliverymen could probably afford to deliver that same anthrax to Paris via American Airlines. Soon, a dozen Egyptian camel drivers will be similarly empowered.

As a result, *cheap* weapons of mass destruction and inexpensive "delivery systems" (commercial air transportation) are now available to anyone who declares a personal war on another nation, city, corporation or government agency. It is now possible for a single welfare recipient to create and deliver more lethal power than was available to most Generals during WWII.

Regardless of the potential foreign threat, we won't shut down international travel in the age of "global free trade". But even if we could seal our borders, would that have stopped America's "Unabomber"? And that guy was relatively benign. After all, although a handful of people were crippled or killed by his homemade, hand-carved wooden bombs – if he'd wanted – the man had sufficient education, intelligence and determination to have poisoned the water supplies of one or several cities and killed or injured thousands, maybe hundreds of thousands. So, while President Clinton rails on about "evil" Saddam's possible use of chemical and biological warfare weapons, what about America's angry young men and women who can easily deliver enough anthrax to paralyze New York, San Francisco, or Waco?

In this technological age, there is no hi-tech defense against lo-tech terrorism. Metal detectors, explosive "sniffers" and luggage searches are obsolete technologies used primarily for their public relations value rather than technical efficiency. Oh, they might catch or deter a handful of incompetent "mad bombers", but so what? Concussion and projectile weap-

ons are an ancient, almost archaic technology. Pound for pound, no weapon is as inexpensive, undetectable, easily transported or deadly as microbes.

Further, microbes are humbling. Our proud technology is almost helpless to stop determined individuals who understand how to identify, grow and "deliver" microbial entities. How much anthrax, cholera, or plague is needed to kill a city? A hundred pounds? A semi-competent biologist could probably produce enough to do the job if he started with just one, tiny spore of anthrax and simply encouraged it to reproduce. It's only slightly more complex than growing bean sprouts. Within months he might grow enough anthrax to cripple New York.

So what's the answer? If we can't defeat an angry man's inexpensive technology, maybe the solution is to make sure we don't make him angry in the first place. Maybe you, me and our government will have to learn some humility. Maybe we'll have to stop throwing our weight around as the world's only "superpower" and start treating all people with respect. Maybe we'll have to recognize that even an impoverished, bearded eccentric who lives alone in a remote one-room cabin can kill a handful or even a city – and therefore, we must treat every eccentric with a measure of respect. If we don't subject them to injustice, well, maybe they'll be content to teach mathematics rather than whittle wooden bombs.

Of course, personal humility and mutual respect are not perfect solutions. Some people are so insane (or perhaps evil) that without provocation they might still want to destroy others. There may even be a few people who, given the opportunity, would destroy the whole world, themselves included. What can we do about them? Not much. That's God's work.

For you and me, the job is much simpler. All we have to worry about is our fellow man. We must decide how much injustice or disrespect we can safely inflict on our victims before just one of them buys a microscope, some petri dishes, and starts breeding "bugs".

In fact, the solution to terrorism is to avoid personally inflicting *any* injustice or disrespect on another person and to carefully evaluate our laws and institutions that dispense injustice and thereby make folks "mad". Divorce, probate, bankruptcy and traffic courts (all of which are primarily extortion or taxation schemes) and excessive income and sales tax rates are silently generating millions of angry Americans. How many angry people must we create before one of 'em decides to murder L.A.?

The only reliable solution to the problem is don't cause the problem in the first place. And I'll guarantee that every single time you see some terrorism, the foundation cause was a refusal to pay some person or group a measure of respect.

There's an old saying that "God made all men, and Winchester made 'em equal." Lotsa truth there. Today, biologists have released a technology to grow microbes that is inexpensive, simple and similar to Winchester's rifles in that anyone can afford one. (God made all men and anthrax made them equal?) Biological weapons are a strange and humbling concept because they render us all truly equal. A virtual bum can wield power comparable to a President.

As a result, biological warfare doesn't merely threaten lives, it threatens entire systems of values and social structures – it renders hi-technology absurd, national arrogance dangerous, personal privilege self-destructive and, in a sense, causes bankers to lie down with derelicts. Bill Gates, the world's wealthiest man, was recently smacked in the face with a crème pie. Ha ha. Next time it could be a pie laced with plague. Now, how rich and powerful is he? Or Bill Clinton, the Pope – or you and me?

The idea that microbes might humble men of power may seem farfetched, but consider a recent EMail:

"I was recently in a rifle class with officers from the Phoenix Police Dept. One of them advised [that] the Feds are training police how to handle biological warfare situations. The officer was upset since they were told government agencies would probably be the targets, like city hall. If that happened, and those inside were contaminated, they were told they would have to *shoot anyone trying to leave* since

they would spread the germ/s." [Emph. add.]

That EMail's implications should unnerve all government officials, employees, and lawyers. First, that EMail implies that government already understands the scenarios presented in this article are not only plausible but probable. Second, we are quickly approaching a time when it may be as dangerous to work in a courthouse (or anywhere else where power may be abused) as it is to live in a "bad" neighborhood. Anyone with an ax to grind, a vial of microbes and access to the ventilation system may be able to poison an entire courthouse. (Can you think of a way to protect the ventilation system in a *public* building? I can't.) And worse, if police are ordered to surround the courthouse to contain the contamination, everyone inside – even the judges – may be shot if they try to escape the invisible, airborne death. (How's that for a little "hell on earth"?)

Every judge, lawyer, policeman, Child Protective Services worker, DEA and FBI agent in the USA ought to read that EMail and realize that they truly have no power which is not based on justice and respect for the public. Given the threat of biological terrorism, how long can the police continue to make warrantless arrests? How many more kids can Child Protective Services snatch from parents based on nothing more than anonymous tips? How many more wills can be probated to enrich lawyers with the majority of your parents' estate?

And if all the "good" judges and officers continue to maintain a "code of silence" that allows just *one* of their fellow officials to be corrupt or abusive – how long before the one "bad apple" abuses the one member of the public who'll seek "ventilator vengeance"? In other words, it won't be enough to be an *individually* "good" judge, officer or clerk who refuses to "blow the whistle" on the crimes of their fellow officials. To maximize their chances of surviving as government employees in a public building, each judge, officer and clerk will have to root out every thug who shares their coffee, donuts and air supply or risk inhaling something lethal.

While America builds nuclear bombs and satellite-mounted lasers, even greater weapons lay quietly in the dirt, right at our feet, almost invisible but, properly harnessed, almost unstoppable. Microbes. Anthrax. Plague. Sounds mythical, almost Biblical, doesn't it? The stuff of *Revelations*. "While man gazed arrogantly up at the sky, he neglected to look down and consider the adversary in the soil beneath his feet." Great melodrama, what? Still, it would be truly ironic if a culture reaching for the stars was stopped by microbes – some of God's oldest, smallest and most humble creations.

I don't know where this is leading, and I don't think I want to go there – but I suspect that after a great deal of tragedy, biological weapons may ultimately enforce the simple respect recommended by the Golden Rule. Whether microbes will seriously harm this nation or its government remains to be seen, but this much is sure: Every government that refuses to respect its people will inevitably learn to fear them. It's unfortunate that it always takes so long and causes so much pain for this lesson to be relearned – but inevitably, this lesson is inescapable. ■

Conflict of Interest Convictions

by Raymond Beach

I doubt that there's a police department in the U.S. that isn't at least suspected of having an "unspoken" requirement for their officers to issue a certain number ("quota") of traffic tickets each day. The primary purpose of this "traffic ticket quota" is to generate tax revenue for their cities. Presumably, this ticket quota is imposed by city administrators who "encourage" police officers to satisfy their "unspoken ticket quotas" is by "unspoken" promotion policies. Officers who write lots of tickets (and generate lots of tax revenue) tend to be promoted; officers who write relatively few tickets tend to languish at the same rank or suffer termination. If so, the traffic police have a conflict of interest that subtly compromises the pretense of impartial law enforcement since they tend to profit (through promotions) for writing tickets. However, Mr. Beach discovered that, at least in Alabama, police officers not only have a personal financial interest in writing tickets (and also charging misdemeanors and felonies), but also in securing convictions.

In early 1994, Raymond Beach was stopped and ticketed by the City of Hueytown, Alabama police for driving with an expired Drivers License. After a great deal of courthouse wrangling and appeals, on August 15, 1997, Hueytown finally charged Mr. Beach a $25.00 Fine and $42.50 "Court Cost Payment" for his traffic violation.

Mr. Beach paid the $67.50, but later began to investigate the true nature of his $42.50 "court costs". He discovered that $3.00 of his "court costs" went to the retirement fund of the Alabama police officers who charge people with traffic offenses – and even more for misdemeanors and felonies. In other words, Alabama police have a personal, financial interest in not only charging people with traffic offenses, misdemeanors, and felonies, but also in convicting them since innocent people and "not guilty" verdicts generate no "court costs" and therefore no contributions to the Alabama police officers retirement fund.

As a result, it appears that Alabama police officers not only "profit" by being promoted for issuing tickets, they also profit from "enhancing" their testimony and evidence in court to insure that those charged are absolutely convicted. The police officers' personal financial interest in convictions contradicts any presumption of impartial law enforcement and at minimum, creates the "appearance of impropriety".

Although the following information applies specifically to Alabama, I'd be surprised if similar "financial incentives" didn't exist in other states to "motivate" police officers to both charge and convict the maximum number of defendants. Based on the following laws, Mr. Beach wrote a letter to a number of government officials. The footnotes are my comments.

Alabama state code § 36-21-66. Alabama peace officers' annuity and benefit fund created; purpose and official designation; composition generally; investment, expenditure, etc., of moneys therein.[1]

A special fund is hereby established and placed under the management of the board for the purpose of providing retirement allowances and other benefits under the provisions of this article for members of the fund.[2] The fund shall be known as the Alabama peace officers' annuity and benefit fund, by and in which name all of its business[3] shall be transacted, all of its funds invested and all of its cash and securities and other property held in trust for the purposes for which received. All amounts received by the board pursuant to the provisions of this article shall be paid into the fund. The board shall have such control[4] of the fund as shall not be inconsistent with the provisions of this article and with the laws of the state. All moneys of the board shall either be covered into the state treasury or deposited in a special trust account or accounts in any bank or banks in the state, each of which shall have a combined capital and surplus of not less than $2,000,000.00 and may be withdrawn therefrom by vouchers or checks signed by the executive director pursuant to authorization given by the board. All investments of moneys in the fund shall be either deposited with the state treasurer for safekeeping upon

receipt of the state treasurer therefor or deposited with any such bank in a custodial account. The board shall have authority to expend moneys in the fund in accordance with the provisions of this article and to invest any moneys so received pending other needs therefor in any investments which are legal investments for insurance companies under the laws of the state. No member of the board shall have any interest in any such investment or receive any commission with respect thereto. (Acts 1969, No. 999, p. 1855, § 5; Acts 1971, No. 1210, p. 2104, § 5.)

§ 36-21-67. **Imposition of additional court costs in certain criminal and in quasi-criminal proceedings; remittance of proceeds to executive director.**

In all criminal[5] proceedings for the violation of laws of the state or municipal ordinances including violations of state conservation laws of regulations which are tried in any court or tribunal in this state, wherein the defendant is adjudged guilty or pleads guilty or wherein a bond is forfeited and the result of the forfeiture is a final disposition of the case or wherein any penalty is imposed, there is hereby imposed an additional cost of court in the amount of $1.00 for each moving traffic violation, $5.00 in each such proceeding where the offense constitutes a misdemeanor and/or a violation of a municipal ordinance other than moving traffic violations and $10.00 in each such proceeding where the offense constitutes a felony; provided, however, that there shall be no additional cost imposed for violations relating to parking of vehicles.[7]

. . . . It shall be the duty of the clerk or other authority collecting the said court costs to keep accurate records of the amounts due to the board for the benefit of the fund under this section.[8] (Acts 1969, No. 999 p. 1855, § 9; Acts 1971, No. 1210, p. 2104, § 9; Acts 1971, No. 2101, p. 3371.)

Based on this law, I wrote the following letter to the STATE OF ALABAMA ETHICS COMMISSION (a copy was also forwarded to the Alabama Office of Attorney General):

January 9, 1998
Hugh R. Evans, III
Assistant Director General Counsel
c/o Alabama Ethics Commission
100 North Union Street, Suite # 104
Montgomery, Alabama 36103

Office: (334) 242-2997
Fax: (334) 242-0248

RE: Title 36-21-66 & 36-21-67 of the Alabama Code (1975).

Dear Hugh:

On August 15, 1997, I paid a Traffic Citation Fine of $67.50 to the City of Hueytown.

This letter is being forwarded to you for your response and/or explanation, primarily of Title 36-21-67 of the Alabama Code 1975).

After my conversation with a local attorney, and upon further research into the Alabama Code, I discovered something very disturbing.

My question is very simple: *Is it ethical and/or a conflict of interest for a Police Officer to issue a Traffic Citation, thereby profiting and enhancing his retirement/annuity fund when said fine is paid in Court?*

While it may seem that my $3.00 **"**contribution**"** is insignificant, you should consider that my fine was just one (1) of the thirty-eight (38) "contributions" listed on the page enclosed, taken from the two (2) inch thick Monthly Payment Report (dated August 1, 1997 through August 31, 1997), indicating that there were at least one-hundred fifty (150) pages in the record, from the small community of Hueytown, Alabama. The fact is, that each year there are millions of such "contributions" TAKEN[9] from individuals such as myself, across the State of Alabama. Clearly, this lucrative incentive plan for Police Officers to issue Traffic Citations to Citizens is extremely alarming.

The conflict of interest and unethical conduct is readily apparent to me. Is it to you?

Since this is a question of profound importance to the Citizens of this State, I request that you provide an answer to me within ten (10) days. Failing to respond within that time period, I shall conclude that you have no opinion and/or legal position on this controversial issue, and shall act accordingly.

Respectfully,
Raymond H. Beach, Citizen

On January 27, 1998, Hugh Evans III replied to my letter on behalf of the Alabama Ethics Commission and explained in part:

"The Alabama Ethics Commission has no jurisdiction to interpret Title 35, Chapter 21 of the Code of Alabama. Our jurisdiction is limited to Title 35, Chapter 25, which is styled *Code of Ethics for Public Officials, Employees, etc.* . . . "

The Ethics Law is designed to prevent public officials and public employees from using their public office in a manner that might provide a personal gain to themselves, a family member or a business with which they are associated.[10]

"In your fact scenario, the activities you complain of are established by statute, and therefore would not appear to be in conflict with the Alabama Ethics Law."[11]

On February 26, 1998, M.J. Scott of the Alabama Attorney General's Office also replied to my letter:

"The City of Hueytown is acting within its rights to collect any fines that it deems appropriate. This practice is entirely within the laws of Alabama as they currently stand. Our office has not issued any formal opinions on §§ 36-21-66 or 36-21-67. You have the right as a citizen to challenge the constitutionality of the said ordinances in a court of law. If you would like to discuss your legal options, I recommend that you contact a private attorney."

In other words, I can expect no help from the state's administrative agencies in exposing acts committed by Alabama police which, at least, create the "appearance of impropriety" and

may, in fact, be unethical. Therefore, my remaining option is to challenge the law in court as unconstitutional – and hope that the Alabama courts are better able to "see" impropriety and/or unethical acts than are the state's Ethics Commission or Attorney General's Office.

Those of you who focus on traffic laws might do well to study "court fines" and "court costs" and observe the sage advice, "follow the money trail." The conflict of interest in Alabama might be happening in your state, too. If it is, the validity of a large number of convictions for traffic tickets, misdemeanors, and even felonies might be challenged due to the arresting officer's beneficial interest in securing convictions and consequent lack of impartiality. However, the Alabama Attorney General Office's advice (hire a lawyer and challenge the constitutionality of the police retirement funding process) might be disingenuous.

If the Alabama Police Officers Annuity and Benefit Fund is a trust and the police officers are its beneficiaries, then under trust law (heard in courts of equity, not law) they may not serve as trustees who help administer that trust.

Does issuing tickets that generate revenue for the trust constitute an "administrative" activity? If it does, the police would be in breach of their fiduciary responsibilities under trust law (not the Constitution) if they both issued tickets and stood to receive trust benefits from those tickets. This might mean that all previous tickets could be challenged, and no future tickets could be issued except by police officer who received no retirement benefit from those tickets. But if the problem is trust-related, the challenge will have to be on basis of trust law in a court of equity where the Constitution is irrelevant and even unwelcome.

Further, although Alabama judges and prosecutors do not appear to be members of "POA FU", I wouldn't be surprised if some judges and prosecutors in this country also funded their retirement programs with "contributions" derived from court courts generated whenever they secured a conviction.

If anyone in the court room stands to directly profit from a defendant's conviction, there can't be an "impartial tribunal", constitutional guarantees are being ignored, and convictions might be subsequently challenged. In the extreme, there might even be grounds for a defendant who is found guilty (or even arrested) to sue the folks who merely might profit from his conviction.

[1] This appears to be a trust fund.

[2] "members of the fund" are beneficiaries.

[3] including traffic tickets?

[4] Members of "the board" are the trustees for this trust.

[5] Law?

[6] Equity?

[7] This copy of the law may not be current since it specifies a $1.00 court cost for the police retirement fund and Mr. Beach was charged $3.00. If the legal contribution for traffic tickets has increased from $1 to $3, it's likely that the $5.00/misdemeanor and $10/felony contributions have also increased. In any case, it's apparent that the police retirement fund generates more money for misdemeanors than tickets, and more money yet for felonies. This creates a financial incentive for police to: 1) write multiple charges (presumably every charge will generate a separate court cost contribution); and 2) "upgrade" charges whenever possible from traffic violations or misdemeanors to felonies.

[8] This implies that the court clerk and/or judge are functioning as trustees on behalf of the Alabama police officers fund and its members/beneficiaries - including the police officer who is testifying about a particular ticket or charge.

[9] "Taken" is a good choice of words since "court costs" implies costs that are incurred in the *immediate* operation of the court. That being so, how can "court costs" include contributions to a police retirement fund which won't be spent until years later? Perhaps a better word than "Taken" is "extortion" (the taking of money under the color of law).

[10] Clearly, each Alabama police officer who is a member of the retirement fund stands to benefit from each conviction he helps achieve and therefore seems to achieve a "personal gain". Further, the act creating the retirement fund (§36-21-66) provides that, ". . . all of its *business* shall be transacted" in the fund's name – if the fund does "business" why shouldn't it be regarded as a "business" and therefore subject to the Ethics Law? Mr. Hugh Evans III argument seems faulty.

[11] I.e., Mr. Hugh III implies that since the police retirement fund was established by statute, whatever follows under that statute must be "ethical" because, surely, the state legislature wouldn't (couldn't?) pass an unethical statute. His implicit logic reminds me of former President Richard Nixon's remark, "If the President does it, that means it must be legal."

My "Evil Twin"

by Alfred Adask

We've heard so many stories of clearly abusive behavior by our courts, that there is little doubt that our government is operating in a capacity quite different from that mandated by our Constitution. Whatever this non-constitutional capacity is, it allows government to "legally" ignore the unalienable rights our Constitution guaranteed to protect. However, the nature of this non-constitutional capacity is unclear. Some researchers believe the government is operating under martial law, others say admiralty, others say bankruptcy, still others argue the Constitution has been effectively suspended under the Emergency War Powers Act of 1917 and then 1933.

"Trust Fever" identifies an exciting new theory to explain how government may be bypassing the Constitution to treat We The People as subjects rather than Sovereigns. In short, I suspect that the government uses trusts to secretly cause you and I to be trustees or beneficiaries who are legally obligated to obey the rules of these government trusts, even though these trusts may impose obligations contrary to the constitutional principles.

At first, the "Trust Fever" theory seems so complex and foreign to our expectations of law, that it is hard to grasp and easily dismissed as lunacy (which it may be). Nevertheless, since I published my first speculation on "Trust Fever" in Volume 7 No. 1 and again in Volume 7 No. 4, my confidence in this theory has continued to grow. I may be mistaken, but for the first time in fourteen years of trying to make sense of the judicial system, I believe we are within months or having an accurate understanding of "how they're doin' it to us".

Once you understand the fundamentals of trusts, the logic of "Trust Fever" is so easy to understand it's almost irresistible. These fundamentals include:

** Title to trust property is always <u>divided</u> between trustees and beneficiaries.*

** Trustees retain <u>legal</u> title (control) over trust property; beneficiaries retain <u>equitable</u> title (use). For example, the relationship of a father, son, and new car can figuratively illustrate the trust structure. The car is <u>property</u> of the trust; title to the car is <u>divided</u> between the father/trustee who "<u>owns</u>" title to the car and controls it and the son/beneficiary owns nothing but equitable title – the right to <u>use</u> the car. Although the son/beneficiary gets to use the car, the father/trustee has the real power since he alone can sell the car and determine when the son/beneficiary can use it.*

** Beneficiaries and trustees must be exclusive categories; beneficiaries can never be trustees in the same trust, and vice versa.*

** Because beneficiaries have no legal title, they also have no legal rights. If they have an issue concerning trust property they want heard in court, the court will administer their case in Equity, not Law. (See "In Law or Equity", this issue.)*

** People can be designated as "beneficiaries" in a particular trust without their knowledge. As beneficiaries, they may be subject to certain trust requirement and obligations which are contrary to constitutional principles. Because ignorance is no excuse in the eyes of the law, we are presumed to be able to tell if we are beneficiaries from the structures of our legal relationships. This means that any of us might be beneficiaries without our knowledge and therefore obligated to obey trust rules that we have never heard of or imagined.*

In sum, these fundamentals create an opportunity for government trusts to impose non-constitutional obligations on beneficiaries and unexpected legal requirements on trustees.

Unfortunately, it's not possible to adequately introduce and illustrate trust fundamentals in each "Trust Fever" article. Each one hopefully builds on the last, so if you haven't read the previous "Trust Fever" articles, this article (which is somewhat difficult to understand anyway) may seem almost incomprehensible.

Nevertheless, try to read and understand this article since "Trust Fever" may be the most important investigatory path we've travelled in the last seven years. I may be mistaken, but I am extremely confident and optimistic that by the end of 1998, "Trust Fever" will finally expose how our government really works. I think we're about to break the s.o.b.s.

The "evil twin" is a fictional plot device that's centuries old. The good guy (in this case, me, Alfred) is living a fairly normal, fairly happy life when strange things start to happen. People start reporting that they've seen me somewhere – even though I know I wasn't in that location ever (or at least not when they say they saw me). Then my property starts to disappear. Someone – who reportedly looks just like me – starts withdrawing money from my bank account. Suddenly I'm facing fines, taxes, and even jail sentences not only for "crimes" I didn't commit, and worse, for "crimes" that aren't even mentioned in the Constitution. Surely, there must be some mistake!

Although I've yet to actually see the person who's responsible for my bizarre problems – no matter how crazy it sounds – I grow increasingly unnerved, suspicious, and finally convinced that somebody who looks just like me is trying to take my place! I share my suspicions with my family, my neighbors . . .with the police who want to arrest me for "his" crimes . . . even with IRS agents who demand I pay "his" taxes! I try explaining that the perpetrator is somebody who looks like me and even uses my name – but it's *not me*!

Of course, nobody believes me. You all think I'm nuts and, eventually, even I start to doubt my sanity.

My life becomes increasingly confusing until I find some clues in my birth certificate and my Social Security account that make me wonder if my mother had secretly given birth to a nearly identical twin brother when I was born. But, if so, she must've given him away because, even as an infant, he was obviously unnatural, perhaps evil. But now, years later, he's baaack! And worse, it's increasingly obvious that this will be a fight to finish – him or me!

OK – in truth, the confrontation with my "evil twin" is not that obvious or dramatic. But this confrontation seems not only real, but far more complex than the usual "evil twin" stories because *maybe* I'm not be the only one who has an "evil twin" – maybe *every* citizen of the United States also has his own "evil twin"!

As usual, I haven't found much proof to support my suspicions, but I have seen some indirect evidence of "evil twins" in case law and IRS regulations.

Representative capacity

For example, in 1975, the Texas Court of Civil Appeals decided the *Griffin v. Ellinger* case (530 S.W. 2d 329) and illustrated an underlying principle that may offer an important clue to my "evil twin's" *modus operandi*:

Mr. Percy Griffin was *president* of Greenway Building Co. Inc. (a *corporation*) and had every right to sign Greenway corporate checks. About 1974, he signed three checks in his *representative capacity* of "president" on Greenway's corporate bank account to one of his suppliers, a drywall contractor named O.B. Ellinger. All three checks bounced.

Rather than sue the Greenway corporation (on whose bank account the checks were drawn), Mr. Ellinger (the drywall contractor) sued Greenway's *president*, Mr. Griffin, *personally*.

Mr. Griffin argued that since the checks were lawfully written on his *corporation*'s bank account, the corporation was the *principal* and therefore responsible for the debt, while he, the corporation *president*, was not. Mr. Ellinger responded that according to Texas Business and Commerce Code § 3.403, anyone who signs an "instrument" (virtually any legal document, not just checks) as *representative* for another entity or principal – but fails to identify his *representative capacity* when he signs the instrument– becomes *personally liable* for whatever obligation was established on that *instrument*.

As Greenway president, Mr. Griffin was a *representative* of the Greenway corporation (a separate legal entity). According to Texas law, to avoid personal responsibility when he *represented* Greenway, Mr. Griffin had to include the word "president" immediately before or after his signature whenever he signed *corporation* checks or "instruments".

Since Mr. Griffin had signed all three of the rubber checks without identifying his *representative capacity* as the "president" of Greenway corporation, the court ruled that Mr. Griffin was *personally* liable and ordered him to personally pay the debts created on those three checks to Mr. Ellinger.

Presumably, Mr. Griffin had signed hundreds of other Greenway corporation checks without identifying his representative capacity as "president" and never had any problem being held personally liable for the debt on the check. So long as the Greenway checks cleared the bank, there was no reason for any Greenway supplier to care whether the checks were signed by "president" Griffin or Donald Duck.

The *Griffin* decision implies that, by identifying our "representative capacity" on *any* instruments we sign, we notify the world that we do not voluntarily accept personal liability for the debt or obligation agreed to on that instrument. Conversely, if we sign instruments on behalf of another legal entity (perhaps a corporation, trust, or even minor child) without identifying our "representative capacity", we implicitly accept personal liability for the instrument's obligations.

Implications & applications

Hmph. Pretty strange. In fact, at first, I assumed the principle underlying the *Griffin v Ellinger* case (failure to identify one's representative capacity creates personal liability) was so strange that it must be unique to weird ol' Texas jurisprudence. (Where else are corporation presidents liable for corporation debts?)

But then I talked to people in other parts of the country who told me this same principle also applied in their states. Therefore, I now suspect that the principle enunciated in *Griffin* (failure to identify one's representative capacity creates personal liability) may be universal throughout the U.S.

More importantly, since the *Griffin* case repeatedly refers to "bills", "notes", "drafts" and "instruments", it appears that the *Griffin* principle might apply to any number of documents. Drivers licenses, for example. Traffic tickets. Maybe even IRS 1040 forms.

UPPER-CASE names

I've seen one or two exceptions but, generally, all legal documents, licenses, and court cases identify the principal party(ies) with an all UPPER-CASE name. Look at your driver's license, your social security card, the subpoena's you received from traffic court, and label on the 1040 form the IRS sends you every year. Government seems adamant that you will be identified in an all UPPER-CASE name. In my case, that all upper-case name is "ALFRED N. ADASK".

Government's determination to use upper-case names is peculiar since it violates a fundamental principle of typography (the study of how different fonts and text sizes can enhance or diminish a document's ability to communicate). One of typography's hard-and-fast rules is that "readability" is diminished whenever text is printed in all upper-case letters ("ALFRED N. ADASK") and increased when text is printed in a mix of upper and lower case letters - as in the "capitalized", proper name "Alfred Norman Adask". So, if upper-case text is hard to read (and therefore increases the likelihood of misunderstanding or inaccurate data entry) why does government insist on using upper-case names?

Enter my "evil twin"

Perhaps the all-upper case name ("ALFRED N. ADASK") identifies an *artificial entity* (corporation or trust) with a legal existence that is separate and independent from that of its flesh and blood namesake – me – "Alfred Norman Adask". In fact, I suspect that ALFRED (the artificial entity) is the "evil twin" for Alfred (the real, flesh and blood person). Similarly, if your real, Christian name was "John Paul Doe", your "evil twin's" name might be JOHN P. DOE.

I can't yet confirm whether the artificial entity "ALFRED N. ADASK" is a corporation, trust, or something else I've yet to discover. However, my gut tells me my "evil twin" ALFRED is a *trust*, and I, Alfred, am that trust's *trustee*. In any case, I am convinced that I, Alfred Norman Adask, the flesh-and-blood man and spiritual being who writes this article, am not ALFRED N. ADASK (my "evil twin" trust). Although "Alfred" and "ALFRED" may be intimately related, I believe we are two separate legal entities with two entirely different sets of rights and duties.

Creator-creation relationships

So why did government "create" my evil, artificial twin "ALFRED" when they already had me (Alfred)? Am I somehow inadequate? Or am I somehow superior? The answer can be found in the ancient rules for the "creator-creation" relationships which lie at the

heart of every faith and political system because they provide the ultimate foundation for all personal rights and ownership of property.

For example, if I were to challenge your ownership of a piece of land, how can you prove you own it? You'd look at the deed and it would show where the previous owner sold it to you. OK, but what if I argue the previous owner didn't have legal title to the property and therefore couldn't sell it to you, and therefore you couldn't have legal title? Well, you'd conduct a deeper "title search" and show that the previous owner bought legal title from an earlier owner. If I continued to challenge the next previous owner's title, and the one before him, and the one before him, sooner or later we get past all the private owners and reach the title claimed by your state, then the title first claimed by the federal government, then the title first claimed by some foreign government (like Great Britain, Spain, or France). But since these original governments were monarchies (usually) legitimized by the Catholic Church, at bottom, the legal title to virtually all land in the Western World is based on a grant from God (the land's Creator) as certified (usually) by the Catholic Church.

A similar chain of reasoning will probably be found in virtually all tribes and societies. They may claim a different god, but ultimately, they own legal and exclusive title to "their" land because their god-creator gave it to them (or at least to the guy they bought it from).

In the Western world, the Creator is God, and therefore we and all the world, belong to Him as property. God created Adam and Eve, and let 'em do pretty much as they pleased – except eat from that apple tree. When Adam and Eve (the creations) broke the Creator's laws, they were condemned to leave the Garden of Eden and become mortal (suffer death). That seems like a pretty stiff penalty for eating just one itty-bitty apple (it's not like there weren't plenty more). Besides, if God really didn't want 'em to eat the apples, why'd he plant that tree in the Garden?

In fact, Adam and Eve could voice hundreds of arguments and rationalizations against God's penalty for eating his apples, but they'd be wasting their time. Creations have absolutely no rights relative to their Creator, unless the Creator has specifically granted them. And even then, the Creator can take those rights back.

Like God, lots of us are "creators". Artists and writers create pictures or books and therefore own their creations absolutely. I am the creator of this article. I therefore own it and can publish it, tear it up, or sell it to someone else, as I alone see fit. Historically, parents were viewed as the earthly creators of their children and therefore owned their kids and could do with them as they pleased.

In essence, the creator-creation rules boil down to this: The creator absolutely owns (has legal title to) his creations and can do with them as he alone sees fit.

The reason creator-creation principles are especially important to Americans is found in our *Declaration of Independence* (1776): "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." Our entire political and legal system is based on the principles that: 1) each of us is created by *God*; 2) each of us is created *equal*; and 3) each of us is endowed by our Creator with certain *unalienable Rights.*

Although we recognize our status as *creations* of God, we tend to ignore our primary duty to obey His laws. However, we can surely remember God when it comes to claiming our Rights (His gift to us). First, since all *men* are created *equal*, with an equal allotment of Rights, no other man can have a superior claim to any of my God-given Rights and therefore, no man can deprive me of those Rights. Second, since We The People created

the Constitution and the subsequent federal and state governments that are based on the Constitution, those governments are our "creations" and subject to our laws and requirements and shall serve us as we should serve God. We, however, as *creators* of the Constitution and resultant government (our *creations*) are not subject to government's laws – *unless*, as "creators" we volunteer to be so.

It's important to note that while God (our Creator) can reclaim the Rights he gave us (His creations) at any time, no other man (our equal) or government (*our* creation) can deprive us of our God-given Rights. However, we can voluntarily and individually surrender some or all of those Rights. *You* can't take my Rights, but *I* (as owner) can voluntarily give 'em away. In fact, I can even accidently, unknowingly give 'em away – a reality government exploits heavily.

Have we ever given away any of our God-given Rights? Sure. The Constitution is a collective agreement by We The People to surrender a *limited number* of our Rights to government. But We The People retained all of our other unenumerated rights in the 9th Amendment (as well all of our undelegated powers in the 10th Amendment).

Have any of us ever surrendered any more of our Rights? Sure. I sold an article that I'd written/created. Based on that sale, I transferred title to my work to another party. By buying my article they became the article's de facto "creator" and could publish it, destroy it, or resell it, as they saw fit. But if they published the article and someone challenged their "ownership", they'd have to trace their "ownership" back to me, the article's creator, to "prove" ownership.

In a similar sense, virtually all property is ultimately traceable (through a title search) back to its creator. Look at the VIN number on your car – if your car is stolen and recovered, they can retrace the entire chain of owners from the car's manufacturer/creator, to the dealer, to the first buyer, to all subsequent purchasers of the "used" car.

The creator-creation principle is far more than a charming Biblical myth; it provides the bedrock on which virtually all civilizations, societies, and legal systems are built.

A revolution of Biblical proportions

OK, that's a series of semi-interesting historical factoids, but what've they got to do with my "evil twin" hypothesis?

Simply this: If I, Alfred Norman Adask, am a *creation* of God and a *creator* of government, then my government-*creation* has no power over me unless I consent to give it that power. But what if government were able to create an artificial entity called "ALFRED N. ADASK"? As *government's* creation, ("ALFRED") would be totally subject to the rules, regulations and taxes imposed by its *creator*, the government.

Then, if government could fool or lure me (Alfred) into believing that I was ALFRED, government could *reverse* the creator-creation relationship and become Sovereign over We The People rather than their servant.

By tricking Alfred into "becoming" ALFRED, my government-*creation* would become master over me, its own *creator*. The servant would become the master. The creation would own the creator. The "evil twin" would dominate the good. If this reversal has, in fact, taken place, it ranks right up there with the Philosopher's Stone (which allegedly turned lead into gold) as one of the most extraordinary acts of political and spiritual legerdemain the world has ever imagined.

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How could it happen?

If you have a computer, read the licenses attached to virtually all the software you purchase. For example, if you read a Microsoft license, you'll see that:

1) The license is an *agreement* (a contract) between you and Microsoft;

2) The software "is licensed, not sold." You never *own* the software, Microsoft does – you merely get to *use* it;

3) You express your willingness to accept and be bound by the license/ agreement/ contract (without your signature) by installing (*using*) the software on your computer.

4) Your status under this license is that of an "End-User". As such, you can *use* the software, but you can't rent, lease, lend or resell it. You can, however, "transfer" the software to anyone who agrees to accept the terms of the license.

5) Microsoft can terminate the license/ agreement anytime they find out you (the End-User) have failed to perform according to the license requirements.

Since you get to *use* the software (you have *equitable* title) but Microsoft always *owns* it (has *legal* title), it's clear that title to the software property is *divided*, and therefore the software *license* is a *trust* in which Microsoft is the trustee, and you are the "end-user" (*beneficiary*).

If software "licenses" are trusts, it follows that other "licenses" (like drivers licenses, fishing licenses or licenses to practice law) are also trusts. If so, in these state-issued licenses (trusts), I suspect the state (or one of its agencies) holds legal title to the privilege or property "licensed" while the person named on the license (the "licensee") has equitable title (possession and use) of the licensed property.

Wheels within wheels

All trusts must divide title to trust property into two forms: *Legal* and *Equitable*. *Legal* title (control and legal rights) to the property goes to the trustees; *Equitable* title (possession and use) of the trust property goes to the beneficiaries. It's crucial to understand that even though beneficiaries may have unlimited *use* of trust property, their "ownership" is illusory since they lack legal title to "their" property. As a result, it appears that disputes involving trust property are heard in courts of *equity* (not law) where beneficiaries have *no legal title* and therefore *no legal standing or legal rights*. As a "beneficiary" you have no unalienable rights, no constitutional rights, nothing. Since beneficiaries cannot own property (no legal title) and also have no legal rights, they are the modern equivalent of "niggers".

If all licenses are like software licenses and therefore trusts, it follows that the state *owns* (has legal title to) whatever property or privilege is "licensed," but the licensee (the person named on the License) only gets to "use" that property or privilege as a *beneficiary*. If so, as a *beneficiary*, a licensee would have no legal title and no legal rights relative to the trust property but would be legally subject to all the requirements and regulations of the trust that issued the license. In the case of driver's licences, those requirements might include insurance, lap straps, speed limits and all traffic "laws".

So let's suppose ALFRED N. ADASK is a trust *created* by the state (probably with the birth certificate and/ or the fully-funded Social Security account) and I, Alfred – whether I know it or not – am *trustee* for the ALFRED N. ADASK trust.

And let's suppose my driver's license was not really issued to me (Alfred Norman Adask) but was instead issued (just like it reads) to my "evil", artificial twin ALFRED N. ADASK. As a "creature (creation) of the state," ALFRED would be legally and constitutionally subject to every tax, regula-

tion, and license requirement its government-creator cared to impose.

The *creator*-state would have every right to license and regulate it's *creation* ALFRED's behavior on the highways. Although Alfred (the trustee) might still have his God-given rights to liberty and free travel on public property *without* license, insurance or seatbelt, ALFRED (creature of the state) could be subject to every state regulation, including license, insurance, seatbelt, and tickets/taxes imposed without due process. (Life ain't easy for a boy named "ALFRED" . . . or "JAMES" or "WILLIAM" either, for that matter.)

And let's suppose the principles illustrated in *Griffin v. Ellinger* also applied to "instruments" like applications (for benefits), drivers licenses and traffic tickets. If so, whenever I signed my name – but failed to identify my *representative capacity* as "trustee" – I might be inadvertently accepting personal responsibility for all the obligations to purchase insurance, obey speed limits, and fasten seatbelts that could be legally imposed on the state's *creation*, ALFRED, but not on the state's *creator*, Alfred.

For example, imagine how it might work on traffic tickets:

I (Alfred) am accidently speeding down the highway at 70mph in a 55mph zone. A cop pulls me over, asks to see my license, and I show him the license issued to ALFRED. The cop might even ask, "Are you ALFRED N. ADASK?" In either case, by showing ALFRED's license or answering to the name "ALFRED," I've just claimed to be ALFRED the artificial entity, creature (creation) of the state who is lawfully subject to government regulation.

Obviously, Alfred is not ALFRED. So how can the traffic cop reasonably proceed? First, he's probably not trained to understand the difference. Second, even if the officer understood the difference between ALFRED and Alfred, he might not be able to legally recognize that distinction or advise me of the same without making a "legal determination" that would constitute "unauthorized practice of law". Therefore, if I say or imply that I'm "ALFRED", the cop must go along. If there's a problem, it's up to a judge to make the proper "legal determination" at a later date.

Therefore, believing the person driving the car is subject to state regulation, the officer proceeds. "May I see your vehicle registration and proof of insurance?"

Oooh . . . darn.

Next thing you know, the officer issues several traffic tickets with a total alleged obligation of $800 to the entity ("ALFRED") identified on "my" drivers license. Then the officer assures me that my signature does not constitute an admission of guilt, and asks me to sign the tickets. I sign but neglect to identify my "representative capacity" as "trustee".

Under the principles of *Griffin v. Ellinger*, have I (Alfred, the trustee) just assumed personal liability for the lawful $800 debt charged on the tickets/instruments to my principal (ALFRED the trust)?

Tell it to the judge!

Suppose I believe the traffic laws violate my constitutional right to travel and therefore decide to contest my $800 tickets in traffic court. At the hearing, the Judge asks, "Is ALFRED N. ADASK present?" – and I (Alfred) mistakenly raise my hand and say, "Here, yer honor!" Would the court proceed to try, convict, fine or imprison Alfred the trustee for offences allegedly committed by ALFRED the trust? They did in *Griffin v. Ellinger*.

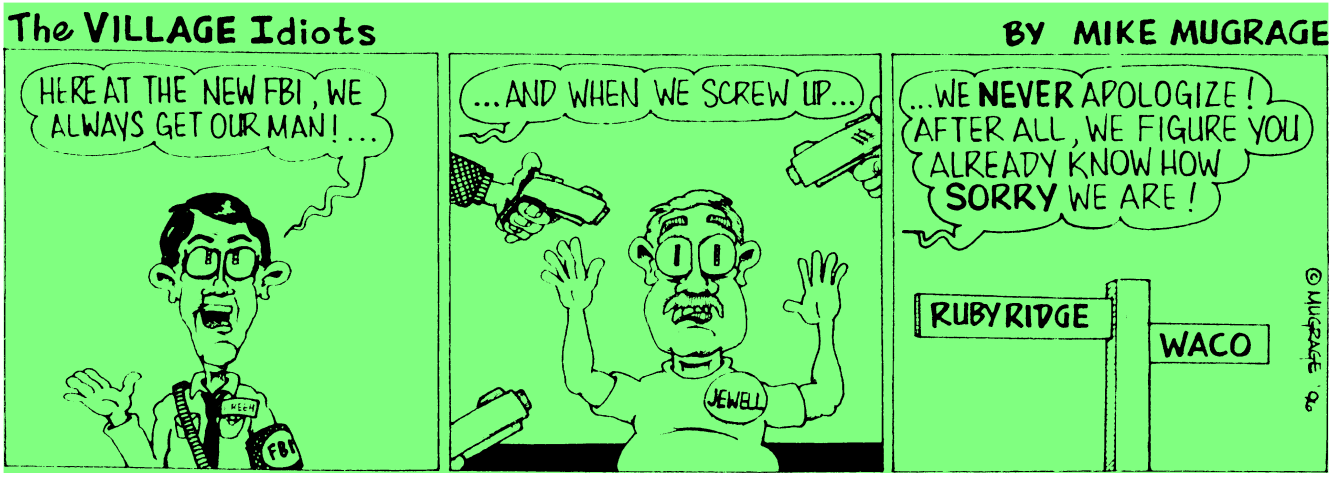
By failing to know and identify my *representative capacity* as "trustee" for the ALFRED N. ADASK trust, am I making the same ignorant mistake Mr. Griffin made when he neglected to write "president" after his name on Greenway corporation checks? And like Mr. Griffin, by failing to identify my *representative capacity*, do I assume personal liability for the debts and obligations that the traffic laws lawfully imposed on my "evil twin," ALFRED?

Maybe so.[1]

Drivers license signatures?

If neglecting to sign "trustee" after your name on a traffic ticket creates personal liabilities, what about your primary signature on the drivers license itself? In other words, if the license is issued to ALFRED, but I sign it "Alfred" *without identifying my representative capacity* as ALFRED's "Trustee," have I inadvertently assumed personal liability for all those unconstitutional traffic laws that can be legally applied only to my principal, ALFRED?

I don't know. But if I were about



to get a new drivers license, I'd want to absolutely know who or what ALFRED N. ADASK is and what representative capacity – if any – I (Alfred) might have relative to that entity.

As confusing and unlikely as all this sounds, it's worth investigating since trustees are virtually never held personally accountable for the debts or obligations of their trusts. If ALFRED N. ADASK is in fact the name of a trust and I am its trustee, I have no problem with getting a drivers license. It would not entail any surrender of my God-given unalienable rights. If the license is issued to the artificial entity/ trust ALFRED, so long as I continue to identify my "representative capacity" whenever I sign a ticket on behalf of ALFRED – I, Alfred, the Trustee, may not be liable for anything more than the *paperwork*.

Does this sound crazy? Sure.

Besides, this entire theory seems impossible if only because it's too easy. I mean, could it be that simple? Just determine your representative capacity relative to the upper-case name that the government always attacks in its indictments, tickets, and tax bills? Make sure you always append your correct representative capacity to all your signatures, and Voila'! you are once again a free man beyond the bureaucrats' regulatory reach?

Too hard to believe. Nah . . . it's just not possible. Ohh, I suppose that if we had a little evidence . . . well, maybe then the conjecture might seem a little more plausible. But as it stands, it's just another charming patriot bunny trail.

Except maybe there is a little evidence . . . .

April Fools

(I forget . . . does April Fool fall on the 1st - or the 15th?)

Let's suppose, again, that the all upper-case name (to which the IRS sends its letters, levies and subpoenas) identifies an artificial entity (presumably a trust), and each of us, whether we know it or not, are the *trustees* for each of our "evil twin" trusts. Let's also speculate that each of our trusts are further identified by our Social Security number, and are conveniently "located" at the place of their creation (Washington D.C.), where they are subject to the absolute legislative and administrative control of Congress. Our artificial entity, "evil-twin" trusts might qualify as legal "persons" (like a corporation) and even pass (under the 14th Amendment) as "citizens of the United States." While these trusts would "live" in Washington D.C., you and I, as trustees, would be "free" to "reside" anywhere else in the geographic United States.

In my case, ALFRED N. ADASK would be "my" evil-twin trust, and the Federal government would have every right to tax that artificial so-and-so as much as they liked. As a creature/creation of the government, ALFRED N. ADASK would have no God-given, constitutionally-protected unalienable rights, and virtually no government-given "rights" that were anything more than transitory.

And let's suppose (again) that I, Alfred Norman Adask, unknowingly *applied* to be the Trustee for the ALFRED N. ADASK trust when I filed my *application* for a Social Security account number (SSAN). While the government had every right to tax the poo out of ALFRED the trust, they'd have no right to impose the tax on me, Alfred the *Trustee*.

However, as part of the terms of application allowing me to become the trustee for ALFRED, government could impose an obligation on me, Alfred (Trustee), to fill out and file certain *paperwork* on behalf of the ALFRED N. ADASK trust. In other words, Alfred could not be legally taxed or required to pay the income tax legally imposed on ALFRED; but Alfred could be legally required to perform the fiduciary duty of *filing* a 1040 on behalf of his evil-twin trust.

Smooooth!

This "evil twin" hypothesis may sound fantastic, but look how slick an "evil-twin" trust system might work:

First, it would explain the IRS's curious habit of indicting and sometimes imprisoning people, not for failure to *pay* their taxes, but for failure to *file* their 1040 forms. (They'd rather have the paperwork than the money?) But if there is an evil-twin, trust-trustee

relationship, the IRS tendency to prosecute for "willful failure to file" would make perfect sense.

Since the IRS has no constitutional authority to make Alfred Norman Adask (the real person) pay the tax obligations imposed on ALFRED N. ADASK (the trust), they couldn't very well prosecute Alfred for not voluntarily paying ALFRED's tax obligations. However, as *trustee* for the ALFRED trust, Alfred could be legally and constitutionally required to perform the *administrative* chore of *filing* his "evil twin" trust's 1040 form each year. And, if Alfred (trustee) failed to file the ALFRED trust's 1040, Alfred (trustee) could be legally and constitutionally jailed. (Confused? Of course. But doesn't confusion serve government's interest?)

OK, recognizing the IRS goes nuts when you don't *file*, suppose I (Alfred, trustee):

1) File a 1040 form on behalf of ALFRED (trust) as required by "law" (that "law" is probably the trust indenture that created ALFRED); and,

2) Sign the 1040; and,

3) Send the 1040 to the IRS *without any money*. See, I'm pretty smart; I know the IRS can't jail Alfred (the trustee) for refusing to pay trust ALFRED's debts.

So I calculated that ALFRED owes $250,000 (HA!) on the 1040 and filed it. Sure, the $250,000 figure is absurd, but who cares, since they'll never collect a dime from that penniless trust, and they can't legally force me, the trustee, to pay the trust's debts? Besides, when I signed my name on the 1040, I wrote "TDC" after it (Threat, Duress, and Coercion), "Without Prejudice UCC 1-207" above it, and "non-assumpsit" across it. Plus, I modified the jurat statement to indicate I was signing "within the United States of America" rather than "within the United States". Moreover, I had a four-leaf clover, a rabbits foot, and my horoscope said this is my lucky day. So the IRS can't touch me, right?

But, guess what happens? I'm not jailed for failure to *file* – the IRS simply seizes my house, car and bank account as partial payment for the $250,000 debt *I* calculated on the evil-twin trust's tax return. Why? Because, despite all my lucky charms and declarations attached to my signature on the 1040 "instrument", I forgot to identify my *representative capacity* as "*Trustee*". As a result, just like Mr. Griffin in the *Griffin v. Ellinger* case, I, Alfred (the trustee), became personally liable for paying the tax that was legally imposed on my principal, the ALFRED N. ADASK trust. And although sneaky, it's all legal and constitutional.

Do you see how smooth that hypothetical process could work? They don't require you (the real person) to *pay* the income tax – oh Heavens, no! – *that* would be unconstitutional. Instead, a tax is legally imposed on your government-created, artificial-entity, "evil twin" trust. You, as *trustee*, are merely (and quite *legally*) required to perform certain administrative tasks like *filing* the required paperwork (the 1040 or perhaps traffic tickets).

But, once you file on behalf of your "evil twin" trust, if you neglect to identify your representative capacity as "trustee" when you sign the 1040, you become *personally liable* for the evil-twin's debt – which you, yourself, *testified* to when you signed the 1040 "under penalty of perjury". The income tax that you could not be constitutionally imposed on *you*, the individual, would become suddenly mandatory simply because you didn't write "Trustee" after your signature on the 1040.

Look how smooth this could work. If you *didn't file*, you'd be in breach of your fiduciary responsibilities as a trustee and therefore subject to imprisonment. If you did file but didn't identify your representative capacity, you'd win – Ta-Da! – the coveted status of "taxpayer" and become personally liable for paying the trust's tax obligations.

If you tried to argue your "rights" in court, you'd be slam-dunked every time because the court would have all the information it needed to convict right there on the 1040: you *swore* to the size of the debt owed, and *you* failed to identify your representative capacity as "trustee". Since only trustees have legal rights in courts of equity, and you haven't identified yourself as one, you have no rights. That means *you're* guilty, pay up, or pack your toothbrush.

26 USC 6212

Could it be that simple? Probably not. Again – nice theory – but without some proof, who'd dare believe that the difference between a voluntary

and mandatory income tax hinged on your simple decision to identify your representative capacity when you signed the 1040 form? Hey, *I* don't believe it. But on the other hand, this theory "fits" so nicely that – no matter how improbable it sounds – I can't dismiss it yet, either. Plus. There's even a bit of evidence in the IRS Code that might be interpreted as support for the "evil-twin trust" hypothesis.

In October, 1997 the Michigan Court of Appeals remanded an IRS case (*Ruff v. Isaac* # 192615) for retrial. Although the case turned on a different issue, I was surprised to read how an IRS agent, U.S. Attorney, and Michigan District Court Judge all seemed to overreact to prevent any evidence concerning subsection (b)(1) of Section 6212 of the Internal Revenue Code (26 USC 6212) from being heard at trial. The case turned on a different issue, but overreaction suggested that there might be something important in 26 USC 6212, which only concerns proper procedure for mailing notices of deficiency to errant taxpayers:

"(b)(1) In the absence of notice to the Secretary under section 6903 of the existence of a fiduciary relationship, notice of a deficiency in respect of a tax imposed by subtitle A, chapter 12, chapter 41, chapter 42, chapter 43, or chapter 44, if mailed to the taxpayer at his last known address, shall be sufficient for purposes of subtitle A, chapter 12, chapter 41, chapter 42, chapter 43, chapter 44, and this chapter even if such taxpayer is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence."

Oooo. Grist for my mill. See it? Faint and flimsy, but nonetheless support for my notion that a trust relationship might exist between ALFRED N. ADASK (trust) and Alfred Norman Adask (trustee).

Right at the beginning of Sect. 6212, it reads: "In the absence of notice to the Secretary under section 6903 of the existence of a *fiduciary relationship*, ..."

What's a "fiduciary relationship"? Broadly, the term signifies the relationship that exists between a *trust* and its *trustee*. So who would send that notice of a "fiduciary relationship" to the Secretary of the Treasury? A trustee on behalf of a trust.

Why would the trustee send a notice of his fiduciary relationship to a trust? Perhaps because the IRS was mistakenly attempting to compel the *trustee* to pay the *trust*'s tax obligations. Perhaps because the *trust* owed back taxes but the government was mistakenly trying to seize the *trustee's* property. Could this "mistake" take place if there were a startling similarity between the name of the trust ("ALFRED N. ADASK") and the name of its trustee, "Alfred Norman Adask"? I think so.

Although the meaning of 26 USC 6212 subsection (b)(1) is uncertain, it seems to imply that if a trustee were to notify the Secretary of the Treasury of the existence of a "fiduciary relationship", the Secretary *could not send* his notice of deficiency. That's an important implication since, according to the Michigan Court of Appeals, "By law, the IRS must mail a notice of deficiency by certified or registered mail *before* it can make an *assessment* for delinquent taxes, which in turn is a *prerequisite* to the *seizing* and selling of the taxpayer's property. *Wiley v United States*, 20 F 3d 222, 224 (CA 6, 1994)."

In other words, if the Secretary of the Treasury were notified that a "fiduciary relationship" (a trust) existed relative to an entity that was being threatened with property seizure, the whole collection process might be *terminated*.

Hmm. How could that work? Maybe something like this:

Let's suppose I (Alfred Norman Adask) received a series of IRS notices addressed to ALFRED N. ADASK that claimed ALFRED owed $250,000 in back taxes and if I didn't pay up in 30 days, they'll seize my house, car, boat and bank account. Ooo-eee! Looks like I'm in deep poopy, hmm?

But wait! Suppose I sent a notice to the Secretary of Treasury that while they have imposed a $250,000 on the ALFRED N. ADASK *trust* — the house, car, boat, and bank account they're threatening to seize belongs to *me*, Alfred N. Adask, the *trustee* (who can't be held legally liable for the *trust's* tax obligations). It's kinda like notifying the IRS of a case of mistaken identity (although our names sound alike, ALFRED and Alfred are two different persons).

Would my notice to the Secretary that Alfred is not liable for evil-twin ALFRED's tax obligations constitute a notice of "fiduciary relationship"? Would the tax collection process mistakenly directed against Alfred therefore cease? I wouldn't want to bet my car on it (especially if it were running), but this IRS tactic at least sounds plausible and also offers indirect support for the "evil-twin" hypothesis.

Quack, quack!

Everyone knows that if it looks like a duck, etc. it's gotta be a duck.

Well, to me, this evil-twin trust hypothesis looks like a duck, walks like a duck, quacks, eats and swims like a duck, prefers the company of ducks – *and* goes good with orange sauce. If this ain't a duck, it's a very slick duck in drag, and we may have to get very "intimate" with this "duck" before we find out what it really is.

For now, suffice to say I am increasingly persuaded that: 1) Each of

us is associated with an "evil twin" artificial entity that is identified by the all UPPER-CASE name; 2) Somehow, we natural people have each been appointed to be our "evil twin's" *representative*; and 3) Failure to fully understand the natures of the hypothetical artificial entity and our resultant *representative capacity* may be central to our inability to successfully assert our God-given, inalienable rights in court.

Silver linings & caveats

Every hypothetical cloud has a hypothetical silver lining, and my "evil twin" trust hypothesis is no different. If we are, in fact, *trustees* for "evil twin" trusts created by government and identified with all UPPER-case names (and/or Social Security Numbers), we may be able to bypass much government regulation simply by *identifying our correct representative capacity*. If so, then we might not need to get rid of our Social Security Numbers (hey, I'll take a dozen of 'em) and we could keep our Drivers Licenses (gimme a handful). All we'd need to do is be absolutely certain that we understood our correct *representative capacity* (if any) every time we signed a document on behalf of our principal (the "evil twin"), and make sure ink never left our pens unless it specifically appended that *representative capacity* to our signatures.

In other words, if an UPPER-case name identifies a government-created trust and you are its trustee, fine. Properly understood, you might be able to live pretty well with that status and still retain your unalienable rights.

However, if "evil twin" trusts do exist – but we are government *beneficiaries* rather than *trustees* – we are wards of the state who can neither own *legal* title to property nor exercise any *legal* rights. As government "beneficiaries" we are the modern equivalent of slaves on a Southern plantation prior to the Civil War. Regardless of whether you're black, white, or brown, male, female, child or adult – if you're a government *beneficiary*, you're a 20th century "nigger". As a government beneficiary/nigger, you'd be property of the state, a "thing" that can't own property and had no inalienable rights. If you got "uppity", de massa can slap yo' nappy head anytime he like.

Unless you like being a nigger, you'd best start marchin' to get free.

Gentlemen – start your research engines. I believe we are entering the final race to restore (or lose) constitutional government, unalienable rights and individual freedom.

[1] *If* ALFRED N. ADASK is a trust, I'm *guessing* I, Alfred, am that trust's trustee. But it's possible that I'm the beneficiary, or remotely, even the grantor. I might even be *president* of the ALFRED N. ADASK *corporation* – those questions are unresolved. Therefore, even if I append the word "Trustee" after my signature on various instruments (like checks or traffic tickets), it won't necessarily do me any good if I guess wrong about my "representative capacity" (if any). For example, if I wrote "Trustee" when I was, in fact, the "beneficiary", "quasi-trustee" or "president", it's conceivable that I might be charged with fraud. My point is that much research must be done to confirm, refute or refine the conjecture presented in this article – so don't start signing your traffic tickets "trustee" just yet, unless you're prepared to take some risks. ■

"It Ain't Me!"

by David De Riemer

In the previous "Evil Twin" article, I recommended we start our "research engines" to confirm or deny the "Evil Twin" hypothesis. The author of this article has not only "started his research engine" concerning "evil twin" artificial entities, he's actually used his research to ward off government prosecution.

I do not understand everything that Mr. DeRiemer seems to assert in this article, and therefore disagree with some of his conclusions.

A primary difference between Mr. DeRiemer's work and mine is this: Mr. DeRiemer argues that he has absolutely no connection, not even as a representative, to the corporate fiction that bears "his" UPPER-case name. I, on the other hand, suspect that "my" UPPER-case name identifies a trust to which I am tightly bound as "my" trust's trustee. As such I must have a representative capacity but (properly understood and identified whenever we sign our names) that representative capacity may be inconvenient but otherwise relatively harmless since trustees cannot normally be held liable for offenses committed by their trusts.

Nevertheless, Mr. DeRiemer's research and my speculation agree that: 1) each of us is shadowed by an "evil twin"/ artificial entity identified with an all UPPER-case name almost identical to our own; and 2) government routinely charges the "evil twin" with violations and crimes, and then tricks the real, flesh-and-blood entity (who is innocent) into accepting the "evil twin's" punishment.

According to Mr. DeRiemer, "We free real natural flesh and blood People of God (not fiction 'Persons') should learn to avoid their Administrative courts of 'Discretion', and 'Justice' ('Justice' means the 'collection of the just amount of the debt'). In these administrative courts, we are considered already guilty and the court's only obligation is to determine the 'just amount' of debt – same as in the old Star Chamber."

The key to Mr. DeRiemer's argument is "fictions of law." Black's Law Dictionary (4th Edition, Rev'd) explains that concept in part with a definition that is rich with innuendo and ambiguity:

"An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. An assumption, for purposes of justice, of a fact that does not or may not exist. A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible. . . . These assumptions are of an innocent or even beneficial character, and are made for the advancement of the ends of justice."

In other words, the courts will use untruths (fictions) to achieve particular results. Your chances of winning a case if you didn't recognize and understand the various "fictions" (lies) that might be used against you, are small. Mr. DeRiemer's strategy seems to be to identify and rebut the fictions used against him in written notices to the court. Without fictions, the courts appear unable to proceed and so cases are simply dropped. Mr. DeRiemer claims that by using the "It Ain't Me Letter" described in this article he avoided $12,000.00 in fines and/or time in jail.

Over the next year, I expect that Mr. DeRiemer and I will both learn which parts of our theories are correct, which parts are not. In the meantime, consider Mr. DeRiemer's story:

I received (all rights reserved/ without prejudice to rights) by mail, nine letters/ "Statements of Amounts Due" in nine separate envelopes from the "Court". They said "pay the amount due, or there will be a "Contempt Of Court" *hearing*, Wednesday at 1:30 PM., for "failure to pay", and I would go to jail. This hearing was to have been about "Contempt of Court" with pending jail time.

However, because government is a *fictional* entity (a corporation) it can only have cognizance of other *fictions* and cannot contact or acknowledge *real* live natural people. They can only contact other fictional "persons" and artificial entities like corporations and trusts.[1] This is why "Taxpayer License/

Taxpayer I.D.#/ Social Security Numbers" and "Driver Licenses" (etc.) are only issued to *fictional entities* which have their names spelled in *all UPPER-case* letters.

For example, the distinction between DAVID S. DEREIMER and David S. Dereimer is that of a *fiction* as compared to a *real* live natural flesh and blood man of God.

It is against the law to keep mail which does not belong to you. Therefore, if you are a flesh and blood man or woman (of God) *do not* steal mail which is intended for a corporate *fiction*. By keeping mail directed to a corporate fiction, you implicitly admit that you must be (or *represent*) that corporate fiction. Therefore, by law, I had to return all the court papers addressed to DAVID S. DERIEMER.

Therefore, after photocopying the envelopes (addressed to DAVID S. DERIEMER) and their contents, I marked the envelopes "Opened by Mistake" (per State and U.C.C. Section 1-103 "Underlying fundamental principles of Law"), and marked "Return to Sender" on each envelope, and they were each "returned" by the Post Office.

I then sent *Certified Mail* (all rights reserved) the "It Ain't Me" letter (with *copies* of the nine returned, "marked", numbered envelopes attached as exhibits). Essentially, my letter said that the Defendant DAVID S. DERIEMER is a fiction, but since I am *not* a fiction, "It ain't me". In other words, I (David S. DeRiemer) am not DAVID S. DERIEMER, I can't accept "his" mail, and I shouldn't be held responsible for "his" offenses.[2]

Mistaken identity

The "It Ain't Me" letter denies and challenges "Personam", "Venue", and "Subject Matter" primary elements of primary jurisdiction. This denial destroys their "rebuttable presumption" that you are a fictional entity, and forces them to reveal their *fraud* in order to refute your written denial (the "It Ain't Me" letter). Apparently, they'd rather "drop" or "dismiss" their case against you than risk publicly exposing their fraud.

In this letter, I notify the "courts" that of all the distinctions that prove the Defendant DAVID S. DERIEMER is not me, David S. DeRiemer and by implication, I cannot receive DAVID's mail or be held accountable for DAVID's offenses.

The letter also notifies them that if it is *me* – David S. DeRiemer, the *real* live natural flesh and blood *Man of God* – who they wish to contact, they can write to me by using my proper "capitalized" (not UPPER-case) name, and sending the letter to a real, (not fictional) address – just as it appears at the end of this letter:

David S.; DeRiemer, all rights reserved
address used without prejudice to rights
Care of, 1624 Savannah Road
Lewes, Non-Domestic is in real Delaware land (Not Federal Regional District or fiction military Venue "DE")
No military fiction Venue zip Code

Court of Common Pleas Sussex County
June 9, 1997
address used without prejudice to rights
c/o – The Circle, Court House
Georgetown, military district fiction
The "State Of Delaware" a military/martial fiction law district venue #19947

Dear Common Pleas Court Clerk,

Enclosed herewith, returned, rejected and refused for fraud are legal documents, postmarked (date) which were delivered fraudulently "without prejudice" in that they were addressed to a fraudulent ALL CAPITAL LETTER fiction entity with a fraudulent name, opened by "Mistake", and addressed to a military/martial law fiction venue called "DE" and/or "19958", and they are "Returned to Sender" therefor. I do not live in a military/martial law fiction venue.

As I am not a corporate fiction, it is apparently not intended for me.

As I spell my name with small letters, it is not intended for me.

As I do not have "enough information or knowledge upon which to base a responsive answer" - it is apparently not intended for me.

As I am not a trustee/fiduciary or transfer agent, and as I am not a resident or resident agent, it is not intended for me.

As I am not "Trading As" DAVID S. DERIEMER, it is not meant for me.

As I do not have a permanent "address", but only a temporary "mail location" in *real* geography Delaware, it

is apparently not intended for me.

As the "Unliquidated Debt" (Res) is not within the territorial jurisdiction of the Court, it is apparently not able to attach to me.

As it is directed to a military/martial law fiction district titled "DE", and as I have no nexus or connection to the military/martial law fiction venue "DE" or fiction Venue "19958" [aka "zip code"], the papers were fraudulently delivered, so it is apparently not intended for me. I receive Non- Domestic mail "without prejudice" in Delaware real geography, but not in a political entity.

As it is illegal for me to knowingly accept or keep mail or papers – particularly legal papers – that are fraudulently delivered, they are returned to you for fraud, fraudulent venue, and no valid subject matter as pertains to me, an actual live flesh and blood American man.

Any mail or other (legal) papers intended for my attention may be directed as shown:

David S.; DeRiemer, all rights reserved

address used without prejudice to rights

Care of, - 1624 Savannah Road

Lewes, Non-Domestic is in real

Delaware No zip Code

Sincerely yours,

David S. DeRiemer, real natural man not corporate fiction person subject

From the jaws of victory?

After I sent the "It Ain't Me" letter, I still mistakenly suspected that if I "failed to appear" they'd send out a "SWAT Team" to arrest me and forcibly bring me in. So on Wednesday, I walked into the courtroom at 1:30 PM. Expecting to be arrested, I was armed with an "In Forma Pauperis" petition which essentially said I had no money and therefore could not be jailed for failure to pay the alleged debt.[3] (At the time, I didn't realize that by voluntarily "appearing" in the court after I'd returned their paperwork and sent the "It Ain't Me" letter, I was again "volunteering" to be tried as DAVID S. DERIEMER.)

Fortunately, the courtroom was dark and empty. I went down to the Court Clerk's Office to inquire. They said, "Wait a minute" and telephoned to the *Chief* Clerk. I waited out in the lobby and when she saw me, she said, "Oh, Mr. DeRiemer, what are *you* doing here?"

I said, "Well, you mailed nine Notices that stated there was to be a *hearing* here at this time".

She said, "But, you sent the Notices *back*." (She implied that since I returned the notices, they did *not* obtain Service of process.)

Not knowing when I was well off, I replied, "Well, now that I'm here, I'd like to talk to the Judge."

She asked, "What about?"

"I have this 'In Forma Pauperis' Form here and I'd like to talk to him about it."

"Can I see it?".

"Sure."

"Well, if you want him to look at it, we better 'clock it in'."

"How about 'clocking in' my copy too, to prove that I was here at the appointed hour and date. Also, I'd like a written statement on Court Stationery that I was here, and no Capias [bench warrant] will be issued later today."

She said "OK, but how will we notify you when the In Forma Pauperis hearing is scheduled, as you don't get your mail."

"Sure I do. Just spell my name "Capitalized" with mostly *lower case* letters, use 'Care of' before the "Mail Location", fully spell out "Delaware", and use *no* Zip Code Number – and it'll get to me just fine.

She gave me one of those sickening-sweet, government-employee all-knowing "smiles", and went down the Hall toward her office. I began to follow, but she said "Just wait out here, and I'll be right back."

Twenty-three minutes later, she reappeared with a single sheet of Court letterhead paper with just two sentences on it. The first entire sentence was in all *upper-case* letters, and said, "DAVID S. DERIEMER HAD APPEARED AND NO CAPIAS WOULD BE ISSUED, AT THIS TIME." (This first sentence offered no address or "temporary Mail location".)

The second sentence was "capi-

talized" (written primarily in all *lower* case letters, with a few capital letters at the beginning of the sentence and to identify proper nouns), and read that the hearing on the "In Forma Pauperis" form, would be held two weeks from that date Monday morning at 9:30 AM.

I'm only human

This second hearing would consider my "In Forma Pauperis" form. It's similar to a "Counter-Complaint" since a Defendant can't do the impossible (pay bills since there is no "money" in circulation), and a Court cannot be "unreasonable" by ordering the impossible or penalizing one for failure to perform the impossible. In other words, since I had no real money or assets, the court could not jail me for a debt I could not possibly pay.

Two weeks passed. On Friday afternoon at 2:30 PM, my wife received a telephone call from the judge's *personal* secretary (not just the Clerk) saying, "Your husband need *not* come to court Monday morning, because the judge has decided to 'take it under advisement'."

We suspected that they wanted to trick me into "failure to appear" so they could dismiss my "In Forma Pauperis." So I called her back and asked her to repeat the message, which she did. I then asked for a letter of written confirmation of the phone call, which she sent.

That's been almost one year ago, and we have not heard anything about either the "Contempt of Court" hearing or the "In Forma Pauperis" hearing since.

Conclusions: The Judge was in a "Catch 22" situation. They didn't obtain Service of Process on the *fiction* defendant (DAVID S. DEREIMER) so they couldn't proceed against it, and they had a "Petition for In Forma Pauperis" from David S. DeRiemer who is *not* the Defendant, and is not privy to the case/suit. Apparently, the Judge *couldn't* hear the Petition from a non-party to the case.

Second chances

After I returned the court papers in the mail, they might have sent a Constable or Sheriff to personally serve the "court papers" on real live me, but even that could be stopped. Here's how:

On a recent Friday afternoon, a Georgia Deputy Sheriff served "court papers" to a local chiropractor informing him that he was a defendant in a court hearing to be held on the following Monday morning at 9:30 AM. The Deputy thought that since time was so short, the chiropractor couldn't act on the papers before the Monday hearing.

True, the chiropractor didn't have time enough to *mail* the "papers" back to the court. Therefore, he had a neighbor act as his personal "process server" and personally "return the papers" along with a "It Ain't Me" letter to the Deputy Sheriff that Friday afternoon.

The neighbor asked for a receipt that the court papers had been returned for improper service. The Deputy refused. So the neighbor simply said, "That's O.K. – I'll just sign an affidavit to the court for the chiropractor, that the 'papers' have been returned. Have a nice day!"

The neighbor left the Deputy's office. But while getting into their car, the chiropractor and neighbor noticed both the Sheriff and the Deputy *running* over to the Court House before closing time. They had earlier signed

a Return Of Service to the court clerk, stating that the papers were served on the chiropractor. But now, they had to remove their signatures somehow from the official court records, because the "papers" were back on their desk.

Two weeks later, the chiropractor met the would-be plaintiff who initiated the case against him and asked what happened at the Monday morning hearing.

The plaintiff said, "You didn't show up, and when they called the case, their attorneys, the judge, and my attorney had a side bar consultation. Then my attorney told me to go home and he'd be in touch with me later by letter."

In other words *nothing happened***.** They failed to obtain Service Of Process on the chiropractor and he's never heard another word about it. In his "It Ain't Me" letter, the chiropractor declared that he (the *real* live, natural man) was not the *fictional* "person" named as the Defendant with an all upper-case name. The lawyers and judge didn't want the "real" vs. "fictional person" issue to be raised "On the Record" in their court. So they dropped the case.

Another man had an IRS "problem". The IRS sent him a series of "papers" and envelopes. First, he marked "Return to Sender - No such Party at this location" on each of the original envelopes. Then he made photocopies of all the IRS papers and envelopes, kept one set of photocopies for himself, and sent all of the original IRS "Papers" and envelopes back to the IRS with an attached set of photocopied letters and marked envelopes and attached the "It Ain't Me" cover letter.

Next time he checked – certain "Liens" which had previously been "On The Record" were marked discharged!

Criminal cases, too

When they accuse one of something criminal, they never accuse you of violating a "law". They can't. Their private "lawyer club meetings" (we call 'em hearings in courts) are convened "in the interest of justice", and/or "discretion" under the "administration (collection of debt) of code".

That's why – even if you flat-out kill someone – they will *not* accuse you of "murder". They *will* accuse you of violation of some "*code* title number and section number" which *stands for* murder.

What they refer to as "criminal" is actually "civil-criminal." It is really a "contract penalty" or "penal code violation," being "administered" to fiction persons under presumption that you are enjoying some "Benefit, Privilege, Title of Nobility, or opportunity offered" by the government corporation. The "It Ain't Me" letter raises the "rebuttable presumption" that you (the *real* live natural man) are not the *fiction* person Defendant despite the similar name. The important issue is the distinction between "real" versus "fiction". The fact that the fiction's name is spelled in all UPPER-case letters, is *only* prima facie evidence that it is the fiction.

The main issue is that you are not the fiction Defendant *of* (created by) a *Legislature*. You are real flesh and blood natural man created by and "of" *God*.

For example, one man went to court and argued the *spelling* of his name ("Capitalized" name vs. UPPER-case name). When they called his case, our man *should have* said, "Which one? The *real* man or the fiction?" and repeated that question over and over, regardless how many times and different ways they tried to call him. He should not have answered any question of the judge, until the judge had first answered his question.

However, the tricky lawyer-judge finally said, "Well then, what is your name?" He gave his name verbally (and thereby traversed to the court's jurisdiction). The judge then said "Let the record show the Defendant is Mr. Blank '*also known as*' Mr. BLANK." By tricking him into answering her question, she bypassed his question about the "real vs. fiction" issue.

Therefore, do *not* get hung-up on the UPPER-case/ lower-case "spelling". That is secondary. The main issue is:

Are you *real* natural flesh and blood of God, or a *fiction* corporate "person", a creation of government and therefore a government "subject"?

For further information, Mr. DeRiemer provides free seminars or send $5.00 for "Home Study" Course Data to:

Peoples Rights Association address used "without prejudice to rights"
c/o, - 1624 Savannah Road, ALES
Lewes, is in real land Delaware
Not fiction zone Venue "DE"
Not fiction zone Venue "19958"

[1] Contracts are any promise of *future* performance in ink on paper. Contracts are "commerce". "Notes" (promises to pay) are "commerce" (Federal Reserve Notes, etc.). Corporations, trusts, and associations are fictions on paper – commerce. All Insurance is "Admiralty" and *future* promise, and therefore "commerce". All fictions are commerce. The Courts have jurisdiction over all fiction entities and all "commerce".

[2] When one returns or "rejects" all government papers, refuses to enter a "Plea", and refuses to "Post Bail or Bond" (for 48 hours *Riverside County vs. McLaughlin*), and denies by *written affidavit* that he is the fiction Defendant, they can *not* proceed and can *not* hold you beyond that 48 hours. And, yes, afterwards, you can sue for false imprisonment for the 48-hour "unlawful detention" of a *non*-fiction subject.

[3] The "In Forma Pauperis" form said that because of irregularities in Federal Reserve Notes and our current money system, I didn't own the house that I thought I owned; I didn't own the car that I thought I owned; I didn't own any cash in my pocket that I thought I owned; I didn't own the money that I thought was in the bank; I didn't own my physical body which I thought I owned – or my wife, or my children, or anything. It was signed "without prejudice" in case I had made a "mistake", so it couldn't be introduced into evidence in any court proceeding anyway.

Tar-babies

by Joseph Ivy; Stevens

I received the following document just before we (finally) sent this issue of the AntiShyster to print and I'm publishing it without all the information I'd like to have. Therefore, some of the background "facts" are fuzzy and only supposed. Further, this document assumes the reader understands information and arguments that are esoteric and foreign to most of us, including me. Worse, much of its potential power is implied rather than explained. Because this article does not communicate well, it can't be published as "good journalism". However, it may be an example of good politics since the document references issues which may be as scary for government as the Cross or garlic necklaces are for vampires.

The document is a "Subpoena Duces Tecum" (a request that a witness bring certain documents with him when he testifies in court). It is largely based on the growing realization that government uses trusts, fictions, artificial entities and presumptions as a fundamental (but deceptive and largely secret) strategies to "legally" bypass the Constitution, ignore our unalienable rights, and usurp the role of Sovereign.

Government can't claim to have lawful jurisdiction but also refuse to provide the documents on which that jurisdiction is based. Therefore, this Subpoena does not directly challenge or deny the government's jurisdiction. Instead, it accepts and then uses that jurisdiction to subpoena documents which lay the foundation for that jurisdiction. Rather than screaming the cop is not a cop, the judge is not a judge and the court has no jurisdiction, this defendant implicitly said, "Oh, sure, I agree you're all legal – ahh, but would you mind showing me the papers that give you your authority?" A very simple, innocent request that should be quickly granted – unless that jurisdiction is based on deceptive or fraudulent documents which government dare not publicly reveal. It's kinda like judo – the defendant is using the government's own strength and momentum to defeat the government.

Reportedly, Joseph Ivy; Stevens used this Subpoena to stop prosecution in STATE OF IDAHO vs. JOSEPH STEVENS (CR-M97-7622) for an offense which is currently unknown to me (perhaps driving without a drivers license) but was scheduled for trial on March 25, 1998. Mr. Stevens reportedly filed his Subpoena with the court clerk on February 23, 1998, and assistant prosecutor Michael Maltby filed a Motion To Dismiss on February 27, 1998 (just four days later). The assistant prosecutor's motion read in part, "This motion is made on the grounds and for the reason the State no longer wishes to proceed in this matter."

"No longer wishes to proceed in this matter"? That's a pretty wishy-washy excuse for refusing to prosecute. Was Mr. Stevens so rude or unkempt that his presence offends the court? Did Stevens pass wind in public or otherwise embarrass the prosecutor? Was Stevens being therefore "punished" by being denied his right to be tried, convicted and penalized?

Why the prosecutor actually moved to dismiss the case is unknown. Perhaps the trial date was the prosecutor's birthday so he cancelled to go get drunk with his girlfriend. However, it appears that this Subpoena (or portions thereof) requested documents and/or information which the government couldn't provide or answer without exposing government's secret underlying structure of trusts, corporations, and artificial entities. Once exposed, much of that secret governmental structure will probably collapse. The political implications may be massive. Presumably, rather than risk public exposure, the case against Stevens was dismissed. And therefore, rather than risk public ignorance, I'm publishing this document and the reported dismissal.

Almost every line in this document creates a "sticky" problem for government, and in total the lines seem to create a "tarbaby" that government refuses to touch. As such, it's worth consideration, study and possible emulation. [Bracketed comments] and footnotes are my insertions.

Attn: Chief Clerk
First Judicial District Court
500 Government Way
Coeur d'Alene, Idaho 83814

RE: Case No. CR97-7622, Agency report 97-18419

Dear Chief Clerk:

Please issue a Subpoena Deuces Tecum to subpoena Alan G. Lance [the arresting officer?] as a witness and to produce the following legal papers, documents, records under his control, for the Trial March 25, 1998, CASE NO. CR97-7622:

1. Any legal papers, document and records under his control, other than documents obtained by fraud without full disclosure,[1] that create the presumption that Joseph Ivy; Stevens is a resident of the STATE OF IDAHO.[2]

2. Any legal papers, documents and records, other than documents obtained by fraud without full disclosure, that establish that Joseph Ivy; Stevens is engaged in a revenue taxable activity and trafficking in commerce.

3. Any legal papers, documents and records under his control, other than documents obtained by fraud without full disclosure, that establish this case as an Adversary Proceeding, pursuant to Bankruptcy Rules Section VII, or is an in Rem proceeding.

4. Any legal papers, documents and records under his control that establish that Joseph Ivy; Stevens is an artificial or fictitious person, referred to by the state as JOSEPH IVY STEVENS, other than documents obtained by fraud without full disclosure.

5. Any legal papers, documents and records under his control, other than documents obtained by fraud without full disclosure, that establish that Joseph Ivy; Stevens is a vassal.

6. Any legal papers, documents and records under his control, other than documents obtained by fraud without full disclosure, that establish that Joseph Ivy; Stevens is Co-Bankrupt debtor with the STATE OF IDAHO.

7. Any legal papers, documents and records under his control, other than documents obtained by fraud without full disclosure, that establish this case and Joseph Ivy; Stevens as in Rem and in personam liability.

8. Any legal papers, documents and records under his control, other than documents obtained by fraud without full disclosure, that establish that Joseph Ivy; Stevens is a co-obligator with the State of Idaho or Kootenai County.

DISCOVERY/ INTERROGATORIES TO ALAN G. LANCE

1. Under what TRUST(S) are the CORPORATIONS chartered as the STATE OF IDAHO and COUNTY OF KOOTENAI operating under?

a. What is the name of this TRUST(S)?

b. Who are the TRUSTEES?

c. Does this TRUST(S) issue permits and licenses?

d. Does this TRUST(S) place the REGISTERED OWNER or LICENSED AGENT in a FIDUCIARY position? Or Both?

e. If so, is the LICENSEE OR PERMITTEE an employee under CONTRACT?

f. What are the limitations imposed upon the licensed employee as state in the CONTRACT issue under the authority of the TRUST(S)?

g. Is either Mr. William J. Douglas [chief prosecutor] or Mr. Michael Maltby [prosecutor in charge of this case] a licensed agent?

h. If so, is this license for administrative enforcement of the Idaho Revised Statutes of the state of Idaho?

i. What is the Public Community?

j. Is this contract a commercial contract?

k. Is Mr. William J. Douglas or Mr. Michael Maltby of the Municipal Corporation known as the Prosecuting Attorney's Office a Fiduciary and/or Trustee under the Trust?

l. Is the aforementioned persons Mr. William J. Douglas or Mr. Michael Maltby under contract to the municipal corporation known as County of Kootenai?

2. Is Mr. William J. Douglas or Mr. Michael Maltby under contract within a Trust chartered as a service corporation on behalf of a fictitious entity called the State of Idaho?

a. Is the name of this fictitious entity called the "State of Idaho"? Yes __ No __

b. What other name does this entity function under? List all names of fictitious entity and trust.

c. Where is this fictitious entity

chartered?

d. Is this fictitious entity a municipal corporation?

e. What is the geographical location of this chartered fictitious entity?

f. Is said fictitious an alter ego of some other entity?

g. Is this fictitious entity a fictitious plaintiff?

h. Can a legal fiduciary bring a legal action on behalf of an alter ego?

i. Can an attorney at law litigate as an agent on behalf of a fictitious plaintiff, or an alter ego?

j. Is the aforementioned persons Mr. William J. Douglas or Mr. Michael Maltby registered as an unregistered agent on behalf of their alter ego principal with the Attorney General of the United States?

k. Is the aforementioned persons Mr. William J. Douglas or Mr. Michael Maltby registered as an unregistered agent on behalf of their alter ego principal with the secretary of state for the State of Idaho?

l. Is it contempt of court to litigate as an attorney at law for the fictitious plaintiff?

m. If the aforementioned persons Mr. William J. Douglas or Mr. Michael Maltby is licensed under contract, what agency is the contract program administered under?

n. Is the agency a trust for the State of Idaho?

o. Who is the beneficiary of abovementioned and referenced Trust?

p. If so, what is the name of this trust?

q. Who is the trustee and CO-trustee?

r. What is the Prosecuting Attorney's Office?

s. What agency of the State of Idaho issued the contract which is serviced by the aforementioned office?

t. Is there a contractual relationship between Kootenai County and the Prosecuting Attorney's Office?

u. If so, what is the contractual relationship between the Prosecuting Attorney's Office and the County of Kootenai?

v. What is the contractual relationship between the municipal corporations known as the State of Idaho, the County of Kootenai and the corporation known as the United States?

w. Were the abovementioned contractual relationships formed as a result of any type of bankruptcy action?

x. If so, where is this action litigated and by whom?

If more time is needed to produce these legal papers, documents, records and interrogatories, please consider this is a request for postponement of the trial to a later date.

Respectfully submitted,

Joseph Ivy; Stevens, M.S., Sui Juris

[1] By qualifying the Subpoena to produce only documents which were not obtained through fraud due to lack of full disclosure (documents which did not fully inform the defendant of the legal consequences or his acceptance or signature), the defendant virtually eliminated all government documents that the court would normally use to establish jurisdiction.

[2] The STATE OF IDAHO (or STATE OF CALIFORNIA, etc.) is believed to be a corporation, a fictional entity, rather than a "real" State. As such, it is impossible for real men and women to live in an artificial entity. If you admit or imply that you are "in" the STATE OF IDAHO (or any other fictional, corporate state), you also implicitly admit that you must also be a fictional entity which 1) has no unalienable rights; and 2) is therefore subject to the court's jurisdiction. ■

"In Law or Equity"?

by Alfred Adask

For the past two or three generations, state and federal judges have increasingly ruled against Americans who defend themselves with the principles, rights, and laws mandated by their state or national constitutions. Occasionally, trial court judges even issue a seemingly impossible declaration, "Don't bring that Constitution into my court!" Although the reasons are unclear, there is growing suspicion that our courts are somehow no longer bound to recognize, obey, or enforce the law – and Americans can no longer demand the "unalienable rights" formerly guaranteed by our constitutions.

Some patriot researchers attribute governmental "lawlessness" to the fact that our currency (Federal Reserve Notes) is no longer lawful money (i.e., it's not backed by gold or silver). Others blame the loss of law on the "national emergency" that's effectively suspended the Constitution since 1933 [See "Rising Tides", this issues]. Others trace our loss of rights back to government's use of martial (military) law which was imposed on us "temporarily" during the Civil War (1861-1865) but allegedly continued to this day. While the explanations vary, there is widespread agreement that: 1) Americans no longer enjoy "constitutional Rights"; and 2) virtually all of today's courtroom "trials" are actually administrative hearings.

In 1997 (in *AntiShyster* Vol. 7 Nos. 1 & 4), I published my first speculation that government is using *trusts* (like Social Security, Medicare, and the National Highway Trust) as one of, perhaps *the* principle device to "legally" bypass the Constitution and thereby deprive us of our Rights. A year later, my "trust fever" burns even hotter, supported by a growing body of indirect evidence.

Some of this evidence is seen in the similarity between our court's persistent use of seemingly unconstitutional procedures, and the lawful (though not precisely "constitutional") procedures routinely the practiced in courts of *equity*.

Curiously, controversies involving trusts are 1) virtually always *administered* in courts of equity, not adjudicated in courts of law; 2) there are *no "legal rights"* in courts of equity; and 3) under Article III, Section 2 of the Constitution ("The judicial Power shall extend to all Case, in Law and Equity . . . ."), courts of equity are absolutely *constitutional*.

In other words, if your case were "accidentally" tried in a court of equity rather than a court of law, you would experience the same frustration as "patriots" who see their constitutional rights ignored and their cases *administered* (under some mysterious procedure they can't quite understand) rather than *adjudicated* in law.

If government has truly established legal procedures in which we are tried administratively without constitutional rights, and *if* government is using lawful courts of equity to implement this procedure – then perhaps government has not imposed some bizarre new system of *law* (martial, maritime or admiralty, etc.) upon us, but has instead imposed a new individual *status* upon us which makes us "appear" as "entities" that can be properly tried in equity rather than law. Maybe government changed *us* from real, flesh-and-blood persons (who must be tried in law) to artificial entities (that must be tried in equity). If "trust fever" is valid, our failure to understand and recognize "equity" may be a fatal defect in our forays into the judicial system.

Dad – what's an equity?

Most of us have a dim idea of what "law" means, but few understand the meaning of "equity". However, before we can understand equity, we must first understand law, and to understand law, we must first understand Rights.

The primary purpose of courts of *law* is to determine each litigant's *legal* rights; the primary purpose of courts of *equity* is to determine each litigant's *equitable* rights. Legal rights are based on *legal* (not equitable) title and ultimately believed to be clearly given by God, not man. Equitable rights, on the other hand, are imperfect, imprecise, vague and while sometimes traceable to God, they are more likely to be derived from man.

It appears to me that if your rights are legal (based on legal, not equitable, title), you have "legal standing" and access to courts of law. However, if your "rights" are only equitable, you have *no legal rights and therefore no standing in law or access to courts of law*. If you don't understand the nature of

your rights (legal or equitable) you won't understand whether you are being tried in courts of law or courts of equity. The distinction is crucial since *courts of equity are not legally bound to recognize legal, constitutionally-protected, God-given rights*. Therefore, if you argue legal rights or law in a court of equity, the judge may lawfully dismiss your arguments as "frivolous" and you will lose your case.

Learning from history?

What follows are several definitions from the 1856 edition of *Bouvier's Law Dictionary* which illustrate the relationship and differences between rights, law and equity. For emphasis, I've *italicized* or underlined various words and phrases. Footnotes and [bracketed] comments are my insertions:

RIGHT. . . that quality in a person by which he can do certain actions, or possess certain things which belong to him *by virtue of some title*. . . .

[*Crucial* point: Apparently, rights flow from – and depend on – *title.* Without title, you have *no* rights. With title, your rights will depend on the "quality" of that title: I.e., lessor title generates lessor rights; superior title generates superior rights. Equitable title generates *equitable* rights, but only *legal* title generates *legal* rights.]

2. . . Right is the correlative of duty, for, wherever one has a right due to him, some other must owe him a duty. [I.e, if I have a right, someone else has a duty. But if I have no rights, no one else (not even government) has any correlative duties. This concept is vital to understanding Law.] . . .

9. These latter rights are divided into absolute and relative. The absolute rights of mankind may be reduced to three principal . . . articles: the right of personal security, which consists in a person's *legal* and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation; the right of personal liberty, which consists in the power of locomotion, of changing situation, or removing one's person to whatsoever place one's inclination may direct, without any restraint, unless by due course of law; the right of property, which consists in the free use, enjoyment, and disposal of all his acquisitions, ["acquire" means to secure *legal* title to property; "purchase" means to secure *equitable* title.] without any control or diminution, save only by the laws of the land. . . .

10. The relative rights are public or pr*ivate: the* first are those which subsist between the people and the government, as the right of protection on the part of the people, and the right of allegiance which is due by the people to the government; the second are the reciprocal rights of husband and wife, parent and child, guardian and ward, and master and servant.[1]

11. Rights are also divided into legal and equitable. The former are those where the party has the *legal title* to a thing, and in that case, his remedy for an infringement of it, is by an action in a court of *law*. Although the person holding the legal title may have no actual interest, but hold only as *trustee*, the suit must be in his name, and not in general, in that of the cestui que trust [a trust's *beneficiary*] . . . . Equitable rights are those which may be enforced in a court of equity by the cestui que trust.[2]

LAW. . . law denotes the rule . . . of human action or conduct. In the civil code of Louisiana . . . it is defined to be "a solemn expression of the legislative will."[3] . . .

2. Law is generally divided into four principle *classes*, namely; Natural law, the law of nations, public law, and private or civil law. When considered in relation to its origin, it is statute law or common law. When examined as to its different *systems* it is divided into civil law, common law, canon law. When applied to objects, it is civil, criminal, or penal. It is also divided into *natural* law and *positive* law[4] . . . Into law merchant, martial law, municipal law, and foreign law[5]. . . .

EQUITY. In the early history of the law, the sense affixed to this word was exceedingly vague and uncertain. . . It was then asserted that equity was bounded by no certain limits or rules, and that it was alone controlled by conscience[6] and natural justice. . . .

3. . . The *remedies* for the redress of wrongs, and for the enforcement of rights, are distinguished into *two classes*, first, those which are administered in courts of common *law*; and,

secondly, those which are administered in courts of *equity*. Rights which are recognized and protected, and wrongs which are redressed by the former courts [of law], are called *legal* rights and legal injuries. Rights which are recognized and protected, and wrongs which are redressed by the latter [equity] courts *only*, are called *equitable* rights and equitable injuries. The former are said to be rights and wrongs at common law, and the remedies, therefore, are remedies at common law; the latter are said to be rights and wrongs in equity, and the remedies, therefore, are remedies in equity. Equity jurisprudence may, therefore, properly be said to be that portion of remedial justice which is exclusively administered by a court of equity, as contradistinguished from that remedial justice, which is exclusively administered by a court of law.[7]

EQUITABLE ESTATE. An equitable estate is a right or interest in land, which, not having the properties of a legal estate, but being merely a right of which courts of equity will take notice, *requires the aid of such court to make it available*.[8]

2. These estates consist of uses, *trusts*, and powers. . . .

EQUITY, COURT OF. . . . one which administers justice, where there are no legal rights, . . . but [is used when] courts of law do not afford a complete, remedy, and where the complainant has also an equitable right. [see] Chancery.

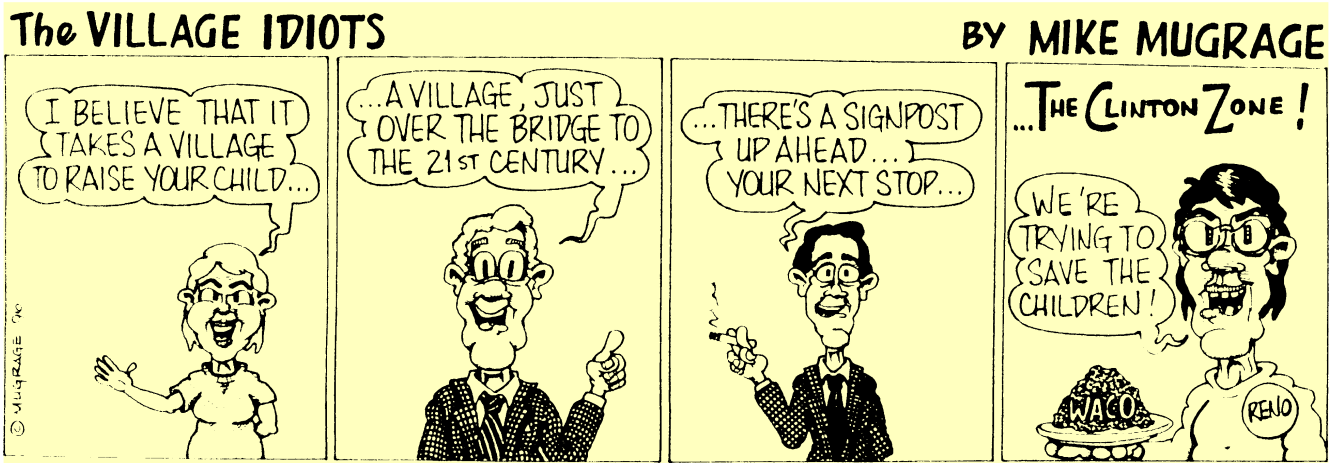
CHANCERY. The name of a court exercising jurisdiction *at* law, but mainly *in* equity.

2. It is not easy to determine how courts of equity originally obtained the jurisdiction they now exercise.[9] Their authority, and the extent of it, have been subjects of much question, but time has firmly established them . . . .

3. . . . "American courts of equity are, in some instances, distinct from those of law; in others, the same tribunals exercise the jurisdiction *both* of courts of law and equity, though their *forms* of proceeding are different in their two capacities.[10] The supreme court of the United States, and the circuit courts, are invested with general equity powers, and act *either* as courts of law or equity, according to the *form* of the process and the *subject* of adjudication. . . . In most of the states, the two jurisdictions centre in the *same* judicial officers, as in the courts of the United States; [In other words, both state and federal judges can hear cases in *both* law *and* equity.] . . . .

4. The jurisdiction of a court of equity differs essentially from that of a court of law. The remedies for wrongs, or for the enforcement of rights, may be distinguished into two classes those which are administered in courts of law, and those which are administered in courts of equity. . . .

In . . . America, courts of common law proceed by certain prescribed f*orms*, [not precisely true since 1982] and give a general judgment for or against the defendant. They entertain jurisdiction *only* in certain actions, and give remedies according to the particular exigency of such actions. But there are many cases in which a simple judgment for either party, without qualifications and conditions, and particular arrangements, will not do entire justice . . . to either party. Some *modification of the rights* of both parties is required; some *restraints* on one side or the other; and some *peculiar adjustments*, either present or future, temporary or perpetual. In all these cases, courts of common law have no methods of proceeding, which can accomplish such objects. Their *forms* of actions and judgment are not adapted to them. The proper rem-



edy cannot be found, or cannot be administered to the full extent of the *relative* rights of all parties. . . . In such cases, where the courts of common law cannot grant the proper remedy or relief, the law . . . of the United States . . . authorizes an application to the courts of equity or chancery, which are *not confined* or limited in their modes of relief by such narrow [legal] regulations, but which grant relief to all parties, in cases where they have rights . . . and modify and fashion that relief according to *circumstances*[11]. . . .

The jurisdiction of a court of equity is sometimes concurrent with that of courts of law and sometimes exclusive. It exercises concurrent jurisdiction[12] in cases where the rights are purely of a legal nature, but [exercises exclusive jurisdiction] where other and more efficient aid is required than a court of law can afford to meet the difficulties of the case, and ensure full redress.

. . . The remedy [in equity] is often more complete and effectual than it can be at law. . . . [E]specially in some cases of fraud, mistake and *accident*,[13] courts of law cannot and do not afford any redress; in others they do, but not always in so perfect a manner. A court of equity . . . . will remove *legal impediments* to the fair decision of a question depending at law.[14] It will prevent a party from improperly setting up, at a trial, some title or claim, which [might be *legal*, but] would be inequitable. It will compel [the party] to *discover*, on his own oath, facts which he knows are material to the rights of the other party, but which a court of law cannot compel the party to discover.[15] It will perpetuate [record] the testimony of witnesses to rights and titles, which are in danger of being lost, *before* the matter can be tried [at law].[16]

It will counteract and control, or set aside fraudulent judgments. It will provide for the safety of property in *dispute* pending litigation.[17]

It will exercise . . . an exclusive jurisdiction . . . in all cases of merely equitable rights, that is, such rights as are *not recognized in courts of law.* [I.e., if you lack *legal* title to the subject of litigation, your case must be heard in equity; i.e., you have no access to *law*.] Most cases of *trust* and confidence fall under this head.[18] Its exclusive jurisdiction is also extensively exercised in granting special relief *beyond* the reach of the common *law*. . . . it will restrain any *undue exercise of a legal right*, against conscience and equity [Courts of equity can "legally" overrule legal rights, but probably only on a case-by-case basis. I.e., an equity judge is "legally" empowered to ignore the litigants' legal rights and the law.]; . . . it will, in many cases, supply the imperfect execution of instruments, and reform and alter them according to the real *intention* of the parties;[19] . . . and, in all cases in which its interference is asked, its general rule is, that he who asks equity must do equity. If a party, therefore, should ask to have a bond for a usurious debt given up, equity could not decree it, unless he could bring into court the money honestly due without usury.

. . . [I]n matters within its exclusive jurisdiction, where substantial justice entitles the party to relief, but the positive law is silent, it is *impossible to define the boundaries* of [equitable] jurisdiction, or to enumerate, with precision, its various principles."

Unbridled power

If Bouvier is correct and equity has no "defined boundaries" or limited "enumeration of its various principles," there is truly *no* "law" in a court of equity. In a sense, a court of equity is absolutely contrary to the constitutional mandate for a limited government. The judge (or other government official acting as a trustee) can do virtually anything he deems proper that is consistent with "public policy" so long as his actions can be justified as "reasonable" or at least not "shocking to the conscience". This is consistent with allegations that courts (of equity) now "legislate from the bench" to create "judge-made law" by exercising the unbridled power that the Constitution was intended to prevent.

I suspect that the fundamental flaw in our Constitution may be the legitimization of courts of equity where litigants had no rights and judges have no law. This may be the fundamental constitutional "crack" that allowed the entrance of big, non-constitutional government, bureaucracies et. al.

Ha. Ha. Ha. It is to laugh.

At first, it sounds kinda nuts, but "by law," courts of equity can't recog-

nize "law". That is, according to Bouvier's definitions, courts of equity can't normally recognize legal arguments or determine legal issues. As a result, if you try to defend yourself in a court of equity with legal arguments based on positive law and constitutionally-protected Rights, you'd probably lose since the judge can't "legally" recognize legal arguments. You'd be as absurd as a man arguing baseball rules at a football game, and the judge would properly dismiss your arguments as "frivolous".

But stranger still, even though you used "frivolous" legal arguments in a court of equity, if the judge merely liked you, or felt capricious, or particularly disliked your opponent, the judge could rule in your favor – for no discernible legal reason! As a result, one man could make a legal argument in a court of equity and win, while another man could make the same legal argument under identical circumstances, and not only lose but wind up in jail. Because the equity court judge has virtually unlimited discretion/ power, the "law" would become a complete crapshoot, where the only way to win would be to suck up to the judge, and the only thing a judge might fear would be public exposure. That's a fairly accurate description of today's judicial system. (This also signals that the "magic words" for court watchers' affidavits might be the judge's ruling "shocked my conscience" or was "unreasonable".)

Further, the resultant confusion and misunderstanding might be enormous and even intentional. Suppose a particular "patriot" reached the erroneous conclusion that the traffic courts were acting under admiralty law. Suppose he defended against a speeding ticket with (erroneous) admiralty arguments, but the judge still knowingly ruled in his favor. Next thing you know, that patriot could be out on the seminar circuit, charging $100 a head to hear him explain how to beat traffic tickets with admiralty law. Then, hundreds of his students would start jamming the traffic courts with admiralty arguments, and virtually all of 'em would be quickly wisked off to jail before the judge burst out giggling at their lunacy.

In theory, I can even imagine a group of judges, sitting around a bar, holding their sides with gleeful laughter as they swapped stories of the last irrational decisions they made in court. "Admiralty?!" gasps one. "Hell, that's nothin' – I just ruled in favor of a kid who argued the cop was a *space alien!* You wait six months, and every fool patriot in the country will be arguing the cops are all 'greys' from *Jupiter!*"

OK, maybe the hypothetical judges didn't really meet to snicker over the latest irrationality they "seeded" into the patriots' "understanding" of law. But what about the lawyers? Wouldn't they also be frustrated and driven half nuts by the unbridled discretion of equity court judges and the resultant judicial caprice? How long would it take the average lawyer to realize that (for whatever reason), there's no point to studying or arguing *law* because *law* no longer works. If you want to win, you kiss the judge's butt, join the same country club, be a Mason, make huge financial contributions to the judge's political campaign fund (even if he has no opponent in the election), and in really important cases, bribe the old s.o.b. Does this sound a like a fairly accurate representation of current judicial reality? Yes.

My point is that a judicial system that relied almost entirely on equity would soon deteriorate into a chaos reminiscent of Alice In Wonderland. Every time you turned around, there'd be some "Red Judge" hollering "Off with his head!" A judicial system that recognizes no legal rights or positive law is destined to degenerate into a raw power struggle, a kind of feeding frenzy between lawyers, litigants and judges.

America cannot survive without legal rights, positive laws, and courts that recognize them.

Lose your form, lose your substance

One reason for the confusion between law and equity goes back to 1982 when the federal courts in their infinite wisdom *combined* the procedural "forms" of law and equity into a single, uniform procedure. The usual explanation for unification of legal and eq-

uitable procedures was that it "simplified" the practice of law so attorneys and litigants would only have to learn one complex set of forms and procedures rather than two.

Nice theory, but unified procedure creates at least one adverse consequence. Once law and equity procedures appear identical in form, litigants and lawyers could no longer automatically tell from the form of a court's documents and procedures whether their case was being tried in law or administered in equity. Attorneys compensated for this uncertainty by adding boilerplate to their pleadings to "pray the court" for all awards and remedies that might be due their clients "in *both* law and equity". That way, if the court was operating in law – fine, the client could win in law. If equity – the client could also win.

But once it became difficult to distinguish between the procedural *forms* of law and equity, the need to distinguish between their *substance* was also diminished. Cases were won or lost, not on law, but on *procedure*. Again and again, the courts, law schools and lawyers chanted their mantra "procedure, procedure, procedures."

If the judge said you won, hooray! If he said you lost, too bad, you could always appeal (and pay more money to your lawyer). But the judge was always viewed as solely responsible for his decision, and the lawyers were implicitly relieved from liability for failing to argue only law in a court of law, or only equity in a court of equity. The client, of course, never had a clue. Moreover, he seldom realized that his lawyers didn't have a clue, either, in this "brave new world" of unified procedure.

However, there might be an even greater danger in "unifying" the procedures of law and equity: deception. To illustrate, suppose a trustee was in charge of two bank accounts; one for your senile grandmother and another for your aging grandfather. And suppose that while the trustee faithfully managed your grandfather's account, he systematically embezzled money from grandma's until she was virtually penniless. Suppose grandma and grandpa died, causing the trustee to provide a full accounting to the heirs for all the money he'd been administering in the two accounts. Since grandma's account was empty, an accounting would reveal the embezzlement. How could the trustee conceal the empty, embezzled account?

What if the trustee told the heirs that, in order to "simplify" the procedural problems inherent in probating *two* bank accounts, he "combined" all the money from grandma's and grandpa's two bank accounts into a single "family" account? The heirs, assuming the trustee was helping them to easily inherit a single fat bank account, would approve. But, in fact, by *combining* the two bank accounts into one, the trustee could conceal the fact that Grandma's account was empty.

Similarly, I suspect the real purpose behind "unifying" law and equity procedures may have been to conceal the fact that Americans no longer have easy access to *law*. Like Grandma's embezzled bank account, our law is now mostly missing. So long as the procedural *forms* of law and equity were different, if law "disappeared", its loss would be instantly obvious when someone tried to sue using the traditional procedure associated with law. The courts would reject the "legal" procedure, the litigant would ask Why? and the courts would have to admit he no longer had any legal rights or legal standing. That admission would be truly "politically incorrect".

But by combining the procedural forms that previously distinguished law from equity, the judicial system could very nearly conceal the fact that law virtually disappeared. A person could sue using the new-and-improved "unified" procedural forms, and think he was operating in law – when he was in fact operating in *equity*. The courts could accept his procedure and then rule either for or against him (their discretion is nearly unbounded in equity) and, if he lost, never bother to explain that his "legal" arguments were truly "frivolous" since there is no law in a court of equity.

Of course, this hypothesis sounds preposterous – and it may be. Nevertheless, until I find proof to the contrary, this equity-passing-as-law hypothesis "fits" with otherwise inexplicable but verified observations of judicial "lawlessness". Further, even if our law has not been "replaced" by equity, I still suspect that 90% or more of our current court cases are being administered in equity rather than adjudicated in law. If that's true, then we must understand equity so we can effectively present our cases in court.

Arraigned in law – or equity?

Here's another definition from *Bouvier's Law Dictionary* (1856) that may help "signal" whether a "criminal" trial is taking place in equity rather than law.

ARRAIGNED, crim. law practice. Signifies the calling of the defendant to the bar of the court, to answer

the accusation contained in the indictment. It consists of three parts.

1. Calling the defendant to the bar by his name, and commanding him to hold up his hand; this is done for the purpose of completely identifying the prisoner, as the person named in the indictment; the holding up his hand is not, however, indispensable, for if the prisoner should refuse to do so, he may be identified by any admission that he is the person intended. 1 Bl. Rep. 3.

2. The reading of the indictment to enable him fully to understand, the charge to be produced against him; The mode in which it is read is, after saying, "A B, hold up your hand," to proceed, "you stand indicted by the name of A B, late of, &c., for that you on, &c." and then go through the whole of the indictment.

3. After this is concluded, the clerk proceeds to the third part, by adding, "How say you, A B, are you guilty or not guilty?" Upon this, if the prisoner, confesses the charge, the confession is recorded, and nothing further is done till judgment. If, on the contrary, he answers "not guilty", that plea is entered for him, and the clerk or attorney general [prosecutor], replies that he is guilty; then an issue is formed. . . . .

Vewwy intewesting

The previous definition implies:

1) Arraignments take place in criminal *law* – but it says nothing about "arraignments" in alternative legal arenas like *equity*. (Can you be truly "arraigned" in *equity*?)

2) Your *name* is the first, crucial element to proceeding with the arraignment. Apparently, if you are not properly named and identified, the court cannot proceed.

3) *Any* indication that a "person" in court is the same "person" being arraigned is sufficient to allow the court to proceed with the arraignment, indictment, etc.

At first glance, the identification requirement seems unremarkable, but there could be some unexpected confusion since, today, the term "person" includes both "real" and "artificial" entities. A "real" entity is a natural, living, flesh-and-blood man or woman. An "artificial" entity includes imaginary, man-made "creations" like corporations and trusts.

As explained in "My Evil Twin" (this issue of the *AntiShyster*), it appears that the *capitalized* name "Alfred Norman Adask" identifies the real, flesh and blood "person" who – as a member of We The People – is generally superior to government's administrative authority. However, the "same" name written in *upper-case* letters "ALFRED N. ADASK" may identify an *artificial entity* which is completely subject to government control. As a result, although the two names sound alike, if they identify two entirely different legal entities, they are not really the "same".

Unfortunately, while the distinction between the two name forms can be seen in print, it can't be heard in speech. This may be important since a *real* defendant (Alfred) has constitutionally-protected, God-given legal rights which must be tried in *law*, an artificial entity (ALFRED) being "tried" (actually "administered") in "equity", has no legal rights whatever.

So what would happen if the judge called out the name "ALFRED N. ADASK" (artificial entity) and "Alfred Norman Adask" (real) heard the sound of a name similar to his own, assumed the judge was talking to him, and mistakenly raised his hand to signal he (Alfred) was ALFRED? Could the court be so blind (or deceptive) as to allow "Alfred N. Adask" to be arraigned in the stead of "ALFRED N. ADASK"? I think the answer is Yes.

If so, it seems probable that if you were able to properly notify the court that you are John B. Doe (real) rather than JOHN B. DOE (artificial), you might be able to avoid administrative hearings whenever the government's paperwork identified and sought to "arraign" or "administer" JOHN B. DOE (a creature of the state).[20]

4) Now, here's the good part: Note that according to *Bouvier's* definition, after the proper person is identified, and the charge read to him: ". . . the clerk proceeds to the third part, by adding, 'How say you, A B, are you guilty or not guilty?'"

If the defendant pleads "guilty", the trial moves directly to the judgment phase where the judge pronounces punishment.

But, if the defendant "answers 'not guilty' . . . *and* the clerk or attorney general [prosecutor], replies that he *is* guilty; *then* an *issue* is formed."

See it?!

The definition implies that – in *law* – it's not enough that you merely respond "not guilty" to the government's charges. After you plead "not guilty," someone from the government's side (either the clerk or prosecutor) *must contradict* your "not guilty" plea by "replying" that you *are* guilty. Why? Just like the definition says, to "form" an "*issue*".[21]

What's an "issue"? It's a controversy that seeks settlement by the court of *law*. For example, if I say you stole my money, and you must say you didn't. One of us argues Yes, the other No. Now we have an "issue" which allows the court to use it's various procedures to determine which of us has sufficient evidence to "prove" his argument. But without an "issue", the court

of *law* has nothing to determine, nothing to decide, no evidence to compare and weigh – nothing to adjudicate. And that probably means no *legal* jurisdiction.

In my experience of alleged arraignments and apparent trials, the prosecutor reads the charges and the judge asks the defendant, "How do you plead? Guilty or Not Guilty?" The defendant (typically) says "Not Guilty", and the judge says, something like, "OK, Mr. Prosecutor, bring on your first witness." But no one *contradicts* the defendant's "not guilty" plea. The prosecutor does not "reply" (as *Bouvier* requires) that "Oh, yessss he is, Your Honor! He is guilty as Hell!" (or words to that effect).

Therefore, if you are charged with an apparent crime and the court asks for your pleas ("Not guilty"), but the prosecutor offers no contrary response to your plea, could it be that you are being "tried" in equity rather than law? If so, it might follow that a "charge" in a court of equity is not a question waiting for a preliminary answer from the defendant, but an administrative statement of fact that is already presumed to be true. In other words, in equity, there might not be a presumption of innocence for the defendant/beneficiary. However, if there is any presumption of "innocence" or honesty in courts of equity, that presumption favors the plaintiff/prosecutor/trustee.

If a charge in equity is really just a statement of administrative fact presumed to be true – where is the controversy? Without a presumption of innocence, a declaration of innocence, and the prosecution's contradictory reply, where is the "issue" for the court to adjudicate in *law*? And if there's no issue but the court still proceeds – what can that mean, except maybe it's not a court of *law*? Maybe it's some other kind of court that does not require a bona fide "issue" to proceed. Maybe it's a court of equity.

Of course, perhaps arraignment procedure in law has fundamentally changed since Bouvier defined "arraignment" in 1856. But I'll bet it hasn't. I'll bet that over time we've been deceived into assuming that an "issue" for the court to adjudicate in law (not administer in equity) is created when 1) the prosecutor first reads the charge, and 2) the defendant denies the charge by pleading "not guilty". We have *assumed* the defendant's reply ("not guilty") contradicted the prosecutor's charge and thereby created an issue empowering the court to proceed in law.

Maybe so. After all, what difference does it make if I deny the prosecutor's charges, or if the prosecutor denies my "not guilty" plea? Maybe none, but if it doesn't matter, why did the procedure change? Why has government decided that it no longer needs to contradict a defendant's "not guilty" plea?

As usual, I don't know. But I suspect that lack of contradiction by the government signals the case is not an "issue" to be adjudicated in *law* – it's a "dispute" to be administered in *equity*. If so, the average defendant could argue endlessly about his "constitutional rights" (which clearly exist in *law*) and still be found guilty when the judge rules his arguments are "frivolous".

The presumed defendant (who *assumes* he's being tried in *law*) would be incensed that the judge ignored his "constitutional arguments". But if the case were actually being heard in *equity*, 1) the "defendant" would probably have the legal status of a "beneficiary"; and 2) the *only* relevant "law" (the "law of the case") would be the contract or trust indenture under which the defendant/beneficiary was being "tried". Until the defendant/beneficiary identified that underlying contract or trust indenture and rendered it void (perhaps for fraud), the defendant/beneficiary would remain in *equity* where "constitutional rights" are irrelevant and only government "policy" may (or may not) be honored according to the judge's conscience and personal discretion.

Again, all of this is conjectural. Nevertheless, it appears that since a modern "arraignment" does not follow the 1856 procedure for creating an "issue" in law, the modern arraignment does not, in fact, take place in *law*, but rather in *equity*. If so, anyone who argues law in an equitable, administrative hearing is as foolish as a man arguing football rules at a baseball game, and therefore bound to lose.

However, where previously, the

foolish man was the defendant arguing law, it might be that by understanding and arguing (or challenging) equity, we might be able to expose the prosecutor or plaintiff as the fool, since I doubt that any of 'em are prepared to concede the deception and admit that almost all of their trials are in equity.

Summary

Historically, courts of *equity* have had four important characteristics that allow them to operate in ways that would appear illegal or unconstitutional in courts of *law*. First, courts of equity have no obligation to recognize *legal rights* or *legal arguments*. Second, they function almost entirely according to the alleged "conscience" and personal discretion (*unbridled power)* of the judge on a case-by-case basis. Third, they are the natural court to hear cases based on *trusts*. Fourth, they are primarily available to hear the pleas of trust *beneficiaries* who, by definition, have *no legal title* and therefore *no legal rights* to property.

Today, our courts routinely behave in ways that seem unpredictable and contrary to *law*. There are several hypotheses to explain these apparent contradictions. This article explored the possibility that, for reasons yet to be fully understood, our courts of *law* have virtually disappeared and our preexisting courts of equity have surreptitiously "expanded" to fill the void. If so, when we assume we are being tried in law, we are actually being administered in equity. Failure to recognize this hypothetical distinction guarantees a judicial loss.

This hypothesis is unproven, but there is indirect evidence that suggests our cases are routinely administered in courts of equity rather than tried in courts of law. This indirect evidence is seen primarily in the similarities between the apparently unconstitutional powers of today's courts and the legitimate powers that could be exercised by courts of equity. In other words, our current complaints about our *presumed* courts of *law* might be explained if our *presumption* was false and, in fact, our courts were courts of *equity*.

The research (and conjecture) continues.

[1] How 'bout the reciprocal rights of the *trustees* and *beneficiaries* of trusts? Are those "private" and therefore "relative", vague and undefined?

[2] This implies that only *beneficiaries* (who, by definition, have only *equitable* title to trust property) can sue in courts of equity. More importantly, anyone defined as a "beneficiary" has no legal standing and may therefore be "lawfully" denied access to courts of *law*. Perhaps only trustees (who retain legal title to trust property) have automatic access to courts of law.

[3] Law describes the *correlative* relationship between rights and duties. In this sense, law is first an exercise in logic: If A, then B. If one person has a right (A), then by "law", another person must have a correlative duty (B). For example, if I paid for and have a right to a property, the previous owner has a duty to give me that property. However, some people do not obey this "natural" logical law. Therefore, governments are instituted to pass *positive* laws which declare in no uncertain terms, "If A, then B – or else C". Now, if the former owner of the property refuses to surrender it to me, government has a duty to *enforce* my right by compelling the person to give me the property and may even punish the person for failing to do so voluntarily. But if I have no right, no person has a correlative duty, and government has no duty of enforcement. More importantly, without

rights, there can be no "logical equation" – there is *no law*.

[4] If law is either "positive" or "natural" (equitable), then perhaps the Congressional statutes codified in "non-positive" federal Titles (like Title 26; the IRS laws) have been passed as *equity* rather than law.

[5] "Equity" is not listed as a "class" or "system" of law – but as you'll see in subsequent definitions of "equity" and "equitable" – *natural* law and equity may be synonymous.

[6] Whose "conscience"? The *judge's* conscience. This is consistent with modern observations of unbridled judicial power.

[7] I.e., "law" and "equity" are exclusive and separate. Therefore legal arguments and remedies that may be compelling in courts of law have no force (they are "frivolous") in a court of equity.

[8] This implies that unlike our intrinsic, unalienable, legal rights (given us by God), equitable rights are virtually nonexistent without a *court's* declaration. While litigants can *demand* their legal rights from other people, they can only can only ask, plead, and "pray" that their equitable rights be enforced by a court of equity. Your vague, imperfect equitable rights do not exist without a government/ court's declaration.

[9] The probable explanation is obvious; they resulted from the usurpation of power by government officials who were frustrated by legal impediments imposed by the God-given rights of "uppity" common litigants.

[10] In 1856, by their procedural "forms" you could know them. However, since the 1930's and later federal laws passed in 1982, the procedural "forms" of law and equity have been "combined", are now virtually indistinguishable and give no prima facie clue to their substance.

[11] "Circumstances" – not *law*. I.e., the court of equity judge has virtually unlimited discretion/ power. Although we falsely believe all our "rights" are immutable, courts of equity exist, in part, to "modify", "restrain", or "adjust" our rights! Unfortunately, few of us understand the difference between legal and equitable rights. I suspect courts of equity can only "modify" our *equitable* rights – but may not be able to even *recognize* our *legal* rights!

[12] "Concurrent jurisdiction" is consistent with "patriot" complaints that judges exercise "dual" jurisdictions and/ or extralegal powers.

[13] Does this mean that all traffic "accidents" and insurance cases must be administered in courts of equity?

[14] This implies that a fundamental purpose for equity is to *ignore* on a case-by-case basis those laws which are seen as "unfair" or "politically incorrect" and allow decisions according to "public policy" or even public *opinion* rather than positive law.

[15] This sounds much like the current judicial system's emphasis on "discovery".

[16] Based on the "testimony" in a court of equity, could a litigant appeal to a real court of *law* in a subsequent "trial de novo"?

[17] This implies that courts of equity may hear "disputes" presented by "disputants" (if there are such things), while courts of law hear "controverseys" presented by "litigants".

[18] I.e., trust-based cases are usually heard in equity. If government is using trusts to (usually) place us in the status of beneficiaries, then our cases might always be *administered* in courts of equity.

[19] This might mean equity courts can reinterpret contracts according to the "real" intentions of the parties. If so, this power could be easily mistaken for making ex post facto laws.

[20] I've only seen one court case in my life wherein the defendants were identified in the case title by their Capitalized Names rather than their UPPER CASE NAMES. It was a criminal trial of three *judges*. I'm not sure why the Judges used their Capitalized Names, but perhaps doing so served notice on the face of the court documents that they were real persons (not artificial), possibly members of We The People (the court's creator) and therefore not automatically subject to the court's jurisdiction.

[21] This implies that a "charge" in law may not be a statement so much as a question, as in, "According to this piece of paper (not a real man) Bill Smith says you killed Bob Jones – true or false?" If you, a real person, answer False (not guilty), some other real person must stand up and contradict your answer. Real persons are presumed innocent. That is, real persons are presumed to have answered truthfully. Therefore, it's up to the opposing party to present enough evidence to prove you are lying and therefore guilty of the alleged crime.

Rising Tides & Counter-Currents

On April 28, 1997, the Supreme Court ruled in *Richards vs. Wisconsin* (96-5955) that Police armed with court warrants to search for drugs cannot *always* enter homes without knocking and announcing themselves. Instead, they must be able to show they had a reason to believe a suspect would be dangerous or destroy evidence if alerted to the police raid.

The court unanimously refused to create a blanket exception to its 1995 decision that said no-knock entries usually are unlawful – prohibited by the Constitution's Fourth Amendment ban on unreasonable searches. One reason the court refused to create the "blanket exception" for police was that "the reasons for creating an exception in one category can, relatively easily be applied to others.... If a per se exception were allowed for each category of criminal investigation that included a considerable ... risk of danger to officers or destruction of evidence, the knock-and-announce element of the 4th Amendment's reasonableness requirement would be meaningless."

This Richards case may not seem like much of a victory, but it offers another example the Supreme Court's growing tendency to limit rather than enhance government power (as was clearly the case for the last generation). I don't know what moves the court to swing one way or another along the political spectrum, but I suspect America's growing constitutionalist movement has "stimulated" the Court to re-embrace the Constitution.

According to the *New York Law Journal*, on February 2, 1998, Federal Judge Charles S. Haight Jr. ruled in *Harris v. United States*, 97 Civ. 1904, that a man convicted of bank fraud can obtain various trial preparation notes made by prosecutors and the lawyers for one of the banks to aid him in a habeas corpus petition alleging prosecutorial misconduct. The judge rejected arguments by federal prosecutors that the work-product privilege should shield trial notes requested through a habeas corpus motion.

Noting that the petitioner wanted to show that prosecutors unjustly procured his conviction, the judge said the documents generated by the government directly bear on his contentions. The judge explained that if the petitioner gets the prosecutor's notes but fails to carry his burden of proof, he will not be entitled to any remedy and the government will not be damaged. However, if the prosecutor's notes "demonstrate prosecutorial wrongdoing of sufficient severity" to require a new trial, then the government has no one to blame but itself for whatever the documents may disclose.

Government can't be too pleased about that one. A federal judge siding with a convict rather than the prosecutor, and worse, exposing prosecutorial notes to discovery through habeas corpus. That's another small victory, another leaf in the constitutionalist breeze.

In August, 1997, Sheriff Dave Mattis of Big Horn County, Wyoming, forbid federal officials from entering his county and exercising authority over county residents unless he was first notified of their intentions. Mattis grew weary of the Feds running rough-shod over county residents with illegal searches, seizing property, confiscating bank accounts, restricting the free use of private lands, without a valid warrant and without first following due process of law as guaranteed by the Constitution to every citizen.

Sheriff Mattis contends that the U.S. Constitution, Article 1, Section 8, clearly defines the geographic territories where the federal government has jurisdiction. Sheriff Mattis relies on the 10th Amendment's mandate that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Therefore, Sheriff Mattis believes the Feds have only *limited* powers in any state unless the local high-sheriff allows them to exercise power beyond that which the Constitution provides. "Put another way, if the sheriff doesn't want the Feds in his county, he has the constitutional power and right to keep them out or ask them to leave."

According to Sheriff Mattis, even

the IRS has not attempted to seize any citizen's property since he ran the Feds out of his county. When asked if he'd had any repercussions from the Feds, he replied, "None whatsoever. They know they don't have jurisdiction in my county unless I grant it to them." He hopes other Sheriffs will also recognize their real authority and start to protect their county's citizens from abusive Federal agents and officials.

Hey, how 'bout that? A *Sheriff* studied the Constitution and then threw the Feds out of his county! That's a victory for constitutionalists, and a serious setback for non-constitutional government.

Recently, singer and constitutionalist Dave Ridell explained:

"I've recently written a new song about Shirley Allen, a psychiatric nurse, 51 years of age, who lived in Robey, Illinois.

"Well, seems that somebody in her family wanted her property. One of her stepchildren went to a psychiatrist and said 'hey my stepmother's crazy. We got to take her out of there and put her in a home'."

The psychiatrist said, "Oh, really?" and signed a little piece of paper and gave it to a judge. The judge issued an order, sent police to Shirley's house, who knocked on her door, and said, "Hello, Ms. Allen?"

She says, "Yes, what do you want?"

"You're coming with us."

"Why?"

"Well, we have an order to take you in."

She says, "Do you have a warrant for my arrest?"

"No."

"Have I broken any laws?"

"No."

"Have I committed any crimes?"

"No."

"Well, you're trespassing. Get off my property."

They police said, "Wwwait, you can't do that."

"Yes I can. Get out of here."

So the police went back, talked amongst themselves, came back and kicked her door in. A shot was fired and that began a 39-day siege. They shut off her power, they cut her phone. They dismantled her water pump. They smashed her windows and they threw tear gas in her house!

Oh yeah, she was "crazy", alright – *like a fox!* She smeared Vaseline on her skin to protect her from tear gas. Took a pair of binoculars, put them up to her eyes, so she could see, picked up the canisters of tear gas and threw them back at the police.

Bless her heart. Thirty-nine days. They finally took her down with rubber bullets and brought her in for a *six week* — it was supposed to be a *72 hour* – psychiatric evaluation. They released her two weeks ago. *Ain't nuthin' wrong with her!!* She's got a lawsuit! And I've got a song:

Ballad of Shirley Allen

He called himself a psychiatrist
but didn't even try
To understand the other side
or see things eye-to-eye.
The stepkids said she's crazy
and he simply said OK,
He signed a piece of paper
and gave Shirley's rights away.
In came law enforcement,
and they said, "Come with us"
And it proves that you're unstable
if you fight or make a fuss.
"Protect and serve" is what
each law man swears he'll do,
But protecting laws he knows are bad,
"protects and serves" just who?
If you label as "unstable"
all the ones who disagree,
You take away their right
of speaking out and thinking free.
If our Founders were so labeled
then where would our country be?
We wouldn't have our freedom
or our precious liberty.

A prisoner inside her home
and guilty of no crime
With dogs and gas and rubber rounds
assaulted several times.
We ask each man who wears a badge
to do what he must do.
But ask yourself this question,
"Would you want it done to you?"
Yes, ask yourself this question —
"Do you want it done to <u>you</u>?"

If you label as "unstable"
all the ones who disagree,
you take away their right
of speaking out and thinking free.
If our Founders were so labeled

The President of the United States

The Interns' Commander In Chief

then where would our country be?
We wouldn't have our freedom
or our precious liberty.
If our patriots are labeled,
then where will our country be?
You'll never keep your freedom
and you'll lose your liberty!

Little ol' ladies are standing up to the cops. Bad sign for fascists. Remember the 1960's, all the political ferment over race, rights and war? Remember the songs? The folk music that helped inspire that revolution? Dave Ridell is writing folk music for the millennium. He's got a great album, and if you want a copy (or copies of a host of other important patriot documents) call 1-800-201-7892 extension 40**.**

In *AntiShyster* Volume 5, No 4 (Fall of 1995) I published an article entitled "Republicans Call For End of Emergency War Powers". This article offered a general overview of the Emergency War Powers theory first advanced by Dr. Gene Schroder of Colorado.

According to Dr. Schroder's research, in 1933, President Franklin Roosevelt declared a "national emergency" due to problems caused by the Depression and the "banking emergency" (the people wanted their gold back from the banks, but it had been secretly given to the European bankers). The private ownership of gold was criminalized and, under the guise of the "emergency", the American people were literally robbed by their own government of all the gold they'd previously owned. (This robbery is especially interesting in light of our government's recent attempts to force Swiss banks to return gold taken from some Jews by Nazis during World War II. It will be interesting to see if our government ever devotes as much energy to restoring the gold taken from all Americans.)

The "emergency" doctrine is fairly simple: During an "emergency", normal laws are suspended. For example, it may be against the law in your town to run around naked on a public street, but if you woke up to find your house on fire and were forced to evacuate without any clothes, no court would prosecute you since your conduct occurred in the context of an "emergency". Dr. Schroder argued that under the guise of the 1933 "national emergency", the Constitution was effectively suspended as Law and was reduced to the status of Public Policy, a kind of recommendation. If the government could operate in accord with the Constitution, fine, but during the "emergency" it was not bound to do so. Justifying its actions as "necessary" under the "emergency", both federal

and then state governments assumed increasingly arbitrary, abusive and unconstitutional powers.

The emergency doctrine's not too hard to understand, especially in the context of the depression. What is hard to understand is why that 1933 "national emergency" is still in effect. Once the Depression and WWII were ended with America victorious and the mightiest nation on Earth, why didn't Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush or Clinton also end the 1933 "emergency" and thereby restore our Constitution to the status of Law rather than optional policy? The reason is that none of the Presidents trusted Americans to live free, and all of them enjoyed and approved of the dictatorial powers government enjoyed during the "emergency".

Unfortunately, the American people are not so enchanted by dictatorship. Police kick in doors without warrants, the IRS seizes homes and jails people without constitutional authority, Child Protective Services take children from their parents, vitamins are arbitrarily removed from store shelves, and our federal government conspires under the guise of treaties to surrender some or all of our national sovereignty to the U.N. and the New World Order. Starting about 1992, Dr. Schroder argued that all of these abuses and much more could be traced to the "national emergency" and government's consequent lack of legal accountability – and, all these abuses could be curtailed if we could simply end the sixty-year old "emergency".

At first, most people dismissed Dr. Schroder's ideas as irrational. But in 1994, his theory was endorsed by the Republican Governors Conference in Williamsburg, Pennsylvania, the California State Republican Assembly, and then the Republican Party of Texas. With this support, Dr. Schroder continued his crusade to "end the emergency" until several state legislatures began to consider his research.

In early 1998, members of the Colorado State Legislature asked Dr. Schroder to help craft a bill to "end the emergency" in Colorado. The result is

Clinnochio!

Colorado Senate Bill 98-138; I recommend that all in Colorado work to pass this Bill, and all who live outside of Colorado use this bill as an example to encourage their state legislators to pass similar "end the emergency/ restore the Constitution" legislation.

What follows is partial text of that Bill. The complete text can be found on the Internet at http://www.state.co.us/gov_dir/leg_dir/sess1998/sbills98/sb138.htm.

Second Regular Session
Sixty-first General Assembly
LLS NO. 98-0699.01 JBB
SENATE BILL 98-138
STATE OF COLORADO
BY SENATOR Rizzuto;
also REPRESENTATIVE Entz.
LOCAL GOVERNMENT
A BILL FOR AN ACT CONCERNING
THE TERMINATION OF
EMERGENCY POWERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Terminates on July 1, 2003, all emergencies declared in the state on or before January 1, 1998, that resulted in the exercise of emergency powers by any branch, agency, or employee of the state.

Establishes in the department of local affairs the Colorado commission on the termination of emergency powers to study what powers are exercised in the state due to emergencies no longer in existence. Directs the president of the senate and the speaker of the house of representatives to each appoint by September 1, 1998, 3 members of the commission. Requires that at least 2 members of the commission be members of the general assembly and that 2 members be from the public with knowledge concerning the use of emergency powers. Sets 2-year terms for members of the commission. Requires the commission to report to the chairs of the state veterans and military affairs committees of the senate and house of representatives by December 1 of each year on legislation necessary to terminate emergency powers. Terminates the commission as of January 1, 2004.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 20 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-20-110. Termination of emergency powers - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES:

(a) IN 1933, CONGRESS ADOPTED THE "EMERGENCY BANKING RELIEF ACT OF MARCH 9, 1933", PUBLIC LAW 73-1, THAT GRANTED ADDITIONAL POWER TO THE PRESIDENT TO DEAL WITH THE THEN EXISTING GREAT DEPRESSION. AT OR ABOUT THE SAME TIME, SIMILAR POWERS WERE GRANTED TO THE GOVERNOR OF COLORADO AND OTHER GOVERNORS THROUGHOUT THE COUNTRY.

(b) ALTHOUGH THE GREAT DEPRESSION ENDED MANY DECADES AGO, SOME EXTRAORDINARY POWERS GRANTED TO THE PRESIDENT, THE GOVERNOR, AND OTHER MEMBERS OF GOVERNMENT DURING THE GREAT DEPRESSION HAVE NEVER BEEN REPEALED;

(c) THE USE AND POTENTIAL ABUSES OF THESE POWERS POSE A THREAT TO THE WELFARE OF THE CITIZENS OF THIS STATE;

(d) AS OF THE EFFECTIVE DATE OF THIS SECTION, NO EMERGENCIES EXIST IN COLORADO THAT REQUIRE THE EXERCISE OF EXTRAORDINARY POWERS.

(2) ON JULY 1, 2003, ALL EMERGENCIES DECLARED TO EXIST PRIOR TO JANUARY 1, 1998, BY ANY BRANCH OF GOVERNMENT OF THE STATE THAT RESULTED IN THE USE OF EXTRAORDINARY POWER BY THE GOVERNOR, ANY AGENCY OF THE STATE, OR ANY EMPLOYEE OF THE STATE ARE TERMINATED.

. . . .

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

This Colorado Bill is both victory and validation for every constitutionalist who's struggled to understand, expose, and correct our non-constitutional government. It also supports the conclusion in the 1995 *AntiShyster* article: "The last time private Americans did as much for this country as Dr. Gene Schroder, they signed their names with quill pens on parchment documents that are still enshrined in the National Archives. Dr. Schroder is one of those rare individuals who once made this country great and – with God's blessing – will do so again."

We have not won the struggle for constitutional government, but for several years the political momentum has been quietly running our way. However, our growing victories are cause for both celebration and concern. I believe government understands our victories and political momentum far better than we do. While we wonder how long it will be (if ever) until constitutional government is restored, I'd bet the non-constitutional government has run computer projections and can tell with high levels of confidence when they will be defeated simply by overwhelming public cries for meaningful political change.

Given that "power concedes nothing," virtually all constitutionalists have assumed that government will try to preempt the constitutionalist movement with some sort of contrived "emergency" that may truly suspend public pressure for a restored Constitution and openly enshrine government's non-constitutional "emergency" powers.

In fact, I can't imagine this struggle lasting for more than another five years. One way or another, either the existing government or the constitutionalist movement will be defeated within five years, and perhaps much sooner. But while constitutionalists simply speak out and publish, what will government do? Roll out tanks and foreign soldiers to oppress us? I doubt it.

I am sure Ruby Ridge, Waco, and Oklahoma City taught government that storm trooper tactics only generate more distrust in government and are therefore counterproductive. Therefore, I suspect the "modern" solution to public resistance may not be beatings but seductions – carrots rather than sticks. As a result, rather than employ overt violence against Americans, government may do something even more diabolical – they might try to make us happy.

Let me explain. For six years, the *AntiShyster* struggled to survive, but each year was 50-100% better than the year before. If the trend continued, I expected to finally make a pretty fair living in 1998. While the *AntiShyster* grew, so did America's discontent with government. Polls indicated that less than 10% of American trusted government, and over half distrusted it. That distrust represented an enormous reservoir of antigovernment sentiment in the body politic – far too much to be "neutralized" through violence.

However, in June (normally my best month) of 1997, my business suddenly dropped by 60% and stayed that bad until December (normally my worst month) when it miraculously improved. The "drop" was not gradual. Instead, my income died as if someone had turned off a light. The drop was so sudden and severe, it was unclear if this publication would survive.

My first reaction was shock and self-doubt. What had I done wrong to reverse six and a half years of slow, steady growth?

But then I learned that other "constitutionalist" publications were similarly afflicted. Two went out of business completely, and a third (that I won't identify by name) saw it's gross suddenly fall by half.

I was comforted to see that whatever was happening, it wasn't only happening to the *AntiShyster* (i.e., my loss of business wasn't my fault). Still, it appeared that America was suddenly rejecting constitutionalists. But *why?* What had we done wrong?

I looked further and found the decline in constitutionalist publications mirrored in sales at Texas gun shows – vendors complained that people were still attending, but no one was buying guns. Apparently, the "quantity" of national anxiety (which I presume motivates the sale of guns) was down.

Then I learned that mainstream newspapers and news magazines had also suffered serious declines in readership. Finally, I found that the CBS, NBC, and ABC national news programs had all lost about 5% of market share. People didn't simply quit watching CBS to watch NBC, they simply quit watching TV news altogether.

I realized that people hadn't rejected the *AntiShyster*, or even the constitutionalist movement – they'd rejected *news* in general. But why?

I'm not sure, but as usual, I have a theory. I remembered hearing around the first of 1997 that government and/or Federal Reserve stopped keeping track of one of the monetary indicators (like "M-1") which measured the changes in the quantity of cash circulating in our economy. The loss of that indicator might be insignificant, but since they'd collected that data for decades and the collection process was presumably almost "automatic," it was hard to understand. To me, it was like pulling the oil gauge off your car's dashboard; OK, maybe you hardly ever use it, but why get rid of it?

Then a friend told me that in the first half of 1997, government released $80 Billion in new $100 bills into the economy, but didn't remove a comparable number of "old" $100 bills. That meant that shortly after a monetary indicator disappeared, our currency was inflated by $80 Billion.

Was there a correlation? Was the monetary indicator intentionally removed to allow the surreptitious "injection" of $80 Billion into our economy? Probably not. But if so, what are the consequences of an $80 Billion "injection"? Is that enough to artificially stimulate economic activity and not only raise consumer confidence, but confidence in government? Or is $80 Billion too little to mean much in a national economy as large as ours?

I don't know. But the last "evidence" supporting my theory is that in June, 1997, government suddenly announced, promoted and hyped the idea that we are now enjoying the "best economy" Americans have had since the 1960s. There is no inflation, no unemployment, no foreign threats – even crime is down. Again and again, I've been reminded that things are GRRREAT!

Well, that might be true for most Americans, but I still found it curious that until June, 1997, I hadn't heard any reports from government that things were getting a little bit better, a little better still, and finally fairly good. Maybe I'd just missed the reports of growing optimism, but it seemed to me that until June, 1997, government was ever the pessimist, ever selling fear and problems and warnings. Then suddenly in June, government did an absolute reversal and told us life was grand. But if things were grand in June, why hadn't I heard they were exceptionally good in January or pretty fair in 1996?

Curiously, when government announced life was suddenly grand, my sales also suddenly plummeted and public trust in government suddenly began to rise. (Today, about 34% of the American people are said to trust government – that's up hugely since the 10% level in June, 1997.)

I now realize that "news" prospers in bad times and withers in good. As a result, publications like the *AntiShyster* are counter-cyclical relative to the economy. In good times, we struggle; in bad times, we grow. (In a sense, if the economy gets much better I might go broke, but if government precipitate a recession – or better yet, a depression! – I might get rich.) Appar-

what will happen if our high blood-sugar euphoria slips back into economic hypoglycemia?

President Clinton has repeatedly boasted that our economy is the best we've had since the 1960s. I hope he's right. But I can't help wondering if the more apt comparison is to the 1920s when some people believe another economic "high" and subsequent collapse were "engineered".

Everyone is frightened by the "stick" of government violence, but in the end, the "carrot" of government benefits, easy credit and good times may be much more dangerous. It takes more energy to bust your skull than it does to seduce you into "compliance". The difference between rape and seduction is the victim's consent. If government can put us "in the mood" with easy money, we shouldn't be surprised if we wind up pregnant.

Will government sink so low as to artifically stimulate the economy just to stop the constitutionalists? Who knows? Maybe the Dow Jones will grow til it tops 20,000 in 2005 and everyone will get rich except dummies who publish news magazines. But while we wait to see if the economy soars like the Phoenix or sinks like the Titanic, prudent men might use the prosperity of 1998 to store up necessities that might be useful in the event of serious economic and/or political instability.

We live in interesting times.

Thank God.

ently, none (but a remnant) care about the Constitution, news in general, or even a corrupt President when credit is easy, mortgage rates are low, they're having a sale on Jetski's and it's party time.

Is it merely coincidence that the public's growing distrust for government, interest in the Constitution and fascination with news were all suddenly reversed after $80 Billion in extra $100 bills were injected into our economy? Is it possible that government intentionally manipulated public attitudes and increased government support by (secretly) inflating our money supply?

I suspect that injecting cash or credit into an economy produces a temporary "high" just like injecting sugar into the bloodstream of a diabetic. I have a hunch that government recognized the growing power of the constitutionalist movement and intentionally sought to blunt it by "drugging" Americans into a state of artificial euphoria with a "speedball" of inflated currency and easy credit.

If so, how long will our "sugar high" last? (After five bad months, my business is not only back on track, it's doing surprisingly well. Perhaps folks are easily bored with Jetski's.) And

According to Taylor's Encyclopedia of Government Officials, *most presidents-elect take the Presidential Oath of Office with one hand resting on a Bible open to a passage they've personaly chosen. When President Clinton took his Presidential Oath in 1993, he chose to place his hand over* Galatians *6:8:*

"The one who sows to please his sinful nature, from that nature will reap destruction; the one who sows to please the Spirit, from the Spirit will reap eternal life."

■

Privacy Act Reconsidered

I don't receive much criticism from my readers. Not because the articles in the AntiShyster are always right or perfectly accurate – far from it. But most readers seem to understand that this publication explores ideas near the "cutting edge" of the constitutionalist movement and therefore each article usually contains significant elements of uncertainty and conjecture. Our articles are not intended to provide absolute truth so much as intriguing questions and possibilities. For me, it's the uncertainty, conjecture and intellectual risk tht make the articles fascinating.

Anyone who's read the AntiShyster for long should also realize I seldom focus on facts in this magazine; I focus on thought, conjecture, relationships, theories and possible insights. In fact, any reader would be hard-pressed to find a single article where I declared that some theory or opinion was the absolute truth. I never ask people to believe – only consider *– what I publish.*

Further, the AntiShyster is not a monologue (I speak, you listen; I write, you read), but a dialogue in which I present intriguing theories, and then my readers reply with information to support, refute, or clarify those theories. I don't write merely to educate my readers, but to stimulate them to respond and thereby educate me. Then I, in turn, report what I've learned from my readers, and another round of replies follows. In this way, the AntiShyster is intended to educate both my readers and me.

In Volume 7 No. 4, I published ''FOIA, the Privacy Act & the IRS" based on interviews with Eddie Kahn and Larry Maxwell, two longtime adversaries of the IRS. The gist of the article was this: Kahn and Maxwell discovered that the IRS would provide records on several "taxpayers" under FOIA (the Freedom of Information Act) but not under the Privacy Act. It appeared that FOIA kept records on artificial entities *and the Privacy Act only kept records on* real people. *If the IRS had no records on* real people, *it would prove the IRS only taxes artificial entities – not real people – and pound a pretty big spike in the taxman's coffin.*

Well, the poo quickly hit the impeller. I received half a dozen serious, even virulent letters and faxes criticizing Kahn, Maxwell and me for publishing the article. (At times, our critics seemed almost to "protest too much.") The response from Wayne C. Bentson (Western Information Network of Payson, Arizona) was typical:

Dear Publisher:

A friend just provided me a copy of an article recently published in your newspaper relevant to the Freedom of Information Act and the Privacy Act, authored by Eddie Kahn and Larry Maxwell.

Obviously, neither Mr. Kahn or Mr. Maxwell are serious students of, or understand either the FOIA or the PA.

The Privacy Act is relevant to "residents" or "individuals" and on occasion it is relevant to a "person". Whether the resident or individual is a "human being" or not has nothing to do with the tax laws or the Privacy Act.

By law, a Privacy Act request *must specify* the particular *system of records* to be accessed. And if the agency denies the request for failure to identify the specific system of records to be searched, the agency is 100% correct.

It is true that the alleged IRS maintains more than 100 systems. Knowing the details of each system of records is a major and important asset when confronting either an audit situation or a criminal investigation. The Privacy Act is not impossible to use as asserted by the authors. It is in fact rather easy, and a major weapon to be executed as often as necessary when dealing with the enemy IRS, or other agencies associated with the alleged IRS.

One last complaint. Mr. Maxwell states (incorrectly), that the alleged IRS has no regulations relating to the Privacy Act. Wrong again.

Why you publish crap like the Kahn/Maxwell article I don't know. But the public is not well served with the misinformation provided by Mr. Kahn and Mr. Maxwell, no matter how well intended.

No single FOIA or PA request provides the necessary and complete

data enabling us to be successful during a conference level or even DOJ level investigation. Every new client requires at least 4 or 5 FOIA and PA requests to establish the information foundation that permits proceeding on an equal or superior level with the agency. A criminal case will require several additional requests, and some will be filed with agencies other than the alleged Internal revenue Service.

But [to] not bother to know the details of the IRS and other agencies system of records. That is unthinkable.

Respectfully,

Wayne C. Bentson

Golly. Why so tense? Did the AntiShyster publish something imperfect? I'd feel awful about that except I don't know of any other modern publication that's able to always (or even ever) publish the absolute truth. In fact, I'm willing to bet that Mr. Bentson has also published or spoken opinions over the last five or ten years that today, even he would admit were flawed.

None of us have perfect information. The only reasonable criteria for evaluating someone's intellectual credibility is whether that person is willing to keep learning, changing and growing as newer and more accurate information becomes available – or whether he claims to be an "expert" (a person who, according to Frank Lloyd Wright, has stopped thinking).

Eddie Kahn and Larry Maxwell aren't "experts," they're warriors. They'd be the first to admit that whatever they suspect may be true today is not the absolute final truth. But they're willing to stick their necks out and risk being wrong in order to learn. Bumping heads with the IRS is not an intellectual exercise for these guys, it's a contact sport that involves significant personal risk.

Eddie Kahn has been in the IRS's face for nearly fifteen years. He developed such an effective administrative strategy to stop the IRS, that the IRS changed it's modus operandi to avoid meeting "taxpayers" who might ask questions the IRS refuses to answer.

Larry Maxwell has taken twenty-two cases from Texas to courts in Washington D.C. to try to prove (and risk disproving) his theory on the Privacy Act. It takes time, money and dedication to take those cases all the way to Washington. The courts dismissed one of Maxwell's cases; but in another three, an assistant U.S. Attorney has inadvertently conceded that Mr. Maxwell's arguments are correct.

Does this concession prove *Larry's right? No. But it does suggest that the Privacy Act arguments* might *be right. And that's worth reporting.*

So why do I publish this "crap"? First, I don't know that it's "crap" so I publish to find out. Second, even a U.S. Attorney has implicitly conceded it might not be "crap". And third, by publishing, I get letters like Mr. Bentson's which may ultimately help Eddie Kahn, Larry Maxwell and everyone else in the constitutionalist movement to better understand the tax laws. In the end, the most important issue is not the quality of Kahn's and Maxwell's information, but their courage and determination to use it.

Even Eddie Kahn agrees there were errors in the article. But Eddie's not embarrassed by mistakes since he has sense enough to learn from them:

Dear Al,

This letter is in regards to a particular section of the interview you and I did in the AntiShyster magazine, volume 7 number 4, page 38. I know this will be hard for you to believe, Al, but I made a boo-boo.

In the specific section, you ask, "You're saying an individual need not sign under penalty of perjury?" And I

replied, "That's what their book says. That means signing the 1040, for example, is entirely *voluntary*."

The highlighted section is incorrect. My apologies for the misstatement. At American Rights Litigators (ARL), we never make such a statement. Our position is, until the IRS identifies what *particular* tax the client is liable for, the form itself is a moot issue.

The 1040 is not the only IRS tax form, but simply one of many. It cannot be used for every tax listed in the IR Code, but only for the one's that have been authorized by the Office of Management and Budget (OMB) as per the Paperwork Reduction Act.

For eighteen months, the attorney and CPA that work with ARL have been asking the IRS, "What particular tax is our client liable for?" Most of the time, IRS personnel try to evade the question. However, we've had a few agents that wrote back stating, "The client is liable for the Individual Income Tax and must file it on form 1040."

A letter was then promptly sent back to the agent with a copy of 26 CFR 602.101 cross reference index (1994 edition) and the SF 83 form. The cross reference shows the only OMB approved form for information gathering for the Individual Income Tax is the form 2555, not the 1040. In addition, on the SF 83 form, the IRS lists all the regulations and IR Code sections applicable to the form 1040. However, the regulation 1.1-1, entitled Income tax on *individuals*, is *not* listed on form SF 83.

We have *never* had a rebuttal from anyone in the IRS concerning the documents presented. Also, OMB-approved form 2555 is completely in harmony with the statement in the historical notes of IR Code section 6065: "The exception to this rule (signing an IRS form under penalty of perjury) is an income tax return filed by an *individual*." Form 2555 does not have a penalty of perjury clause on the signature line. In fact, it does not even have a signature line! (Does this form comply with IRC 6065??)

In conclusion, we should always keep in mind the people we are dealing with at the IRS are, by and large, not your Sunday-go-to-meeting kind of folks. Our experience with them indicates they will lie, cheat and steal at every opportunity. I feel this is just another example of how they deal deceitfully with Americans.

Al, again I apologize for the snafu. Hope this explanation clears up any misunderstanding.

Sincerely,
Eddie Kahn

Eddie also sent a letter concerning Larry Maxwell's Privacy Act suit which reads in part:

Larry Maxwell's organization, Family Advocates, has fled 22 lawsuits against the IRS for violation of the Privacy Act. The violation stems from the fact that a Privacy Act request was done for the clients asking to see certain records that should have been in a file maintained by the IRS if this person was a "Taxpayer". The IRS did not produce a copy of the requested records as required by law. . . .

The first 4 suits were filed on November 17, 1997. They were filed in Washington, D.C. because that's where the defendant, Robert Rubin, Secretary of the Treasury, resides. The first case was dismissed when the judge stated the plaintiff could not use the Privacy Act to determine the possible existence of a federal tax liability. This decision is currently on appeal. The next three cases were consolidated into one. During the February 5,1998 hearing, the U.S. attorney agreed that the plaintiffs were not trying to determine a tax liability, but were just trying to get access to their records.

Larry Maxwell, senior family minister, stated the REAL VICTORY

came near the end of the hearing when the government conceded that "*line records that are sought by the Plaintiffs do not exist*". In our opinion, the importance of this admission is monumental. All "Taxpayers" have a file on them that is maintained by the Agency. That file would contain such things as:

1) How, When and Where you became a Taxpayer; what Tax you are liable for; what Form you are required to file; assessments; copies of all correspondence and supporting documents.

When they said *no records exist*, they admitted, in essence, the Plaintiff was not a "Taxpayer"! . . .

So are Kahn and Maxwell right about the Privacy Act?

I don't know.

But in a sense, it's not too important if they're "right" since nothing is permanent in our modern legal system except government's appetite for money. They already take 55% of what we earn, and Clinton has publicly declared they expect to take over 80% of what our children earn.

Wake up. Government does not exist to serve us any more than farmers exist to serve sheep.

Fundamental truth: You have money, government wants it.

Fundamental truth #2: Government does not respect law, it respects fighters.

End of lesson.

Once you understand those fundamentals, you'll see that no matter what laws or agencies we challenge or topple, government will continue to devise new and "improved" laws and agencies to extort our wealth.

Even if Kahn and Maxwell's Privacy Act argument is valid, it'll only stop the IRS for twelve to twenty-four months. By then, government will devise another strategy to extort your money. But, fortunately, Kahn and Maxwell will be there to devise yet another counter-strategy to minimize our taxes and help keep us free. There is no silver bullet, only temporary strategies and victories in the endless struggle between producers and parasites.

Even if the IRS disappears, I guarantee government will not reduce your taxes. They'll simply hire the same old IRS agents, give 'em an new agency name with a "kinder gentler" facade, and send 'em out gunnin' for your cash.

Each of us faces a fundamental choice: We can either surrender the fruits of our labor to a non-productive, parasitic government, or we can fight to retain our wealth and sustain our families. Whether Kahn and Maxwell use the Privacy Act, Administrative Procedure or 5th Amendment arguments to stop the IRS is irrelevant. The quality of their information is important, but the most important point is not whether they're right, but that they fight and more, also teach and encourage others to fight. That makes Eddie Kahn and Larry Maxwell worthy of our interest and respect.

■

True Confessions

by Bob Worn

The onset was insidious – I didn't realize what I had become . . . . Oh, it started out innocently enough. I began to think at parties now and then to loosen up. Inevitably though, one thought led to another, and soon I was more than just a social thinker . . . I found myself consuming the writings of both the *Declaration of Independence* and the *Constitution* at one sitting – and on an empty stomach, besides. I knew I had a problem, but I just didn't know how bad.

I began to think alone – "to relax," I told myself at first – but I knew it wasn't true.

Thinking became more and more important to me, until finally I was thinking all the time. I even began to think *on the job*. I knew that thinking and employment don't mix, but I couldn't stop myself.

I began to avoid friends at lunchtime so I could read *The New American* magazine. I'd disguise the *Spotlight* as my lunch wrap just so people wouldn't see I was actually reading. I'd return to my office dizzied and confused with new insight, asking, "What exactly are we *doing*?"

Things weren't going too well at home either. One evening I actually turned off the TV and asked my wife to think about the meaning of life. She spent that night at her mother's.

I soon developed a reputation as a heavy thinker. One day the boss called me in and said, " I like you, Bob, and it hurts me to say this, but your thinking has become a real problem. If you don't stop thinking on the job, you'll have to find employment elsewhere."

This gave me a lot to think about.

I came home early after my conversation with the boss. "Honey," I confessed, "I've been thinking . . ."

"I *know* you've been thinking," she shrieked, "and that's why I want a *divorce*!"

"But Honey, surely it's not that serious."

"It *is* serious!" she screamed, her lower lip aquiver. "You think as much as college professors, and college professors don't make any *money*! So if you keep on thinking, soon *we* won't have any money! Money is what life is all about! DO you hear me?!"

I explained, "That's a faulty syllogism, Dear" and she began to cry hysterically.

I'd had enough. I snarled, "I'm going to the *library*," and stomped out the door. I headed for the library, in the mood for some "Take Back America" back issues. I roared into the parking lot and ran up to the big glass doors . . . but they didn't open! My God, the library was *closed*! As I sank to the ground, clawing at the cold, unfeeling glass, whimpering for *The Federalist Papers*, a poster caught my eye. It read, "Friend, is heavy thinking ruining your life?" (You probably recognize that line; it's from the standard "Thinkers Anonymous" poster.)

Soon, there I was, the newest member of "Thinkers Anonymous". I hesitated at first . . . then stood up and said in a nervous voice "Hi, my name is Bob and I'm a thinker."

"HI BOB!" was the loud and friendly chorus from the other TA members. Which is why I am what I am today: a "recovering thinker".

Now, I never go to the library, I never turn off the TV and I never miss a TA meeting. At each meeting we watch a non-educational video; last week it was *Porky's*. Next week it will be the *Chartreuse Caboose*. *Beach Blanket Bingo* is coming soon. And we never miss a replay of *Monday Night Football*, NEVER.

We always have refreshments – *one* type of pastry and *one* type of beverage – *no* choices – NO thinking!

It's the way life should be. Calm – peaceful – no reason or temptation to think. Then we share experiences about how we avoided thinking since the last TA meeting.

Without TA, thinking could have ruined my life, my career, my marriage, and cost me my friends and loved ones. I shudder when I reflect on what might have happened.

But *with* TA, I still have my job (now that I stopped thinking, I even got promoted!) and things are a lot better at home, too – more quiet and . . . umm . . . unthinking. In fact, since I joined TA and stopped thinking, my whole life just seems, well ... somehow easier. And now I fit into American society a whole lot better, too. Isn't life grand?

Finally, I want to apologize to all my friends and loved ones who were embarrassed or worried during my "problem days" of overindulgence in thought (some say thinking is in my genes . . . Heaven forbid!) Since I stopped thinking and made my apology, I feel like the weight of the world has been lifted from my shoulders.

Thanks for "listening".

(Hey, *Porky's II* and *Xena* are on TV tonight – right after the *CBS Evening News*! Wanna come over and watch?!)