

Poorly Prepared 'Patriots' Provide Fodder for Judicial Cannon

My interest in the patriot movement over the years has been to oppose and ultimately defeat the looming tyranny which we all see appearing on the horizon. The federals clearly desire to establish a society, here on our shores, wherein they possess absolute power over the rest of us. This objective is now infecting the bureaucrats in the states, who also appear to share this objective.

The questions facing us are these:

Do we want for both ourselves and our children to live in a condition of slavery, or will we live in freedom?

If we desire freedom, how do we achieve freedom and what is the cost?

Further, what mistakes have been made and how do we avoid repeating them?

It is obvious that this fight for freedom encompasses at least two approaches.

First, we must garner political support for our cause and its issues, and the more people we can involve into seeking freedom will add strength to the political aspects of our movement.

Secondly, many of the issues we are pursuing will be decided in the courts, and this letter addresses this aspect of the freedom movement.

What are the essential ingredients for the battle in the courts? One of my favorite issues used to be the money issue, and we must all admit that this one is among the most important. The manner in which this issue was raised in the past demonstrates very critical lessons about the way we must fight in the courts. In the 1970s, concerned Americans raised this issue and butchered it. Then F. Tupper Saussy came along with his book, "Miracle on Main Street," and got the issue into the thoughts of many. These masses believed that just simply going to court and telling the judge about Article 1, Section 10, Clause 1, of the U.S. Constitution would automatically result in the overnight destruction of the current monetary system. The below cases show precisely what was accomplished by people who meant well, but who really lacked knowledge of the law and procedures in the court and spent their time and efforts in the destruction of the issue.

Adverse Federal Decisions on Money Issues:

United States v. Daley, 481 F.2d 28 (8th Cir. 1973)
Milam v. United States, 524 F.2d 629 (9th Cir. 1974)
Koll v. Wayzata State Bank, 397 F.2d (8th Cir. 1968)
United States v. Gardiner, 531 F.2d 953 (9th Cir. 1976)
United States v. Wangrud, 533 F.2d 495 (9th Cir. 1976)
United States v. Kelley, 539 F.2d 1199 (9th Cir. 1976)
United States v. Schmitz, 542 F.2d 782 (9th Cir. 1976)
United States v. Whitesel, 543 F.2d 1176 (6th Cir. 1976)

Mathes v. Commissioner, 576 F.2d 70 (5th Cir. 1978)
United States v. Rifen, 577 F.2d 1111 (8th Cir. 1978)
United States v. Anderson, 584 F.2d 369 (10th Cir. 1978)
United States v. Benson, 592 F.2d 257 (5th Cir. 1979)
Nyhus v. Commissioner, 594 F.2d 1213 (8th Cir. 1979)
United States v. Moon, 616 F.2d 1043 (8th Cir. 1980)
United States v. Rickman, 638 F.2d 182 (10th Cir. 1980)
Birkenstock v. Commissioner, 646 F.2d 1185 (7th Cir. 1981)
United States v. Scott, 521 F.2d 1188 (9th Cir. 1975)
United States v. Hurd, 549 F.2d 118 (9th Cir. 1977)
United States v. Hori, 470 F.Supp. 1209 (C.D.Cal. 1979)
United States v. Tissi, 601 F.2d 400 (8th Cir. 1979)
United States v. Ware, 608 F.2d 400 (10th Cir. 1979)

Adverse State Decisions on Money Issue:

Chernack v. Bjornson, 302 Minn. 213 N.W.2d 659 (1974)
Radue v. Zanaty, 293 Ala. 585, 308 So.2d 242 (1975)
Allen v. Craig, 1 Kan.App.2d 301, 564 P.2d 552 (1977)
Dorgan v. Kouba, 274 N.W.2d 167 (N.D. 1978)
State v. Gasser, 306 N.W.2d 205 (N.D. 1981)
Epperly v. Alaska, 648 P.2d 609 (Ak.App. 1982)
Solyom v. Maryland-National Capitol Park & Planning Commission, 452 A.2d 1283 (Md.App. 1982)
People v. Lawrence, 333 N.W.2d 525 (Mich.App. 1983)
Leitch v. Oregon Dept. of Revenue, 519 P.2d 1045 (Or.App. 1974)
Rush v. Casco Bank & Trust Co., 348 A.2d 237 (Me. 1975)
Middlebrook v. Miss. State Tax Comm., 387 So.2d 726 (Miss. 1980)
Trohimovich v. Dir. of Labor & Industry, 21 Wash.App. 243; 58 P.2d 467 (1978)
Union State Bank v. Miller, 335 N.W.2d 807 (N.D. 1983)
Richardson v. Richardson, 332 N.W.2d 524 (Mich.App. 1983)
State v. Pina, 561 P.2d 43 (N.M. 1977)
Daniels v. Arkansas Power & Light Co., 601 S.W.2d 845 (Ark. 1980)

When I got involved with Tupper back in 1980, I did a tremendous amount of legal research on the money issue over several years and found not only a wealth of authority then unknown to the movement which provided support for this issue, but I also found the above cases. With many adverse decisions facing us, advice to carefully plan litigation in this field went unheeded, and the money-issue proponents went to court unprepared and added more defeats. About 11 years ago, I stopped adding cases to the above list, because every time I turned around, there was some "patriot" who chalked up another victory for the other side.

The most knowledgeable lawyer in all of America regarding the money issue was and is Edwin Viera, but how could he and Solyom accomplish anything beneficial by raising the money issue? Due to

the many adverse decisions to overcome when Viera and Solyom went to court, it was easy for the courts to look the other way and reject the issues, notwithstanding being faced with the best case ever devised. Both I and Edwin now realize that the money issue is dead in the courts. What about the issue of "wages are not income"? Bob Golden did some very good research on the wage issue and developed the argument through his book, "Are you required?" The patriots read this book and started a political movement around this cause. But we had in our ranks some very desperate people facing criminal charges and they raised this issue pro se, only to suffer defeat. Their briefs were almost impossible to understand and an excellent issue was slaughtered on the altar of stupidity. Jeff Dickstein has written the historical treatise on the issue, "Judicial Tyranny," and it analyzes every case where this issue was raised. The evidence clearly shows that our cause was seriously damaged because we sat back and allowed the most ill-prepared and desperate within our midst to control an important issue.

Back in 1983 and 1984, the farmers got the heat from the financial institutions and tried to fight back. Carol Landi tried to champion the cause and promoted an argument about the land patent, which, to put it very bluntly, violated every established rule of property law, most notably the rule that the feds cannot control the devolution of real property within the states. She avoided addressing this "hole" in her position and got thousands of farmers to follow her argument. To make a long story short, she ended up in jail and so did some of her followers. While lots of time, money and energy were expended in this land patent fight, nothing but tragedy resulted.

Rick Elliot did the same thing with another stupid argument regarding the federal truth in lending laws. Bill Benson invested lots of his time and money, along with several others, in developing the proof that the 16th Amendment was not ratified during his monumental work in 1984. While Bill was doing this, I did the legal research on the issue and developed a very powerful argument to support it. When finished, the first thing we did was raise the issue in the Janey Ferguson case in Indianapolis, where on Jan. 15, 1985, Judge Nolan held that the issue was a political one the courts could not address. This of course was completely wrong and we prepared to go to the 7th Circuit with the argument. Most people are not aware that shortly thereafter, Bill and I went to Topeka, Kan., and presented this issue in a state case involving the Van Skivers; in response the state dismissed its case against them.

Believing that things were proceeding very good, Bill went on the road educating Americans about the issue. Lots of people were very interested in this issue, including the desperate. Thomas and Foster in Chicago were indicted in the spring of 1985 and raised this issue pro se without offering any proof or argument: they hollered, "The 16th Amendment was not ratified," hoping they could ride the coattails of the Ferguson case, which was months ahead of them in the 7th Circuit. When they got to the 7th Circuit, we were already scheduled for oral argument, so they just weakly raised the issue with no evidence or argument. The 7th detected what these idiots were doing and ruled in their cases first and then used that as precedence against Ferguson; see *United States v. Thomas*, 788 F.2d 1250 (7th Cir. 1986); *United States v. Foster*, 789 F.2d 457 (7th Cir. 1986); *United States v. Ferguson*, 793 F.2d 828 (7th Cir. 1986).

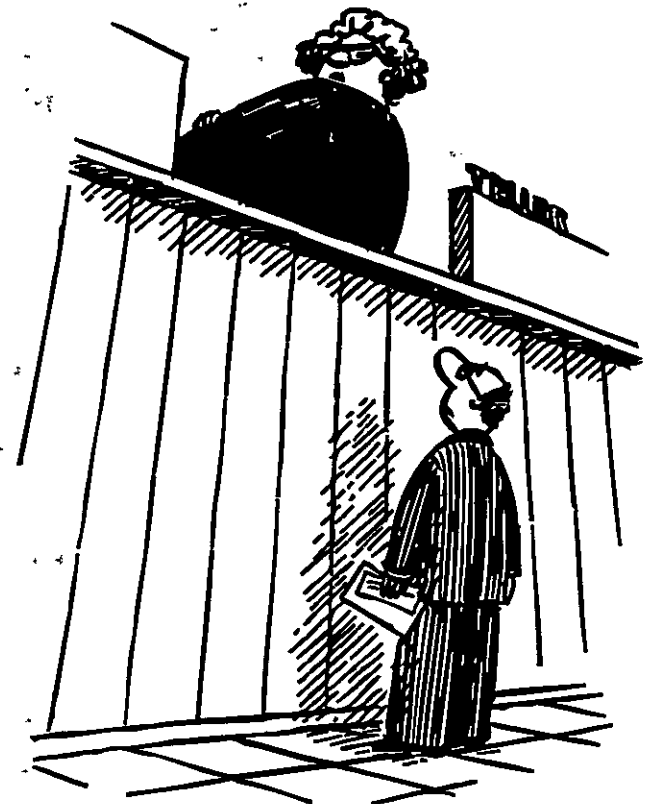
With friends like them, who needs enemies — or the government for that matter? A very important lesson may be learned from what happened in the early 1980s. The evidence plainly shows that we had lots of ill-prepared and unknowledgeable "patriots" raising

our most important issues. They were slaughtered because they knew nothing about procedure or the law. Does it help us in any way to send these types of folks into the courts? Just like you don't give matches to either children or congressmen, nor do you let a drunken teenager have the keys to the car, you cannot permit an untrained soldier out on the battlefield.

Similarly, we cannot continue the disastrous course of letting our best issues be raised and decided by the likes of these "patriots." They alienate everyone, including the courts and the government and surely people surrounding them. To follow this course of action is just to simply waste our time and effort. Does truth have anything to do with our movement? I think so, but I find little of it in major areas.

For example, do you remember Roger Elvick? He promoted many false beliefs, one of which was that you could file 1099's against public officials reporting that they receive income by damaging some patriot. This crazy idea landed him and several of his followers in jail and it only gave a sense of justification and self-righteousness to our opponents. What about Bob Wangrud and his "zip code" argument?

Here, contrary to clearly established principles of federal jurisdiction, he promoted the flaky argument that if you used zip codes for your mail, you were giving the feds jurisdiction over you. What about Hartford Van Dyke and his commercial lien position? He paraded around stating that there was clear law supportive of this argument, yet I have never found anything in the law even mentioning it. This lie caused several people to go to jail for no good reason. Why? What about some of the bad trust promoters? These guys prey upon the gullible and sell to people already in trouble for a bunch of worthless papers.



**If you don't know what you're talking about,
the judge isn't going to listen to you.**

This is money down the drain and into the pockets of con men, such as Bob Chappell; see United States v. Chappell, 698 F.2d 308 (7th Cir. 1983), who was convicted of mail fraud and ran. But perhaps the biggest con man was Marsh. Back in 1983, a man from Maryland started the "idea" that the IRS was this old, defunct Delaware corporation. Investigation at that time resulted in credible leaders of the movement demonstrating the utter folly of this concept.

At the same time, an "idea" was floated about the movement that the "non-positive" titles of the U.S. Code were not law. I wrote an article showing this to be entirely incorrect and the followers of this "idea" even went to court back in 1984 and had the argument rejected, and rightly so. Marsh, however, saw "gold" in these arguments and started marketing them all over again, promoting these "ideas" to the unknowing. Because these "lies" proved popular, other conmen entered our ranks. While Marsh now languishes in jail awaiting trial, still his followers continue belief in falsehood.

The "non-resident alien idea" is growing. Also the ranks are growing of those who follow Karl "Bacon" Granse and his regulation argument built on CTR cases.

We cannot sit back and sanctimoniously ignore what is happening. We now have a vast number of people believing lies who will only be destroyed by an evil enemy. The followers of the lies further give a bad name to the rest of us and any valid argument is quickly labeled as being another one of those "stupid tax protester ideas."

Nothing is new under the sun and we perish for lack of knowledge, that is, for the lies.

I have been and remain idealistic, which is apparently a fault. I desire for the truth to prevail, but I look about this "movement" and it has become nothing more than a "cesspool" of lies and idiocy. You

try to educate these people about something good and solid, and prepare them for a long and hard fight which offers a hope of something beneficial, yet they inevitably want "the easy road," the comfort and "quick fix" of following a lie. The "road to failure" clearly appears the rut in which we find ourselves, and from it, it is impossible to extract ourselves.

This movement prides itself on its knowledge of the law, yet I spent years sending out excellent briefs chocked full of case cites, yet nobody has read the cited cases. Finding fault on my part for being naive enough to think that people would go to the law library and actually look up and read the cases, I then started sending out copies of the cases themselves, hoping that eventually somebody might read them; I now know that only 1 out of 1000 "patriots" will even read the cases.

If the patriots claim to understand and know the law, but never read statutes and cases, I can only conclude that this claim is nothing but a lot of hot air. I cannot engage in a good conversation about the law with patriots because they really have nothing but personal opinions about the law. Frankly, I am fed up with their crazy and stupid opinions about the law.

I have just about reached my limit of tolerance for this "movement." It surely is not the movement I want or desire, since "lies" are the order of the day. Do we hold ourselves out to the American public as being worthy, credible and part of a good cause? I think not and this movement will obviously be rejected by most Americans because of our association with the "lies."

To prevail, we must be ready for the long hard fight and we must champion the truth. If this is not the objective of this movement, then I want no part of it.

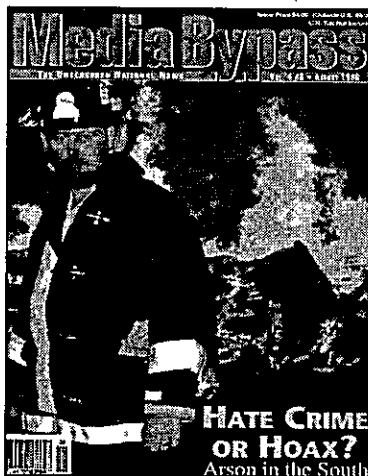
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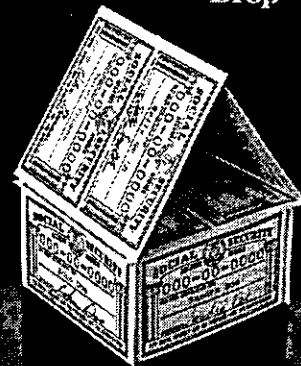


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