



# Liberty Tree

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## Federal Judiciary — Oligarchy Hit-Men!!!

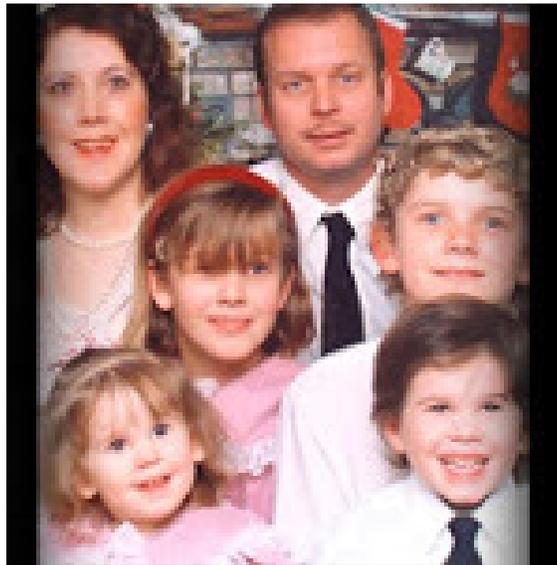
### Part III

By John Baptist Kotmair, Jr.

In last month's issue of the *Liberty Tree*, we continued our coverage of the tyrannical and seditious treatment of long-suffering Patriots, focusing on David Hinkson's story. His is an extreme example of persecution by the IRS, the DOJ, and especially the black-robed criminal, Judge Richard C. Tallman. Just as in Irwin Schiff's case, David's real "crime" was that he was exposing for the whole world to see, through his Las Vegas-based radio talk show and speaking engagements, the egregious sedition being committed by judges and other federal agents.

David was accumulating wealth through the success of his patented WaterOZ products, and that gave him the ability to shine the disinfecting light of truth on the fraud of the Federal Reserve bankers, and their use of the Internal Revenue Service as their "Gestapo bagmen." So, in order to neutralize those efforts, they not only had to get him out of circulation, they even had to isolate him from the world outside during his prison confinement.

As reported in the June issue, he was indicted on fraudulent income tax and employment tax charges, and given pretrial release on July 17, 2002. But, just like Irwin Schiff, this didn't stop him from continuing to use his radio show to expose the IRS' criminal acts, along



David Hinkson and family  
separated by  
SEDITIONOUS FEDERAL TYRANNY

with their bankster co-conspirators. Consequently, to correct their oversight, the DOJ staged an elaborate frame-up to charge him with solicitation of murder for hire of three federal officials. These charges led to his arrest on April 4, 2003, on the pretext that he had violated the conditions of his pretrial release in the tax case.

On April 9, 2003 a 'kangaroo court' detention hearing was held, and Magistrate Judge Williams (who, according to observers, slept through most of the hearing), reading from a prepared text, found Hinkson was a "danger to the community" and a "flight risk," and ordered his de-

tention. According to David's father, after this pseudo-hearing, David was held incommunicado for two years, isolating him from outside contact, and thereby ending his educational efforts of the American public.

Beginning on April 26, 2004, an eight-day jury trial was held on the fraudulent charges of failure to file income tax returns, failure to withhold from employees' wages, and structuring. As in many other Patriot tax cases (ignoring those based upon some "wild theory" or another), Hinkson contended that there was no federal statute imposing an income tax on his employees, or on

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any other citizen's income. The U.S. Attorney's inability to cite any statute in the charging document which imposes liability on citizens carried over to the trial, where the lack of this necessary element of the crimes continued.

The structuring charges were vigorously defended (not that any citizen should really need to do so, due to the questionable Constitutionality of the structuring statutes), with evidence through witness testimony that the cash withdrawals David made from his own bank account were to pay his business payroll for a number of years, and therefore were exempt from the statutes, constitutional or not. But the mindset of the jurors were evidently so influenced by a lifetime of lies about the requirements of the tax laws, that he was found guilty on 29 counts. Sentencing was set for July 31, 2004, but was later postponed until after the trial on the second indictment for the alleged "murder for hire" charges.

### **The Second Indictment**

The DOJ made allegations to the grand jury that David had tried to hire people to murder Assistant U.S. Attorney Cook, IRS Special Agent Hines, and U.S. District Court Judge Lodge. These fabrications, when introduced to a federal grand jury, resulted in an indictment containing 11 counts on September 21, 2004. According to David's website, the conspiracy to bring these fraudulent "solicitation for murder" charges lasted from February 2003 through March 2003, with undercover agents attempting to entrap David during his release pending trial on the tax charges.

J. C. Harding, a WaterOZ associate – and government informant – tried to entrap David by wearing a concealed body wire. One of the conversations between David and Harding was recorded by Harding on March 27, 2003. The recording revealed a rambling conversation touching on the exploits of both men, but the conversation never touched on any murderous conspiracy. At least it didn't, until near the end of the recording, when Harding repeatedly stated, out of context, that he could "get the job done," if David would "just get serious" and tell him what it was that David wanted him to do. Though he was obviously trying to imply that there were assassinations planned, he could not maneuver the conversation to make it look so. Instead, the tape reveals that David continually maintained that he was "just suing these Feds," and that he didn't want to harm them. In fact, he made the point that he was using the law of their own "Babylonian" system against them, and denied over and over again wanting to cause physical harm to any of them. So, even though Harding repeatedly tried to infer the "murder for hire" issue, the taped conversations only show that David never agreed with,

confirmed, nor admitted he had any such intentions. Therefore, not being able to entrap David, or to twist his own words obtained by undercover spies secretly recording his conversations, the feds were unable to create or produce any physical evidence that David threatened anyone.

Consequently, government witnesses were reduced to committing perjury on the witness stand, bearing false witness against David in both the tax trial, and the solicitation for murder trial. In the tax trial, FBI Agent Long lied under oath, stating that David had not demanded an attorney at the time of his arrest, yet David produced a recording to the contrary. And in preparation for the tax trial the government's "302 Report" was requested from Assistant U.S. Attorney Wendy Olson, who vehemently denied its existence, yet, as if by magic, that exact same report appeared in the solicitation for murder trial.

The trial on the phony solicitation for murder charges began on January 11, 2005 and lasted two weeks. The government produced nine witness in the trial, all testifying that David tried to hire them to murder Assistant U.S. Attorney Cook, IRS Special Agent Hines, and U.S. District Court Judge Lodge. It was later disclosed that out of the nine witnesses, the jury disregarded the testimony of all but one, and ironically, that witness is now one of the main sources of proof of David's innocence.

The government's "star witness" was Elven Joe Swisher, whom the prosecuting attorney presented to the jury as a real Korean combat hero. Swisher testified that it was because of his reputation as a combat hero that David solicited him to kill the federal officials. Spectators from the trial reported that Swisher really convinced the jury, and had them in awe as he testified with stories of his combat experiences in Korea. He even wore a "Purple Heart" medal on his lapel for the occasion! Yet, despite this effective bit of play-acting, *Swisher had never actually even set foot in Korea.*

Judge Richard C. Tallman, the tyrant who conducted David's sham trial, sentenced David, then 49 years old, to 33 years in prison. AS in Schiff's case, this is basically a life sentence for Hinkson. Tallman, of the



**Elven Joe Swisher**

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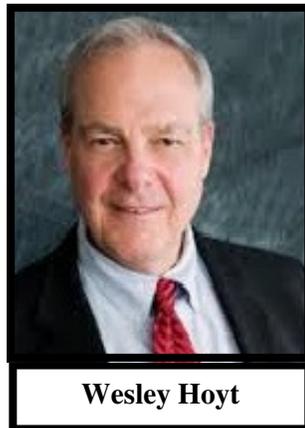
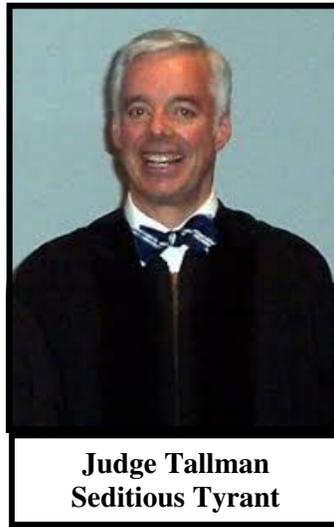
Ninth Circuit U.S. Court of Appeals, was assigned to handle the trial after district judges withdrew from the case. According to David's defense attorney, Wesley Hoyt, Judge Tallman "proceeded with disregard for the Constitution and his sworn oath to uphold the law. He lied from the bench on the record, then converted his own courtroom into a crime scene by suborning perjury and conducted a secret, illegal and judicially unethical 'ex parte' meeting with the government's star witness, Elven Joe Swisher; a known pathological liar."

Hoyt added:

"The trial record shows that this meeting was held to refine the government's plot to convict David of a 'thought crime' that Swisher made up and attributed to Hinkson. The crime was a total figment of Swisher's imagination, who lied to two Grand Juries in 2002 and 2004 and then to the Hinkson jury in 2005. It was not until 2008 that Swisher was convicted and sent to prison for telling these exact same lies to the VA while stealing veteran's benefits. Both Judge Tallman and the prosecutor were aware of Swisher's Grand Jury perjury, but it is evident that part of the payoff for putting Dave Hinkson in prison for life was a free pass letting Swisher get away with his Grand Jury lies."

In other words, Swisher should have been charged with perjury for lying to the grand juries and to the trial jury, but he wasn't. After doing the government's dirty work for them in 2005, Swisher was convicted in 2008 of perjury – as well as forgery, theft of government property, and stolen valor (the crime of wearing medals he hadn't earned) – but only for the lies he told to the Veterans Administration, never for his part in sending an innocent man to prison for life.

David has petitioned the Ninth Circuit Court of Appeals for another review of his case based on his "actual



innocence," which is clearly shown in the 'Affidavit of Wesley W. Hoyt,' filed in the public records of the Ninth Circuit case. The affidavit gives proof of the fact that Swisher was hospitalized from a massive heart attack in June of that year and was physically incapacitated. Nonetheless, he testified that in July or August of 2002 he was solicited for murder by Hinkson in Grangeville, Idaho. However, David's passport (with official stamps) shows *he was actually in Ukraine* at that time, working on the purchase of a facility to manufacture his mineral dietary-supplements.

David's passport had been confiscated when he was arrested, and through Pretrial Services, it was under the control of Judge Tallman. At his request, it would have been delivered to the courtroom, and a fair and honest judge would have done just that; but Tallman was anything but fair or honest. Instead, when asked to produce the passport for David's defense, Judge Tallman denied the request, saying: "It will only confuse the jury." It seems pretty clear though that the real problem with making the passport available to the jury was that it would have undermined Tallman's *true* purpose: keeping David out of circulation, and preventing him from continuing his exposure of the Federal Reserve and IRS fraud conspiracy.

Representative Bob Goodlatte (R-Va), Chairman of the House Judiciary Committee, knows about David's persecution at the hands of the IRS, DOJ and the federal courts, but has refused to do anything about it. The Judiciary Committee is charged with overseeing the administration of justice within the federal courts, administrative agencies and Federal law enforcement entities, and is also responsible for the impeachment of federal officials. Therefore, it is the specific responsibility of the House Judiciary Committee to hold Judge Tallman and his fellow seditious conspirators accountable. Call or write Congressman Goodlatte and let him know that you believe no judge should be allowed to lie or get away with this sort of corruption. Remind him that the Constitution makes it his job, as Chairman of the Judiciary Committee in the U.S. House of Representatives, to impeach federal judges like Tallman, who commit "high crimes and misdemeanors." Goodlatte can be contacted at his Washington, DC office:



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In his US Observer.com article of December 1, 2014, investigative reporter Pat Shannan\* goes into much more detail than space allows here, and focuses on the perjury allegedly committed by Judge Richard C. Tallman. Tallman's documented willingness to violate every principle of justice, makes it readily apparent that his sole purpose was to put troublesome truth-seeker David Hinkson in prison in order to shut him up and take him out of circulation. It would be a stretch to come to any other conclusion. Tallman's actions reveal his character to be lower than low, and obviously devoid of all human feelings — **REBUFFING ALMIGHTY GOD'S LAW!!!**

**Be sure to read Part IV of *Federal Judiciary — Oligarchy Hit-Men!!!* in the August 2015 Liberty Tree newsletter!**



\*[www.usobserver.com/archive/dec-14/hinkson-falsely-convicted.htm](http://www.usobserver.com/archive/dec-14/hinkson-falsely-convicted.htm)

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**Robert Broadus** (aka “Brutus”) is host of the East Coast Anti-Federalist radio show. He was a one-time candidate for the U.S. Senate and a two-time candidate for the House of Representatives from the state of Maryland. A former Democrat voter, he realized that the values of socialism, collectivism, and nationalism were not consistent with the values expressed in the Declaration of Independence or the U.S. Constitution. Because of this, he became active in 2007, and has been working to restore the sovereignty, freedom, and independence of the states as well as protect the unalienable God-given rights of the people ever since. Mr. Broadus has been an outspoken opponent of the Patient Protection and Affordable Care Act (Obamacare) and is also a champion for ending the personal income tax and for the preservation of our rights of conscience and religion.



*A True Son of Liberty!!!*