



# LIBERTY TREE

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**BREAKING  
★ NEWS ★**

## Government theft hits prehistoric levels

On July 29, 2009, the US District Court in Florida ordered that the federal government may seize and sell Dinosaur Adventure Land, the creationist adventure theme park founded by Kent Hovind, who now languishes in federal prison primarily for the federal *thought crime* known as financial structuring. Because Kent Hovind and his wife took \$440,000 out of their *own* bank accounts in small sums over a long period of time, the feds said those withdrawals showed that they *meant* to hide the transactions from the government, and therefore, all sums withdrawn — the entire \$440,000 — is forfeit, *i.e.*, belongs to the feds instead of the Hovinds. And since the withdrawn funds were spent by the Hovinds years before they were convicted of the “crime” of financial structuring, the federal government received permission from the court to snatch the park.



**David Allen Carmichael, a Liberty Works Radio Network host, recently scooped the media big boys by airing the Scott Loper story.**

Loper’s story is a must-hear for those naïve enough to believe that government officials are looking out for the public’s interests. The full story of the horrors Loper endured from his attempt to expose a drug ring — being held in inhumane conditions and tortured for four years by a criminal gang of Ontario, Canada police — can be found at [www.scottloperstory.com](http://www.scottloperstory.com). The day the police kidnapped him, his wife and 3-year-old son disappeared, and he has not heard from them since. The story is being covered up by the U.S. State Department, House Majority Leader Steny Hoyer, Speaker of the House Nancy Pelosi, and the Canadian government.

Since first appearing on Carmichael’s *Faith & Freedom* show (3-5 pm EST weekdays), Loper has been featured on Bryan Malatesta’s *The American Ideal* (12-3 pm EST, weekdays) and Michael Slattery’s *Freedom’s Domain* (6-9 pm EST, weekdays). Finally, his story was picked up by Fox News’ “Freedom Watch” with Judge Napolitano. Loper thanked Carmichael for being the “ONLY person in the Media who was Professional, Intelligent and Astute enough to realize the importance and horrors of my case LONG BEFORE Fox News picked it up!”

Loper told John Kotmair, fiduciary of LWRN, that he was being ignored until LWRN’s Carmichael broke the story. “It appears,” said Kotmair, “that someone in mainstream media is listening to LWRN.”

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*By Dick Greb*

***No man's life, liberty or property are safe while the Legislature is in session.***

*—Gideon John Tucker (1826 - 1899), while serving as a New York State Surrogate Court Judge in 1866.*

**G**ideon John Tucker was only one-third right. As is plainly evident these days, no man’s life, liberty and property are safe when the judiciary or the executive branch are in session, either. And, unfortunately, the executive branch is never out of session. Not that it matters much anyway, because the seditious actions of all three branches often take on a life of their own, and usually remain to corrode our Constitutional form of government for generations. Two examples of such corrosive acts of government — all the more pernicious because of their arbitrary nature and enforcement — are financial structuring laws and forfeiture laws.

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## Causing a failure to file?

Generally, financial structuring laws are just a way to criminalize any behavior that prevents the government from obtaining detailed financial information about everybody and everything. Since they want to know everything about your financial dealings — all the better to confiscate it when the time comes — the government has enacted laws to force financial institutions to report any transaction where \$10,000 in cash was involved (see the cleverly misnamed, as is so often the case, *Bank Secrecy Act of 1970*).<sup>1</sup> Congress also enacted 31 USC §5324, which makes it a crime to “cause or attempt to cause a domestic financial institution to fail to file a report required” with the “purpose of evading the reporting requirements of section 5313 (a) or 5325.”

Yet, unlike the principle of law recited by Justice Holmes in *Superior Oil Co. v. State of Mississippi ex rel. Knox*, 280 U.S. 390, 395 (1930), that “the very meaning of a line in the law is that you intentionally may go as close to it as you can if you do not pass it,” the government construes cash transactions under the minimum limit set in the regulation as an attempt to cause the bank to *fail* to file a *required* report. Never mind that no report is even required unless the \$10,000 amount is exceeded, and therefore, they could not possibly *fail* to file one. Engaging in transactions which don’t trigger the requirement to file a report, is not the same as causing a failure to file a required report. This distinction should certainly be clear to our esteemed readers.

That’s not to say that it would be impossible for someone to engage in transactions which could cause such a failure to file. For example, if someone were to deposit \$5,000 in a bank account, then get right back in line and make another \$5,000 deposit, then it might be arguable that their action caused the failure to file the report.<sup>2</sup> It just so happens that the Secretary provided for such an occurrence in 31 CFR §103.22(c)(2): “multiple currency transactions shall be treated as a single transaction if the financial institution has knowledge that they are by or on behalf of any person and result in either cash in or cash out totaling more than \$10,000 **during any one business day.**”

## Financial thought crimes

In another regulation, however, the Secretary turns “structuring” into nothing but a *thought crime*. Let’s take a look at the definition of “structure” in 31 CFR



§103.11(gg):

(gg) Structure (structuring). For purposes of section 103.53 [sic], a person **structures a transaction if that person**, acting alone, or in conjunction with, or on behalf of, other persons, **conducts** or attempts to conduct **one or more transactions in currency, in any amount**, at one or more financial institutions, on one or more days, in any manner, **for the purpose of evading the reporting requirements** under section 103.22 of this part. “**In any manner**” **includes**, but is not limited to, the breaking down of a single sum of currency exceeding \$10,000 into smaller sums, including sums at or below \$10,000, or **the conduct of a transaction,**

or series of currency transactions, including transactions at or **below \$10,000**. The transaction or transactions need not exceed the \$10,000 reporting threshold at any single financial institution on any single day in order to constitute structuring within the meaning of this definition.

According to this definition, and revisiting the bank scenario described previously, you could now be prosecuted if you decided to just keep the second \$5,000 at home, rather than depositing it in the bank, if you decided to do so because you didn’t want a report to be filed. In other words, if you don’t want a cash transaction report to be filed against you, any cash transaction, no matter how small the amount, could be construed as structuring.

## Plunder pays more than prison does

Criminal forfeiture comes into the picture with 31 USC § 5317(c)(1)(A), which allows for the court to order the forfeiture of “all property, real or personal, involved in the offense” for which one is convicted. In the case of structuring, since the crime is conducting a cash transaction, with the idea of avoiding a report being filed, the *cash involved in the transaction* is the property to be forfeited.

But this is just a prelude to the latest injustice in the case of the founder of Creation Science Evangelism ministry, Kent Hovind and his wife Jo. For those who don’t remember, the Hovinds were convicted on November 2, 2006 of 12 counts of failing to withhold em-

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1. Actually, the \$10,000 limit was set by the Secretary of the Treasury in 31 CFR §103.22(b)(1).

2. Nevertheless, it still wouldn’t be a crime, since a victimless crime is not really a crime at all.

# TYREE'S TYRANNICAL TWIST

Judge says lawyer committed no crime by not filing, but still did something “unlawful.”

Florida attorney Chuck Behm “maintains an abiding, ardent and educated belief” that no law or U.S. Code provision plainly and clearly lays a tax liability on him for the federal income tax. That’s why the legalized criminal monopoly called The Florida Bar is determined to deprive him of a living, with help from the twisted “logic” of the judiciary.

In March, after refereeing a hearing on a Florida Bar complaint alleging that Behm had violated that legal monopoly’s rules, Judge Tyree Boyer ruled that Behm did *not* commit any criminal act by refusing to file federal income tax returns since 1999.

At the same time, however, tyrant Boyer ruled that Behm’s failure to file was *unlawful*, although he could give no basis for that finding. In order to prevent being effectively suspended, Behm has appealed the finding to the Supreme Court of Florida.

## BAR USES FED’S PLAYBOOK

The Florida Bar, reports Behm’s defense attorney Tommy Cryer, was “obviously assisted by either DOJ, the IRS or both, because its presentation, right down to including the standard name calling and the stale half-truths, was DOJ standard operating procedure.” From beginning to end, it was clear that the Bar counsel had learned all her tricks from the DOJ. The only new twist, says Cryer, was to use the word “Constitutionalist” to derogate Behm.

Under cross examination, Cryer forced the Bar’s “expert witness,” a mere CPA, to admit that he could not cite any specific authority making Behm liable for the income tax and that an argument that no such statute exists is not on the official IRS list of “frivolous arguments.” The witness also admitted that he didn’t have a clear definition of “income,” that he knew of no lawful authority for the IRS’ application of a “zero basis” against working Americans’ gross receipts, and that the zero basis argument is also not on the IRS’ “frivolous arguments” list.

Behm clearly and convincingly testified that his research into the Code and Supreme Court authorities forced him to conclude he is not liable for the federal income tax and so not required to file returns, said

Cryer. He also testified he had no “income” within the meaning of the Constitution and Sixteenth Amendment, and that he engages in no activity within the federal government’s power to tax.

In her closing argument, the Bar counsel argued that people depend on attorneys to set an example by following and supporting the government and its laws. Cryer rebutted by pointing out that people only depend on attorneys to support the *Constitution* and protect their rights, and to stand up to the government when it abuses either.



Home to the spreading tree of tyranny: the Florida Bar brought a disciplinary action against attorney Chuck Behm, accusing him, among other things, of breaking Bar rules because he did not file federal tax returns. If an attorney is found guilty by a referee judge of violating the rules, he must reimburse the Bar for money it spent to persecute him in order to practice law again.

**CORRUPTION IS S.O.P.** In ruling that Behm’s refusal to file was “unlawful,” tyrant Boyer said he found the “expert” CPA’s testimony *credible* and accepted his *opinions* — even though the witness could not cite the law or explain how Behm allegedly broke it. If the witness doesn’t know the law, and the judge doesn’t either, how can Behm’s actions be judged “unlawful”?

To top the ridiculous finding that Behm’s act of refusal is both unlawful and yet *not* a crime, tyrant Boyer ruled Behm guilty of engaging in conduct “involving dishonesty, fraud, deceit, or misrepresentation.” Tellingly, he didn’t cite a single act of dishonest conduct, because none was in evidence. Incredibly, Boyer also stated on the record that he considered Behm an honest lawyer.

In the comments to Florida Bar Rule 4 (which allows discipline for dishonesty, etc.), Florida’s supreme court has noted: “A lawyer may refuse to comply with an obligation imposed by law upon a *good faith belief* that no valid obligation exists.”

Since the “crime” of failure to file specifically involves willfulness, tyrant Boyer tacitly admitted, in ruling that Behm committed no crime, that he also had no intent to deceive or act in bad faith. Since Behm has testified to his good faith belief that no valid obligation exists, and no witness was called to rebut his testimony, tyrant Boyer is wildly deceitful himself in claiming Behm is guilty of dishonesty or fraud. But this is standard operating procedure for the courts, and it provides some insight into why lawyers are generally reluctant (read *scared*) to buck the legal monopolies called state bar associations. The case is proceeding before the Florida Supreme Court, and that court has been challenged to show what law subjects Behm to liability and, hence, a lawful duty to file returns and pay federal income taxes.



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ployment taxes and 44 counts of structuring transactions. Kent was sentenced to 10 years and his wife was sentenced to a year and a day. The structuring charges arose from 44 separate bank withdrawals the Hovinds made over the course of about a year, in amounts of either \$9,500 or \$9,600. While some of the withdrawals were made within a few days of each other, others were made as many as four weeks apart. No matter, the government considered *every* transaction to be structured. In other words, merely withdrawing less money from their account than would require a report to be filed by the bank was deemed a crime.

Keep in mind that the government never claimed that the money in the account had been obtained by illegal means, or that the Hovinds didn't have a right to withdraw it from their account. Their only "crime" was in withdrawing it in a manner that the government disapproved of! And the penalty for their crime was for the government to use legal plunder<sup>3</sup> to get that money from them. However, the funds were being used to pay

the operating expenses of their ministry, including the operation of Dinosaur Adventure Land — an amusement park teaching that the universe and everything in it was created by God, as revealed in the Holy Bible, and not by random chance and evolution. Therefore, the money was no longer available for the government to steal.

But not to worry — the government has more than one way to skin a citizen. On July 29, 2009, the US District Court in Florida issued an order allowing the government to *substitute*, and thus seize and sell, Dinosaur Adventure Land, as well as eight other properties belonging to trusts associated with Creation Science Evangelism. According to the Hovinds' son, Eric, the government has indicated its willingness to sell the properties back to the ministry.<sup>4</sup> Perhaps this is their way to show that there are no hard feelings. Or could it be that they've hatched a plan to help finance the deficit, by selling legalized plunder back to its rightful owners, just so they can seize it under trumped up non-crimes again and again? Only time will tell.



3. See Frederick Bastiat's *The Law*.

4. You can find out more about the Hovinds' case and Creation Science Evangelism at [www.drдино.com](http://www.drдино.com).

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Carmichael is not the only LWRN host scooping the "conservative" media. Schuyler "Rocky" Reidel broke the story on the rudeness of Texas Rep. Sheila Jackson Lee talking on a cell phone while taking questions at a townhall meeting designed to sell her constituents on Obama's healthcare bill, and fraudulently passing off an Obama delegate and supporter as a medical doctor.

Rocky and two of his *Standard of Liberty* (11-12 pm EST, Mon. through Thurs.) colleagues, Eddie Dickey and Tessa Kole, attended the meeting, where Tessa made the video that has been shown on Fox News and can now be viewed on YouTube. Read the full story at [standardliberty.com](http://standardliberty.com).

"Since The Standard broke the story it has gone mega-viral, appearing on the front page of The Drudge Report, ... Hannity, and the Greta Van Susteren show the next day," said Rocky.

Working hard to break news and expose the truth carries a cost, however, and these hosts need sponsors, or their shows will not be able to be aired and news stories will go uncovered. Won't you go to [www.lwrn.net](http://www.lwrn.net) today and sign up to adopt a host? Or see to it that someone new hears about LWRN today? Only with your help can we truly break into the "mainstream"!



## NEWS FROM ...

# Truth Attack

**Tea Party<sup>2</sup> is being launched for the end of October, and Truth Attack has put out a call for volunteers and donors!** The "Motor March" needs high visibility vehicles dressed up with flags and banners to embark on a 1100-mile, two-week march around the entire state of Florida, stopping for publicized rallies and six one-day seminars.

The Motor March will gather followers and sign up new members for Truth Attack and LWRN. Jacksonville will be the site for the Finale Rally and Truth Attack is aiming for 25,000 people, all raising their voices to take back America. Please visit [truthattack.org](http://truthattack.org) and get involved.

# Save-A-Patriot has moved.

**But we're still at 12 Carroll St., Westminster!**

**SAPF and LWRN** can now be found at the rear of the building the Fellowship has occupied for 25 years. Saturday night meetings, open to the public, are still held in the Fellowship hall (enter through the side door off 12 Carroll St.).