



# LIBERTY TREE

Vol. 10, No. 10 — October 2008

**Y**ou would need to be living in a cave (like Osama bin Laden?) to be unaware that the economy is in serious trouble, with some of the largest banks and financial institutions going belly up. Despite Congress' stated intention to throw hundreds of *billions* of fiat "dollars" at the problem — or more likely *because* of it — a financial meltdown is likely in the near future. The looming difficulties are so obvious that even the mainstream media can't ignore them. Of course, the controlled media's views on this crisis (and what should be done about it), like most of the "news" they report, is nothing more than a (barely) rehashed version of the government's views.

## THE TRUTH ABOUT BAILOUTS

As media pundits spout off about the "bailout" bill, you're not likely to hear any discussion on the *unconstitutionality* of using "public" money to prop up private enterprises. Instead, the general attitude is that it's perfectly proper to transfer losses generated by mega-corporations — who squandered the capital of private investors in risky endeavors — onto the backs of American citizens who never invested nor had share in the profits generated by those risky endeavors *before* they went bust. And since the massive debt that will be created to pay off the stockholders of failing corporations will be added to the current insurmountable debt, the "bailout" steals from those citizens' children and grandchildren for many generations to come.

If only there were some way to let the general public fully understand the unspoken issues surrounding the financial collapse and bailout plans, the ones the media

ignore or suppress. But of course, there is: **LIBERTY WORKS RADIO NETWORK**. As recently announced, TruthAttack.org is sponsoring a council of freedom-oriented individuals and organizations in Houston, Texas this October, and unveiling a plan to

work together towards our common goal of limiting the government as the Constitution mandates. LWRN is an integral part of that plan. The following week, LWRN will be presented to the Unregistered Baptist Fellowship in Indianapolis, Indiana. But if Liberty Works Radio Network is to succeed, we need your

help in promoting the network as far and wide as possible, too.

## THE BANE OF BRAINWASHED JURIES

Without the influence of patriot-controlled media, we have no way to effectively counteract the lifetime of government brain-washing most citizens have been subjected to. This brainwashing results in a stacked deck against those who defend themselves from government persecution. Patriot and SAPF member Tony Dorsey was recently tried on seven counts of failing to file federal income tax returns and five counts of felony tax evasion. In recent years, such trials typically involve biased judges who go to great lengths to guarantee convictions, such as making pretrial orders preventing the accused from presenting any kind of meaningful defense.<sup>1</sup> However, Dorsey's case was not typical in this respect, probably because Judge Marvin Garbis of the U.S. District Court for Maryland presided over it.<sup>2</sup>

Judge Garbis allowed attorney Larry Becraft to introduce evidence that proved Dorsey honestly believed

(Continued on page 2)

# BAILOUTS & BRAINWASH-

## or free minds & markets?

# YOU DECIDE

<sup>1</sup>In tax cases, for example, this may include an order that prohibits a defendant from introducing the actual law into evidence, so the jury members can see it for themselves and decide whether or not a requirement to file exists.

<sup>2</sup>In 1996, Judge Garbis correctly upheld the right of SAPF to operate as an unincorporated association in *Save-A-Patriot Fellowship v. United States*.



(Continued from page 1)

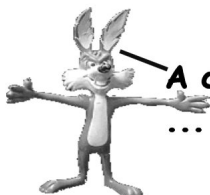
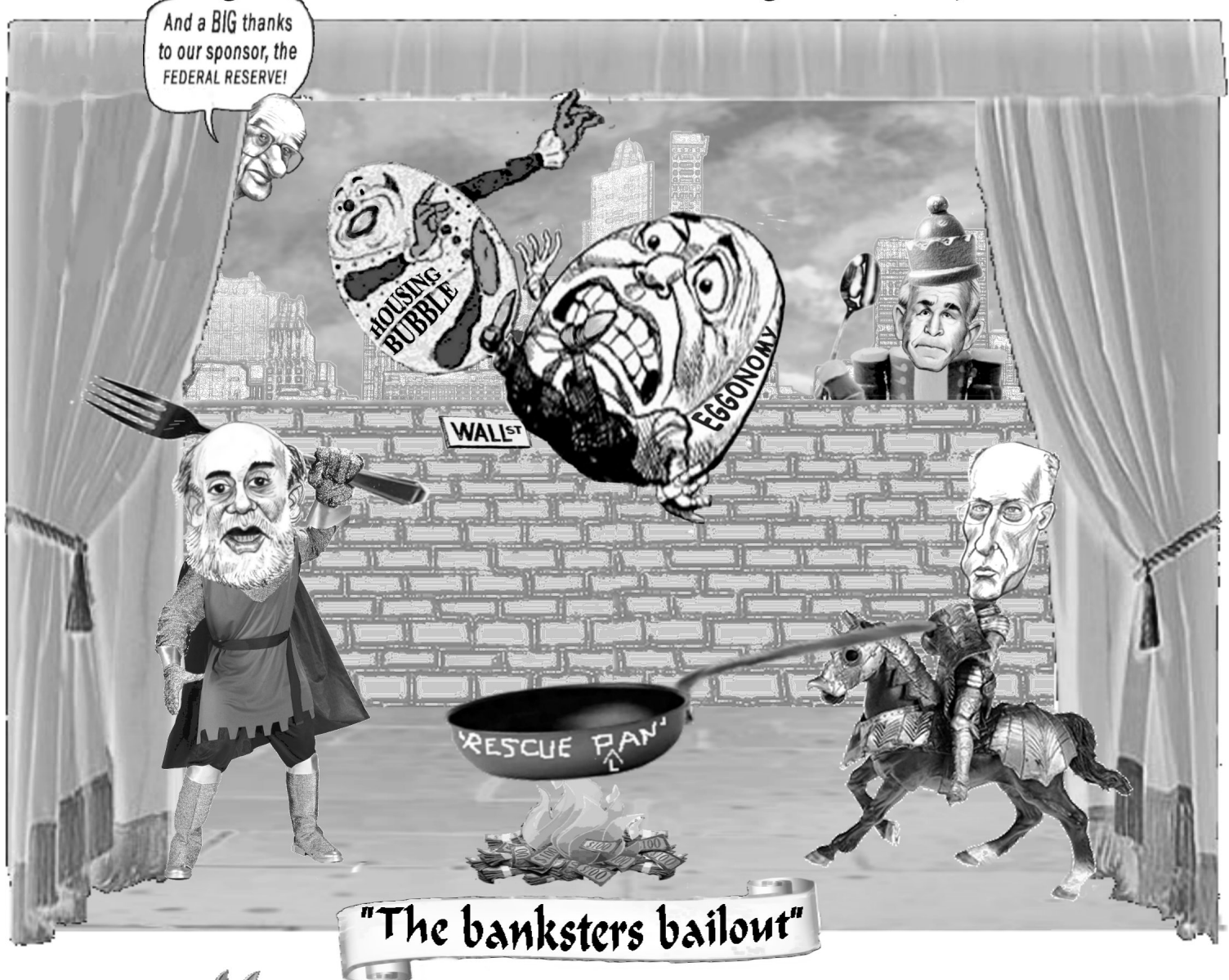
that the law imposed no obligation on him for filing or paying any federal income tax. This evidence included numerous exhibits referring to the voluntary nature of the income tax, including the transcript of the 1953 hearing testimony of Dwight Avis, Head of the Alcohol and Tobacco Tax Division of the Bureau of Internal Revenue.<sup>3</sup> It also included the testimony of two co-

workers about a telephone conversation they listened in on, between Dorsey and an IRS supervisor, where he was told that the filing of a Form 1040 is purely voluntary and that unless he filed one, he would have no liability for the tax. Finally, every government witness who knew Dorsey, when asked on cross-examination, testified that they knew that *Dorsey honestly believed he had*

(Continued on page 4)

<sup>3</sup>"Now let me point this out now: Your income tax is 100 percent voluntary tax. And your liquor tax is 100 percent enforced tax." (Hearings on Administration of the Internal Revenue Laws, 83<sup>rd</sup> Cong., 1<sup>st</sup> Sess., page 13)

## All the king's HORSES and all the king's MEN present ...



A classic show! First they INFLATE 'em, then they BREAK 'em,  
... then they EAT OUT your SUBSTANCE.



A natural born neocon? Maybe. A natural born citizen? NO.

# MCCAIN FAILS THE TEST

On September 16, 2008, U.S. District Court Judge William Alsup dismissed a suit filed in Northern California challenging John McCain's eligibility for the office of President. The suit<sup>1</sup> was brought by Markham Robinson — a candidate for elector, pledged to Alan Keyes — to get a determination on whether McCain is legally a “natural born citizen” so as to qualify him to be President under Article II, Section 1 of the U.S. Constitution. A “natural born citizen” is a citizen at the *time of birth*. “The question arises because McCain, although born of citizens, was born in the Panama Canal Zone in 1936, which at that time was an area outside the *boundaries* of the United States, yet under the control and *jurisdiction* of the U.S.

Judge Alsup's rationalization for deciding McCain was a natural born citizen is worth a peek:

At the time of Senator McCain's birth, the pertinent citizenship provision prescribed that “[a]ny child hereafter born *out of the limits and jurisdiction of the United States*, whose father or mother or both at the time of the birth of such child is a citizen of the United States, is declared to be a citizen of the United States.” Act of May 24, 1934, Pub. L. No. 73-250, 48 Stat. 797. The Supreme Court has interpreted the phrase “out of the limits and jurisdiction of the United States” in this statute to be the converse of the phrase “in the United States, and subject to the jurisdiction thereof,” in the Fourteenth Amendment, and therefore to encompass all those not granted citizenship directly by the Fourteenth Amendment. *Under this view, Senator McCain was a citizen at birth.* In 1937, to remove any doubt as to persons in Senator McCain's circumstances in the Canal Zone, Congress enacted 8 U.S.C. 1403 (a), which declared that persons in Senator McCain's circumstances are citizens by virtue of their birth, thereby *retroactively rendering Senator McCain a natural born citizen, if he was not one already.* [emphasis added]<sup>2</sup>

Although Alsup correctly quotes the law in effect at McCain's birth, he misinterprets it. His declaration that “out of the limits and jurisdiction of the United States” in the 1934 act means to “encompass all those not granted citizenship directly by the Fourteenth Amend-



ment”<sup>3</sup> ignores the conjunction “AND” separating the two conditions. The Fourteenth Amendment describes only one of **four** circumstances in which a person might be born — *within* the boundaries **and** *within* the jurisdiction of the United States. But three other circumstances are possible: *within* the boundaries but *outside* the jurisdiction;<sup>4</sup> *outside* the boundaries but *within* the jurisdiction;<sup>5</sup> or *outside* the boundaries **and** *outside* the jurisdiction. Just as the Fourteenth Amendment addressed only the first set of four possible circumstances, the 1934 act addressed only the last set — *outside* **both** the boundaries and jurisdiction — leaving the middle two circumstances unable, by the Fourteenth Amendment or the 1934 act cited by the judge, to confer natural born citizenship.

McCain was born in one of the unaddressed circumstances, since the Canal was *outside* the boundaries but *within* the jurisdiction of the U.S. Therefore, despite Alsup's declaration, McCain fails the eligibility test: he was not a citizen *at the time of his birth*. Alsup goes on to claim that, in 1937, Congress retroactively made McCain (along with similarly situated persons) a natural born citizen, yet that law, though declaring him a *citizen*, did not, and arguably could not, make him a *natural born citizen*.<sup>6</sup> Further, Congress has no power to make *ex post facto* laws.

Some might say it's unfair for McCain to be ineligible for President, as his parents were in the Canal Zone due to military service. But fair or not, the law is the law. Congress enacted the 1937 law to correct the *continued* unfairness of that particular circumstance, but Alsup, in his decision, tries to legislate away McCain's ineligibility from the bench. Ironically, McCain himself has declared such judicial activism to be harmful to the preservation of our liberties. According to his website: “John McCain believes that one of the greatest threats to our liberty and the Constitutional framework that safeguards our freedoms are willful judges who usurp the role of the people and their representatives and legislate from the bench.”<sup>7</sup>

Surely, we'll soon hear McCain condemn Judge Alsup for this latest bit of judicial legislation? Yeah, right. When it comes to following the rule of law, McCain fails the test again.



<sup>1</sup>Robinson v. Secretary of State Debra Bowen, et al., case # C 08-03836 WHA

<sup>2</sup>Order Denying Preliminary Injunction and Dismissing Action, pg. 2.

<sup>3</sup>The judge implies that the Supreme Court specifically said that the May 24, 1934 act “encompass[es] all those not granted citizenship directly by the Fourteenth Amendment,” but that Court has NOT said so.

<sup>4</sup>For example, children of foreign embassy personnel.

<sup>5</sup>This was the case with the Panama Canal zone.

<sup>6</sup>For the best explanation, see Univ. of Ariz. Law Professor Gabriel Chin's July 2008 Discussion Paper No. 08-14: “Why Senator John McCain Cannot Be President: Eleven Months and a Hundred Yards Short of Citizenship,” at: <http://papers.ssrn.com/sol3/papers.cfm?abstract-id=1157621>.

<sup>7</sup><http://www.johnmccain.com/Informing/Issues/b8529d0e-381e-4a29-9c39-6a57c7e182c9.htm>

(Continued from page 2)

no requirement to pay or file because he was not liable for the tax. Most surprising of all — surprising, because judges usually try to keep the jury and the law as far from each other as possible — Garbis allowed the entire Internal Revenue Code to be introduced as an exhibit for the jury.<sup>4</sup>

So, all the pieces were in place for Dorsey to be acquitted of all the charges against him, especially since *willfulness* (an intentional disregard of a known legal duty) is a necessary element of both crimes, and even the government's own witnesses admitted that Dorsey believed he was doing what the law required of him. And yet, despite the jury being given a great opportunity to set an innocent man free, they condemned him to being locked up in prison, possibly for as much as 32 years. If all of the above evidence of good-faith belief does not add up to a reasonable doubt of Dorsey's willfulness, then what more would it take? And any juror who held a reasonable doubt, but voted to convict him anyway, need only look in the mirror to see the real criminal in this matter.

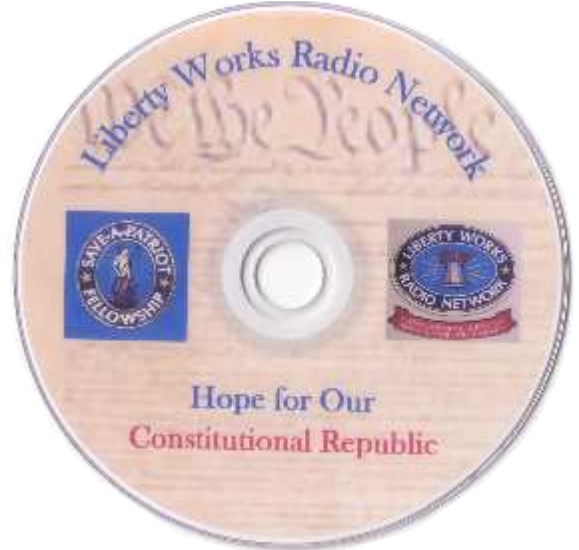
### LIBERATE THE JURIES!

But what difference might it have made if the jurors in Dorsey's case had been exposed to Liberty Works Radio Network? They would likely have been aware that the real purpose of income taxes, according to former director of the New York Federal Reserve Bank Beardsley Ruml, was to implement the redistribution of wealth, not the least of which is to the Federal Reserve as interest on circulating currency. They would have been exposed to the propaganda the government uses to brainwash them into doing what they did to Dorsey, and perhaps would have been less apt to play the part of government dupes. They would also likely understand the power of the jury to judge the law as well as the facts; that is, to refuse to convict anyone under laws which are contrary to God's Law (the natural law) or the Constitution, or even just contrary to plain sense or decency. For that matter, even if only one of Dorsey's jurors had had the opportunity to listen to Liberty Works Radio Network, and understood these things, the outcome could have been different, because one steadfast juror can prevent a unanimous decision, even if all the rest are anxious to convict.

It may be too late for LWRN to change the results in Dorsey's case, but there's still time to help the next one to be persecuted, and the ones after that. Are you doing all that you can to get LWRN on the air? If not, what are you waiting for? If you wait until you're the one in the hot seat, it'll be too late for you too. Don't delay, promote LWRN today!



# Order Today!



- ★ **One DVD for 5 FRNs**
- ★ **10 DVDs for 40 FRNs**

★ This DVD is just what you need to recruit members for the Liberty Works Radio Network. Members can join for 99 FRNs a year — just 27¢ a day!

- ★ The 20-minute video\* comes in an attractive case with:
  - ★ A promotional flyer and invitation to join.
  - ★ Application form for LWRN Fellowship.
  - ★ Instructions on using the DVD to recruit new members.

To order, specify number of copies and "LWRN DVD in your order, and send FRNs or totally blank POSTAL money order to:

**SAPF, P.O. Box 91,  
Westminster, MD 21158.**

\*Also includes over 40 minutes of interviews with endorsing Patriots.

<sup>4</sup>The government objected to Dorsey's marked-up copy of the Code, so the jury was given the government's copy.

<sup>5</sup>Go to <http://home.hiwaay.net/~becraft/RUMLTAXES.html> to see a copy of Ruml's 1946 article "Taxes for revenue are obsolete."

