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LIBERTY TREE

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"REAL ID" – REAL EVIL

MARK YOUR CALENDARS! David Alan Carmichael and Attorney Herb Titus will speak on the dangers of and the fight against REAL ID on September 29, 2006. Location and time (in Maryland) TBA.

The federal government, in cooperation with State governments and the banking industry, is systematically enforcing a national identification system upon all Americans. Though participation in Social Security is actually voluntary for citizens, the Social Security account number is rapidly becoming a unique ID number for each American and for those aliens lawfully in the country. The practice began with Franklin D. Roosevelt in 1943 (Executive Order 9397). More recently, in 1996, Section 666(a)(13) of Chapter 42 of the United States Code directed that every State require applicants to identify themselves with an SSN on any application for a professional driver's, occupational, recreational or marriage license. In May 2003, the Federal Register reported new banking regulations that prohibit banking services to anyone who will not identify themselves with an SSN/TIN from October 1, 2003 onward. Currently, the "REAL ID

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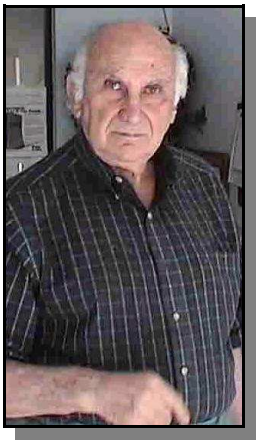
IRWIN SCHIFF: An American Hero



Not many people have the courage these days to publicly speak against government tyranny. But Irwin Schiff is an exception. We knew that government officials were worried about his exercise of free speech when it banned his book, *The Federal Mafia*; now Mr. Schiff has been given a sham trial and sentenced to 13 years in a federal prison.

In 1735, Peter Zenger was accused of publishing materials that accused the Royal Governor of New York colony and his cronies of corruption. The jury was instructed that the fact that Zenger's articles were *true* was not a defense. The prosecution even argued that the truth of his writings merely exacerbated his "crime." Zenger's attorney told the jury that they were the judges of the merits of the law and should not violate good conscience by convicting Zenger of such a bad law. He was acquitted in about 15 minutes.

When the Sixth Amendment was written, a jury was defined as usually 12 people who decide matters of fact ***and*** law. However, judges today routinely lie to the jury, tell-

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Act" being considered by the United States Senate overtly makes the SSN the National Identification Number for anyone who is eligible to obtain one, whether or not they desire to "volunteer" to participate in Social Security, as a condition for the receipt of any federally-supported "benefit"—and even for boarding a commercial airliner. Furthermore, States that comply with the "REAL ID ACT" must "(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture." A "REAL ID" will also have Radio Frequency Identification Device (RFID) embedded in the ID card.

Again and again, America's leaders have assured the American people that no one will be issued a national identification number and card, and yet here we are. The question is whether the American people will FIGHT, not only to preserve their identity from misuse by government agencies, but from the increasing threats of identification theft. More importantly, the question is whether the American people really prize their God-given liberty to live as free men and women, or succumb to slavery as ciphers of the government.

A Navy career chief petty officer, David Alan Carmichael, recently won a victory in Federal Court against the Navy for discharging him in reprisal for his requesting a Navy-generated "Service Number" in lieu of the SSN. Represented by Herb Titus, Carmichael's victory opens the door for others who refuse to identify themselves with an SSN, fingerprints, retina/facial scans or DNA for any reason. Indeed, there is a growing number of Christians who believe, like Carmichael, that such identification mechanisms fulfill Biblical prophecies regarding the number and mark of the beast. Carmichael is engaged in a campaign to secure the liberties of all who, whether from Christian convictions or not, want to live freely in America without being penalized for abstaining from having or using a universal identification number or an ID based on biometric features. To that end, Carmichael founded the American Christian Liberty Society to provide ministry, support, information, and legal advocacy for others who share this view. Though not everyone bases their objection to the national ID upon religious grounds, Carmichael is sure that religious freedom is the foundation where liberty will be had**:** "Every liberty that can be claimed by Americans has its roots in Christian liberty. If there is no security for liberty on the basis of religion, all other liberties are lost."

With the noose being drawn ever tighter on the ability to live, work and exchange money without a national identifier, action needs to be taken swiftly and comprehensively. Carmichael plans first to take cases to Court where the State has instituted a Religious Freedom Restoration Act, such as in Idaho—one that re-establishes the "strict scrutiny" standard and has a clause to recoup lawyer's fees. That way, more can be done with a modest amount of support. Secondly, the Patriot Act provisions excluding all banking services from those who cannot or will not identify themselves with the national ID may be attacked under the Federal Religious Freedom Restoration Act, 42 USC 2000bb. That endeavor will need a significant amount of financial support since the lawyer's fees are not recoverable. However, the United States Supreme Court recently decided a case applying the federal act in a way that is very favorable to religious objectors. Thirdly, and collaterally, the Social Security Administration and Secretary of Health and Human Services need to be made to clear their records of names of people who were associated with a Social Security Account against their will.

Michael Peroutka, Constitution Party's candidate for President in 2004, and John Kotmair of the *Save-A-Patriot Fellowship,* have invited Herb Titus and David Alan Carmichael to speak on Friday, September 29, 2006, in Maryland, exact location and time are yet to be announced. Don't miss this opportunity to hear both men give profound messages and

Injunction suit update

Your Fellowship needs your prayers

The DOJ's suit against the Fellowship and John B. Kotmair, Jr., its Fiduciary, is at a critical stage. In his last order, filed after the cross motions for summary judgment were filed, the Judge stated that the case would most likely not go to trial. Because affidavits for the prosecution and the defense conflict with each other, this preliminary decision not to go to trial would normally mean that the plaintiff did not have enough evidence to sustain its complaint. Under existing political circumstances, however, this is not a normal case, wherefore, your most earnest prayers are needed, that God would guide the judge into making right decisions.

As we see it, the actions of the DOJ attorney are not those of someone who believes the case already won. If you visit www.save-a-patriot.org, and click on DOJ Complaint, you will find the case docket with all the pleadings from both sides. Reading the pleadings, you will see that the DOJ is struggling to save their ill-prepared complaint. We do not believe such struggle would be put forth if they believed they could win under any circumstances.

The DOJ has raised new allegations in its motions without amending its complaint, which is not permitted by the Federal Rules of Civil Procedure. If you read the declarations (in support of the motions for summary judgment) of IRS Agent Metcalfe, Agent Rowe, and Kotmair, you will notice that these IRS agents have often impeached themselves with their own statements.

Even though some things look promising, the emotional and financial costs have put a strain on SAPF's existence. Our financial reserves are seriously depleted, and need to be rebuilt. The headquarter's staff expresses its appreciation to all the members that have answered our call for support. But the battle is not over, and we have to be prepared for what is yet to come. Wherefore, if each member, if financially possible, would forward a donation of 5, 10 or 20 FRNs, we believe SAPF will be able to survive to carry on the battle to educate Americans to their Constitutional safeguards, and thus bring the government back under the written law. This is also why, even more importantly, we implore your prayers to Almighty God on our behalf.

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ing them they can't consider issues of law in rendering their verdict—even though that is exactly what the Zenger jury did under King George.

Irwin was robbed of his right to a fair trial because Judge Kent Dawson lied to the jury, blatantly misstated the law in his jury instructions, and prevented Schiff from calling important witnesses. This made it virtually impossible for the jury to come to a just conclusion. This kind of jury tampering is ***sedition***, and Judge Dawson, if he could be charged and found guilty, should spend a long time in prison (though some would argue that sedition of this type is a capital crime).

The reason why it is so difficult to hold crooked judges accountable for their crimes are the immunities they're given [in South Dakota, the voters will vote on changing their constitution so its judges are held accountable for their seditious acts]; and grand juries are prevented from issuing presentments (without the attorney general's approval) to initiate criminal proceedings.

Kent Dawson, the seditious judge who actively prevented Irwin Schiff from having a fair trial.

Yes, Irwin is a true patriot, and must have been effective in resisting tyranny, for the government has shown that it greatly feared his speech, and felt it necessary to squelch it.

If you wish to write or send a card to Irwin, to give him some encouragement, his address is:

Irwin Schiff, # 08537-014
Federal Correctional Institution
P.O. Box 7000
Fort Dix, NJ 08640

RIGHT OF REDRESS:

understanding the principles .

Federal courts, with much greater frequency, are attempting to silence citizens who file actions raising issues unpopular with the courts. The theory is that if there exists a body of "case law" contrary to the arguments of the citizen suing a government official, then the citizen is deemed to "know" or have "reason to know" that his arguments are false and "frivolous." As such, particularly where the IRS is involved, sanctions are becoming more commonplace.

The problem with this legal theory is that it attempts to equate knowing that a statement is false with knowing that courts have said that it is false. However, claiming something is false, even repeatedly, doesn't make it so, and adhering to cases wrongly decided may well perpetuate grievous error. This goes to the very heart of free speech—the freedom to voice disagreement with what are considered errors of our government, to call attention to wrongs within that government, and to advocate what one considers correct.

Judges frequently want to squelch speech unless it toes the government line. If a court (or especially many courts) says that something is false or frivolous, then it must be made illegal to advocate it any longer. Of course, this legal theory ignores the humanity of judges and other government officials. Such men and women are just as prone to error as all other humans; the history of our nation is replete with examples of governmental and judicial error.

> ***Stare decisis.*** The doctrine of precedent, under which it is necessary for the courts to follow earlier judicial decisions when the same points arise again in litigation. — *Black's Law*

One example can be seen in the issue of "separate but equal." In 1896, the Supreme Court, in *Plessy v. Ferguson*, 163 U.S. 537 (1896), decided that it was constitutional to force blacks to ride in a separate train car. For 58 years, that decision was considered to be the "law of the land." Indeed, some people lived their whole lives under the oppression sanctioned by that decision. By the practice of *stare decisis*, that decision was relied on by all the courts of this country, resulting in countless other court cases which upheld that racist practice. Did the abundance of court decisions make "separate but equal" right or true? Of course not. It was no more right in the years before it was overturned (See *Brown v. Board of Education*, 347 U.S. 483 (1954)), than it was afterward. Even if it had never been overturned, and was still being upheld today, it would still not be right. As the court said in *United States v. Ekwunoh*, 813 F.Supp 168, 171 (1993):

> "Acquiescence in an invalid rule of law does not make it valid. See *Brown v. Board of Educ.*, 347 U. S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954), overruling *Plessy v. Ferguson*, 163 U.S. 537, 16 S. Ct. 1138, 41 L.Ed. 256 (1896)."

Following the theory apparently espoused by many judges today, the people who, in the 58 years before the court actually reversed themselves, advocated the idea that the court wrongly decided *Plessy*, were advocating a false and frivolous position — presumably right up until the reversal, at which time their position would have been magically transformed into truth by the court's new decision.

But judges — and indeed, all government officials — have no exclusive claim to truth. They are susceptible to being wrong just as everyone else is. Thus, it may be that some of the positions they advocate are ultimately false. That is the nature of independent thought; anyone who thinks for himself takes the chance that he may come to a wrong conclusion. And yet, to put it classically, the freedom of speech protects the right to be wrong. The Supreme Court stated it succinctly in *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974) (To be sure, the Supreme Court did draw the line at false facts, in the context of libel, which was at issue in *Gertz*):

> "Under the First Amendment there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas.[FN8] FN8. As Thomas Jefferson made the point in his first Inaugural Address: 'If there be any among us who would wish to dissolve this Union or change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.'"

See also *N.A.A.C.P. v. Button*, 371 U.S. 415, 444 (1963) (Constitution protects expression and association without regard to the truth, popularity, or social utility of the ideas and beliefs which are offered.).

Wherefore, *stare decisis* is a blight on our federal courts, and should be abolished; it is merely a variation of the "traditions of men" (judges) taking precedence over actual laws.