

Alaska Libertarian



Dec. 1980

FREEDOM IS THE ISSUE

Vol.4 No. 5

TAX TRIALS

DOVE CONVICTED BY JURY

by Sandi Tarrant

On Sept. 23, 1980, Libertarian Tim Dove was indicted by the Grand Jury on two counts of willful failure to file income tax returns, and two counts of fraudulent W-4 forms. From that day on, the farce of a fair and speedy trial was played.

Tim filed tax returns on which he claimed his fifth amendment right not to incriminate himself. He claimed "exempt" on his W-4 forms.

Tim decided to defend himself, since he did not trust any attorney to truly defend his constitutional rights, especially not one appointed and paid by the government. In spite of Tim's objections, a standby attorney was appointed to the case. Tim requested that the magistrate allow Dean Farris to be seated at his table to assist him in finding papers, reminding him if he forgot anything, etc. The magistrate refused, saying that only an attorney was allowed before the bar.

Tim was told he had four choices of how he could be tried: before the magistrate, the magistrate with a jury, the district judge, or the district judge with a jury. Tim chose the magistrate with a jury. Several days later, he was informed that the district judge wanted to try him and he had no say in the matter. Tim did try again before the district judge to have Dean sit at his table, and lo and behold, the judge granted his request!

A speedy trial (within 70 days of indictment) must be held to protect one's constitutional rights. Pretrial motions had to be turned in not less than 10 days before the trial. Trial was first set for Nov. 10. In a panic to get all the motions he was allowed filed in time, Tim worked day and night, with very little sleep, to get everything done. On the date of the deadline for motions to be turned in, Sept. 30, trial date was extended. Collapse, regroup -- time for more research and motions.

Tim filed a motion to examine the jury selection records, intending to prove their hand-picked, blue-ribbon panels do not represent a true cross-section of the community. It was granted, but he could not examine the records until after his jury was sworn in.

He also requested an evidentiary hearing to prove selective prosecution because he is a vocal first amendment advocate. It was granted, for the same day as his trial. (If he

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Tundra Rebellion

CO-ORDINATOR'S REPORT

While Dick Randolph is basking in the sun in Mexico, I am sitting here in Fairbanks in 40 below ice fog contemplating the success or failure of the Tundra Rebellion. Since I am sure that Dick already has Robert Shelley working on another initiative for 1981; and I am automatically the State Co-ordinator for that one too, I would rather not have two going at the same time.

I know it is much easier to collect signatures during the warm months of the year, but the sooner we join the other Western states in fighting to get our land away from the Federal Government, the sooner the pressure will have effect.

I can't give you any real figures as to how many signatures we have already collected until people send their books in at the first of the year. We have 3000 turned in at the office. But 5 to 6000 were collected at the two fairs last summer, and most of those people still have their petitions.

Some of the local co-ordinators feel January and February will be the active signature collecting months, and we will reach our goal by then. In that case, Dick will still be able

Randolph for Governor

During the first week in December, some Anchorage Libertarians organized the Committee to Nominate Randolph for Governor.

Steve Delisio, Chairman of the Committee, said, "We want Libertarian Dick Randolph of Fairbanks elected Governor in 1982. We need the strong leadership of a man who's committed to the freedom of the individual."

Delisio went on to say, "We're in great danger of losing our freedom to the state, which, because of its great wealth, can provide for all of our needs from the cradle to the grave."

Dick Randolph is committed to an alternative to the big government orientation of the Democrats and Republicans."

Delisio is an attorney with the law office of Merdes, Schaible, Staley & Delisio. Other members of the Committee include Bob Fleming, Jack and Lois Turinsky, Pete Brown, Susan Bickman, Curtis Green, Carl and Judy Whitson, and Stan Scott.

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EDITORIAL OPINION

of

ALASKA LIBERTARIAN

"Dedicated to Principle"

Other opinions expressed in this paper do not necessarily reflect those of the ALASKA LIBERTARIAN.

Reason and Ignorance, the opposites of each other, influence the great bulk of mankind. If either of these can be rendered sufficiently extensive in a country, the machinery of Government goes easily on. Reason obeys itself; and Ignorance submits to whatever is dictated to it.

1791 Thomas Paine

The roots of the libertarian movement can be traced back to Paine and his peers. When Paine wrote that statement, he could not imagine that the strides towards liberty made in the French and American Revolutions could ever be forgotten.

In the same work, he denied that Men could forget what their rights are, saying: "Ignorance is of a peculiar nature. Once dispelled, it is impossible to re-establish it. It has never yet been discovered how to make man unknow his knowledge."

It seems that the impossible has become possible. How could those lessons learned in blood have been forgotten? The truths stated in our Bill of Rights and France's Declaration of the Rights of Man have died an ignominious death: not killed outright, but withered from neglect. Why are we submitting to dictation??

In 1865, John Stuart Mill wrote: "A general state education is a mere contrivance for moulding people to be exactly alike. It establishes a despotism over the mind."

The despotism is established, and ignorance of the natural rights of Mankind will continue to flourish until the government gets its power-hungry bureaucratic paws off the minds of our children. In a country where Reason governs itself, there will be no place for government controlled ignorance.

The end of all political associations is the preservation of the natural and imprescriptable rights of man; and these rights are liberty, property, security, and resistance of oppression. (Rights of Man as declared by the National Assembly of France, 1789.)

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Editor: Eleanor R. Smith

The Alaska Libertarian has been based in Fairbanks for several years; not because that's where all the action is, but because that's where the editor was.

Because of an event in the life of our former editor (see page 1), the newsletter is now transferring to a new editorship and location. STAN SCOTT is our new, Anchorage-based editor. Welcome, Stan! Stan inherits a box of papers, a light-table, a meagre bank account, and a monthly headache.

We have received comments in the past that the newsletter seemed very Fairbanks biased in orientation. The attempt was made to remedy that, with a modicum of success. But you can't write about what is happening without information.

This is a small issue for a very good reason. The editor simply CANNOT do it alone.

Do you want a statewide newsletter instead of a Fairbanks or Anchorage one? Write ideas and letters to the editor. Send him a blurb about what your party has been doing. Send nifty quotes you come across in reading. Buy advertising. It doesn't take long for one person to write a short article. It takes a very long time for one or two people to write a whole newsletter.

Finally -- offer to help your editor put it together. He needs people to type, if nothing else.

Your articles and information and offers of assistance should go to:

Stan Scott
POBox 2417
Anchorage, Ak 99510

KENAI REPORTS

By Stan Thompson

What any "politician" plans, wants, or tries to do when he gets into office is not always what he is able to do or accomplish, no matter how hard he tries or how well intentioned he is.

The foregoing is a fact of political life I had learned from being Borough Mayor of the Kenai Borough from 1972 through 1975. I had, I felt, accomplished a great deal - we had kept to our goals and had fought many undesirable State and Federal regulations to a standstill; had not passed a single ordinance or regulation that had affected anyone's freedom, and had returned many personal freedoms (i.e. ability to vote for service area boards instead of their being appointed, and the removal of the threat of area wide planning and zoning, etc.)

But in those three years we had not been able to accomplish all we wanted nor had we satisfied many of our supporters, whose outlook varied from "the whole Borough should be dismantled" to "you should fire everyone out there" - or - "you didn't lower taxes (we did) because the assessments went up."

I decided to run again for Borough Mayor at the request of several local small groups that were worrying about how Borough government had expanded in the 5 years since I had been Mayor. (the Borough had doubled the number of employees and increased operating costs from approximately \$1.1 million to \$4.7 million), plus being active in encouraging regulations such as Coastal Zone Management.

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My major campaign issues were: 1) Getting out of the Coastal Zone Management Plan (backdoor controls and zoning); 2) wetland regulations (a real problem in our area); and 3) flood-plain insurance (a powerful attempt by the Feds to force planning and zoning, building codes and inspections, etc. on and near all navigable streams [actually not necessarily flood plains at all]).

I ran on a program of "holding down" the rapid increase in Borough government cost, that I could return to the costs we had in 1975. But I know that I probably can't. I'll be fortunate to "hold the line" and keep costs near what they are at present.

My basic goals as Borough Mayor are:

1. To use the Coastal Zone Program to control other State and Federal programs (or get out and push the state to get out of it statewide).

2. To fight the Federal wetlands regula-
con't. pg. 4

TUNDRA REBELLION -- from pg. 1

to introduce a bill in the Legislature with the signatures as influence to get it passed. A bill would eliminate putting the initiative on the ballot, which is exactly what is desired. The initiative wouldn't go on the ballot until November of 1982, whereas the bill could be passed in this legislative session, and become law immediately.

This initiative is going much slower than the tax initiative, not because it isn't popular with the people, but because we lost five months campaigning for Libertarian candidates. The initiative is the only way the people can effectively control government. So, let's get out and get those signatures!! As Dick would say: "There's nothing to it but to do it!"

Sandi Tarrant
State Co-ordinator
Tundra Rebellion

CATHY CHATS SOME MORE

At last, what you've been waiting breathlessly for, Chatty Cathy is chatting again. And what do you think is the most pressing thing in our lives right now? You guessed it (?), next April's state convention in Fairbanks. How can we top Curtis Green et al's show in Anchorage last April? What a lot of people we finally met after hearing about them for over a year.

Peter and Anne Gleitsman, champion signature gatherers. After having seen them from across the room at the National Convention in L.A., I thought they were kind of stodgy. WRONG! Everything you say to Peter is a straight line, and Anne is a worthy foil for him.

Suave lawyer Robert Shelley aiding and abetting his buddy Don Plummer, the John Betuski of Juneau, in promoting a food fight at our dignified banquet. For those who don't remember the food fight, the cooler heads of their respective BETTER HALVES, Cherie and Sioux, prevailed and it didn't come off.

What a blast we had at that banquet - a stirring speech by great patriot Eugene McCarthy (later known as "fink" when he endorsed Reagan), protest songs by Doug Herring (of libertarian T-shirt fame), and a personal appearance by Patrick Henry.

Do you have any ideas for Fairbanks' convention? riot? sauna party? get-acquainted group grope? high minded work shops? Let Sandi Tarrant know.

How about that great campaign we just ran? Did you go door to door? You may have missed something if you didn't. Ed Hoch knocked on one door that was answered by a naked lady. Perhaps she thought she would get rid of the caller quick, but not our man. "Hi, I'm Ed Hoch," said our intrepid campaigner, "and I'm running for..."

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tions, since they tell a man he cannot use his land or disturb it, and do that without paying him for that theft.

- 3. To stay out of the Federal Floodplain Insurance program.
- 4. To hold the line on increasing Borough expenses and on personnel increases.
- 5. To try to get the "oil wealth" the State has back to the people of the state and Borough.
- 6. To have no restrictive ordinances passed during my term and to try to remove some that are on the books now.

- 7. To reduce the tax bite and to remove any and every tax on everyone's home.
- 8. To return planning and zoning (controlling) to the cities, and if possible to require each city to have a vote of their people as to whether they want planning and zoning.
- 9. We will honor any employee's W-4 form no matter how many deductions.
- 10. We have started development of a Borough land disposal policy to get the patented Borough lands to the people.

All this is a bit more than I or anyone can accomplish in a one year term, but at least we will set our goals and aim for the stars we see.

I would like to leave this Borough as the "freest" and best in Alaska, if not the nation.

TAX TRIALS from page 1

proved this fact, the charges would be dropped and there would be no need for a trial.) Instead of having the hearing first and determining the results, one hour each day of the trial Tim was allowed to present his evidence for the hearing. Then he was cut off and the trial was resumed. Two channels of thought, two sets of evidence, two different lines of defense, with no recess, no chance to collect his thoughts and prepare for what was to come next. And they call THIS justice!

Trial day, Dec. 1 -- The prospective jurors were interviewed. Talk about a setup! EIGHT of those jurors served on a tax trial in the spring and found the defendant guilty. FIVE more were government employees. Fortunately, Tim was able to get most of them excused.

The trial lasted two very long days, with the DA accusing and Tim defending. When the DA admitted evidence, and had IRS witnesses read bits and pieces out of context, Tim would have the agent read the whole document. It took on a whole new meaning read in the whole. This way, Tim was able to give the jury all kinds of information which would not have been allowed if he had tried to present it as evidence. The DA just sat there and fumed, because he couldn't object. After all, he had introduced the evidence.

All of us in the audience were very proud of Tim. He did an excellent job for his first (and hopefully his last) time as a "lawyer." His opening statement to the jury was magnificent! He conducted himself through the whole trial with dignity and sincerity.

The case went to the jury Wednesday evening. There was no verdict by 9 PM, so Tim had to

report back to the courtroom for dismissal of the jury for the night. I think Tim found out that he really has friends supporting him when nine of us went back to the courtroom with him at that late hour.

The last hour of the evidentiary hearing was at 11 AM Thursday. When court was convened at that time, the jury had reached a verdict on three counts, so they were called in. They were deadlocked on the first count of willful failure to file, and the judge declared it a mistrial. Tim was found guilty on the other three counts. The jury was then dismissed.


Tim was not allowed a recess to absorb what had happened, and to organize his thoughts. The judge started right in on the evidentiary hearing. All of us were in a state of shock during that last hour. The judge set the week of Jan 6, 1981, for Tim's sentencing, judgement on his evidentiary hearing, and the challenge to the array of jurors.

After the dismissal of court, we all just slowly fell apart. It hurts to see a friend try so hard to get across to indoctrinated, brainwashed people that he is fighting for THEIR rights, and to see it go right over their heads. What is it going to take to get through to the public that we DO have rights, and that we need to fight to get the government to uphold them instead of violating them?

Tim has now hired a lawyer who is experienced in challenging the array of jurors, and who won a case regarding state jury selection. He will help Tim in his Grand Jury and Trial Jury challenges. If Tim wins this challenge, all four counts against him will be thrown out of court. The lawyer is not working for Tim for free, so those of you who would like

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to see some changes made in our court system -- changes that will help all of us -- please, send Tim a little monetary help!

As a postscript to this article, the Friday after the trial, I put on a spaghetti feed fund-raiser for Tim. Since my husband, Ron, and I donated the food, we collected almost \$500 for Tim. Part of that money was donated by people who couldn't come, but wanted to help, and also from people who were afraid to come (you know the phrase: "guilt by association").

Since most of us don't have the intestinal fortitude to resist the oppression of the bureaucrats who are trying to dominate us, the

least we can do is give our full support to people like Tim, who will. I've said it before, and I'll say it again. If Tim wins this one, we all win. So please, do what you can to help him, NOW!

This article will probably be considered very biased in Tim's favor, but I am not alone in my opinion. You all know the definition of "railroading" and "kangaroo court." I have never before experienced such blatant disregard for individual rights and I was, to say the least, shocked. It's just plain scary to see the control a judge, the DA and the IRS have over the citizens of this country. If we don't wake up soon, it will be too late.

I'll keep you posted on further developments.

FIVE GROUPS

Once upon a time, five groups of 100 each lived on the plains. It was spring, and they looked toward the mountains. They had heard about cool air and water, and plentiful game there.

The first group was lead by a mystic-rabbi-priest-bishop. As he was leading his people into the mountains for the first time, a messenger warned them of wild beasts. At the same time, a fierce thunderstorm appeared over the mountains. Sixty of the people wanted to turn back, and 40 wanted to continue. The religious leader prayed and meditated, then spoketh: "It is God's will that we turn back. The mountains are obviously full of the devil, and anyone that goes there will suffer eternal damnation." Some thought this was hogwash. But not wanting to risk the dreaded "eternal damnation" or rejection by their religious society, no one went into the mountains.

The second group was headed by a dictator king. They heard of the wild animals and saw the frightening weather. Sixty wanted to turn back, 40 go ahead. The king consulted with his court intellectuals and mystics. Then he proclaimed, "By Royal Decree and Divine Right, anyone who goes into the mountains will have their head cut off." No one went into the mountains.

The third group was lead by a communist central committee. They had also heard of the beasts and saw the thunderstorm. The people were divided, 60 wanting to turn back and 40 proceed. The central committee met and issued a law: "For the public good, no one shall go into the mountains. Violators will be sentenced to 10 years hard labor." Two mavericks went into the mountains. One was caught and sentenced to 10 years hard labor, as an example. The other was never heard from again and the central committee newspaper said he had been eaten by wild animals.

The fourth group settled disputes by vote. After much lobbying by conservative entrenched special interests, the vote was 60 in favor of turning back due to wild animals and hostile weather. So a law was passed: "For the public health, safety and welfare, no one shall go into the mountains. This law is punishable by up to one year in prison and a \$5000 fine." Two individualists went into the mountains. One was caught and sentenced to a year in prison, as an example. The government issued a press release stating that government experts had conducted a study. The other missing person was probably killed by wild animals or lightning. The newspapers published the findings of the government study. One headline read, "Mountain Man Eaten Alive By Wild Animals."

The fifth group were libertarians. 60 chose to turn back. 40 went into the mountains, met the two surviving mavericks, and thrived on the cool air, water and plentiful wild game. One was mauled by a bear and survived. Another was killed by lightning while flying a kite on a mountain. He was conducting electrical experiments during a thunderstorm. The libertarian newspapers printed warnings about bears and standing on mountain tops during thunderstorms. The libertarians lived happily ever after.

FIVE GROUPS - POSTSCRIPT

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When the first four groups turned back, the 40 who were not in agreement with the decision were upset. Some were resentful and felt alienated. The fourth group that uses voting for decision making is a good example for all four groups.

When the 99 arrived back at their original home, some progressives weren't satisfied with the existing entrenched special interests. They saw an opportunity for change and proposed a new location. Once again there was fierce lobbying, and rumors of vote fraud and scandal. The vote was 60 in favor of staying at the original location. But not the same coalition that had won the mountain/plains vote. Now a majority of the group was upset and alienated. The people who had been on the losing side of both votes were very upset. They began to see a pattern developing and there was talk of riots and rebellion. Crime, divorce and drug abuse increased in the alienated group.

After a period of time, and several votes, everyone was upset about something. Respect for all the laws was practically non-existent. Some felt more centralized control was the answer. A strong, charismatic leader of this group emerged. Others heard the libertarians were doing well in the mountains. They planned to form a libertarian plains society. The central power group said this would be disastrous and passed even more laws to control the unrest. They talked of war with the central committee group over access to the source of the sacred oils, and a mysterious, sneak attack on a rowboat.

The outcome was uncertain.

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