

Alaska Libertarian



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FREEDOM IS THE ISSUE

Vol. 5 No. 1

A NEW YEAR

Well, it's a new year, and this is the all new ALASKA LIBERTARIAN newsletter. My name is Stan Scott and I'm the new editor. (That's about all the new that I can stand!) I've voluntarily inherited the job and I'm looking forward to it.

I'm going to try some ideas that I've got, and would appreciate hearing from anyone who has an idea on how to improve the newsletter. It may be an idea for a story, an interview, maybe you've got a political cartoon that you'd like to share.

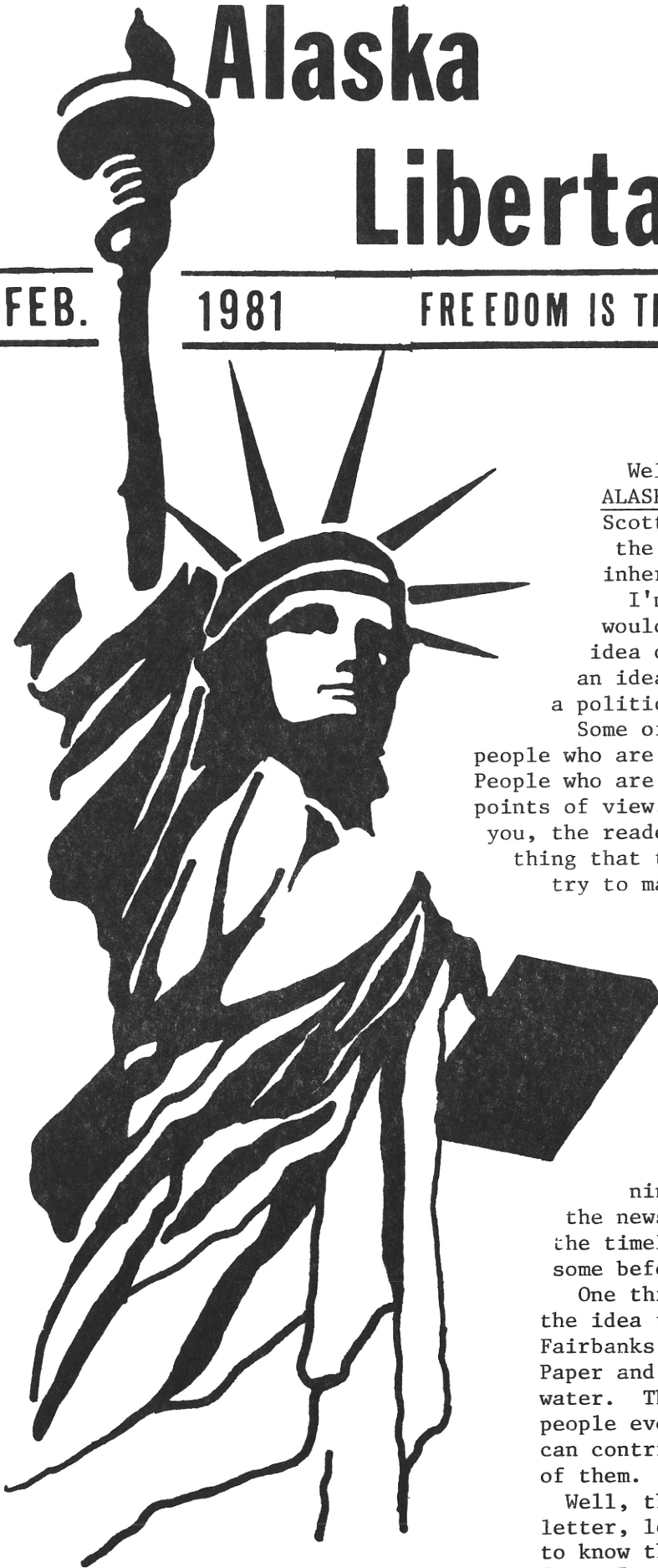
Some of my idea's include doing interviews with people who are inside the Libertarian Party (See Page 2), People who are outside the Party, People with different points of view. I plan on reprinting articles that I think you, the readers, would enjoy reading. The most important thing that this newsletter should do is inform, and I'll try to maintain that as the #1 principle of this newsletter.

I'm sure you've noticed the change of format. It's being tried for a variety of reasons, more convenient, easier to read, and this size paper will better fit into that pile of papers on your desk. One thing that may change the new format is the cost of the paper. It's more, so if one day your newsletter arrives on legal size paper, you'll know why.

Another thing that's changed is I'm planning on printing every month in order to make the newsletter more topical. Giving up quantity, for the timeliness of bringing you articles about events, some before they happen and others shortly thereafter.

One thing that I'm going to try to do is eliminate the idea that this newsletter is a "one city paper". Fairbanks in the past, now Anchorage. It's the State Paper and that's what it will be, come hell or high water. This newsletter is mailed to more than 500 people every month, so there are plenty of people who can contribute something and I plan to call on a lot of them.

Well, that's about it. If you like the "new" newsletter, let me know. If you don't like it, I'd like to know that too (not really). Remember it's the State Paper, your newsletter and it can be a great one.



AN INTERVIEW WITH DICK RANDOLPH

Good Morning Dick, how are you?

Running around like a chicken with my head cut off.

So what's new?

Dick, could you bring us up todate on the election as it pertains to Fairbanks?

Well as I'm sure was reported in the Anchorage press, I ran 1st and Ken Fanning ran 4th in the 6 seat race. Our final vote totals and the fact that there are now two libertarians in the legislature instead of one will mean there will be a substantial change in the way that the Republicans and the Democrats treat us.

How's that?

They'll be much more antagonistic. Aside from Ken and myself, Ed Hoch and Bill Waugaman did reasonably well while not spending large amounts of money. Four Republican and Democratic losers spent in excess of \$25,000 in losing efforts.

Was there much of a smear campaign directed against Libertarians?

In one word, YES. There were 3 pages of newspaper ads all smearing Libertarian candidtaes. We were lucky in the fact that the newspaper likes us and we were allowed to respond in the same edition of the paper that the smears appeared in.

Dick, there has been quite a bit of talk about a "railbelt coalition", have you been contacted about this?

No, I haven't been contacted by anyone about any coalition, but I have sent a letter to the 4 non-libertarian members of the Fairbanks delegation about a coalition to better represent our constitutents here in Fairbanks.

How does it feel not to be the nations only elected libertarian legislator?

EXCELLENT! I'm very glad that Ken Fanning won, I've known Ken for about 14 years. For the last few years we've each worked in different circles but Ken and I get along very well and I'm sure we'll be able to work together.

What about the rumors of your running for Governor?

For now that's exactly what they are, rumors. Unofficially I'm testing the political waters to see if I have the support needed. Also I'm not or cannot be a candidate for governor until nominated by the Party at the Party convention sometime in early 1982.

Is there the state-wide organization that would be needed to run such a race?

Well as I said, that's one of the things I'm trying to determine. If a libertarian any libertarian, is to run for governor then we must determine if there is support among the people who aren't card carrying libertarians. Along those same lines, Susan Bickman of Eagle River, who worked very hard on the Ed Clark campaign, has agreed to head up a statewide organization. She'll be laying the groundwork, trying to find people to work on a future governor's race. Susan will also handle publicity for the organization and also work on some future campaign financing ideas.

Lastly Dick, can you bring us up todate on the Tundra/Sagebrush Rebellion?

We have about 800 sponsors and somewhere around 10,000 signatures. We need every one to make a concerted effort to get all the signatures we need before January 1, 1981, so that I'll be able to turn them in when I go to Juneau.

Then the goal is to motivate the legislature in to action before the election in 1982?

CONTINUED ON NEXT PAGE

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AN INTERVIEW WITH KEN FANNING

Good morning, Stan, This is Ken Fanning.

Hi Ken, you are a hard person to track down.

Well I tried calling you a couple of times, what can I do for you?

I'd like to do a short interview if you have the time.

I've got about 15 minutes, if that'll do.

I'll try to hurry. I've heard the concern expressed about Ken Fanning running as a Libertarian because a freshman Libertarian legislator in a minority party would have more clout than a freshman Republican in a party with 15 to 20 legislators. Would you comment on that?

No!

No?

That point was addressed in the letter I wrote to family and friends when I decided to run early last year.

(Editor note: This letter appeared in the June-July 1980 edition of the Alaska Libertarian. Paragraphs 1 & 4 address the above question. Paragraph 1, Run on what you believe in, and are comfortable with. Paragraph 4, Effectiveness in Juneau.)

Ken, as a guide who makes his living by hunting on state and federal land, what is your position on the Tundra/Sagebrush Rebellion?

Stan, I'm a strong advocate of the Tundra Rebellion. I recently attended the Sagebrush Rebellion meetings in Utah. I'm the only Alaskan to testify in the Congressional Record on the Sagebrush rebellion. It is erroneous to think that all land will ever be in the public's hands. The only land that the public will want is land that economically viable for them to own. My guiding area in Southeastern covers roughly 1600 square miles, a lot of which is swamp and muskeg. To reiterate my point, Stan,

DICK RANDOLPH continued.....

Oh, most definitely. The state of Alaska has really dropped the ball in this area and we should be in the forefront. Ken Fanning just came back from a Sagebrush Rebellion convention and said that they are very encouraged now with the Reagan victory. I plan on introducing legislation so that the state will join the other western states in their lawsuits against the Federal Government and it's restrictive land policies.

I whole heartedly support the Tundra Rebellion.

Now that the Legislative session has started have you been approached about any kind of a coalition?

No, I haven't been as yet. As you may know, Stan, Dick and I sent a letter to the other four legislators from Fairbanks outlining a possible coalition to better affect legislation that is of a concern to the interior.

What are some of the primary things that Ken Fanning wants to do as a legislator?

In a word, resources. I will be very involved in resources. Ideally I'd like to be on the resources committee but if no, then I'll be active behind the scenes and on the floor of the house. I'm going to introduce legislation that would provide a tax credit for up to 1/2 of the severance tax owed for contributions to non-profit organizations. The non-profit organizations would fall into four categories:

1. Educational - to provide assistance to everyone.
2. Music & Arts - the state now provides \$3 million. The oil companies could provide \$30 million but if you accept oil money, you can't accept state money.
3. Social Services.
4. Natural Resources - to fund private studies.

CONTINUED ON Page 7

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Tax evasion argument doesn't impress jury

from staff reports and Times wire services

Fairbanks — A Fairbanks man who says he refused to file federal income tax returns because he feared the government was out to get him for his political activism has been convicted of tax evasion and filing false documents.

Thomas Dove, 32, was found guilty Thursday after a three-day trial of failing to file a return in 1977 and on two counts of filing false withholding statements.

The jury failed to reach agreement on a charge that he willfully failed to file his 1976 return.

The U.S. attorney's office said Dove printed "Object: Self incrimination" across his tax forms for both years. He had filed W-4 forms with his employer claiming he was exempt from withholding, prosecutors said.

During the trial, Dove said he had no income because Federal Reserve notes are not real money.

U.S. District Judge James Fitzgerald told the jury that Fifth Amendment protection against self-incrimination could not be claimed on tax forms.

Sentencing is scheduled for Jan. 6. Love could be fined as much as \$11,000 and jailed for up to three years. In addition, Dove still must file the tax returns and pay the taxes due with interest.

TAX TRIAL

Fairbanks man found guilty of tax evasion

The Associated Press

FAIRBANKS — A Fairbanks man who says he refused to file federal income tax returns, saying he feared the government after retribution for his political activism, has been convicted of tax evasion and filing false documents.

Thomas Dove, 32, was found guilty Thursday after a three-day trial. He was convicted of failing to file a 1977 return and two counts of filing false withholding statements.

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CONVICTED BY LIES

Tim dove's conviction alternately shocked and dismayed people who had never been to a tax trial before. Many people were unaware of the double standard where a mafia hit man can claim the 5th amendment on national T.V. and judges fall all overthemselves upholding his right but on the other hand they cannot get a guy like Tim Dove in jail fast enough for claiming the 5th on a tax return.

Unlike the mafia gunner Tim did not kill anyone or wreck any property, in fact there was no victim at all. Tim ran afoul of one of the many trumped up crimes congress has been so busy manufacturing. He did not file a piece of paper(1040 form) with the IRS which is a grievous crime against the dignity & glory of a federal agency which enjoys most favored nation status with god. The IRS has an inter-office memo from god to that effect & they show it to all the judges, in camera of course.

It did not go unnoticed that the U.S. attorney showed no interest in filing a civil action to collect the tax the IRS said was due. His only interest was in a criminal prosecution. In other words the intent of the IRS was to put a man in jail, not to collect taxes.

After jailing a number of tax protesters because their claim of the 5th amendment was untimely or invalid or because they did not face real & appreciable hazards of self incrimination, the federal courts now admit what the tax protesters knew all along-that claiming the 5th on a tax return is a valid assertion of the 5th and that the claimant does in fact face real & appreciable hazards of prosecution. But the learned worthies on the 9th circuit quickly point out that if they sanction claiming a constitutional right on a tax return it would undermine the system of "voluntary" compliance and thwart an important information gathering tool of the IRS. (U.S. v Carlson 617 F2d 518-524, Feb 28 1980) This case is an admission by the 9th circuit that IRS collection methods are unconstitutional and that the 9th circuit is going to help the IRS enforce unconstitutional laws.

BY DEAN FARRIS

Any judge who has given the matter 5 seconds of sustained thought can see that the power of congress to levy excise taxes is so broad it can raise an unlimited amount of revenue. So there is no rational basis to justify enforcing collection methods that violate the constitution. This fact however is no compensation to a libertarian who believes that all taxation is theft and that it is both unnecessary and improper to steal from the public even subtly through excise taxation. The public will happily pay taxes to support all the government they want. Want nobody wants to pay for is \$2.00 filet mignon for the congressional cafeteria, cost of living perks for bureaucrats, and low interest loans to foreign countries & corporations while they pay outrageous interest rates at home.

The people who ratified the constitution insisted on amendments like the 5th not to protect mafia hit men but to limit the power of federal courts to enforce trumped up crimes like not filing a piece of paper with the government. The IRS code makes a shambles of the ancient statute against frauds. It compels one to sign 1040 & W-4 forms under duress and turns this fraud of congress into a crime against the state. This is a new twist on the bootstrap doctrine that would have delighted the Star Chamber.

For the uninitiated all the judge did was to insure that Tim was convicted pursuant to the dictates of the 9th circuit court of appeals. Preserving all due forms of law of course. The judges call this Stare Decisis. It means that if the government gets away with fraud, perjury & oppression once the next time they do it, its legal. The trial judge figures it is his duty to insure the conviction of any defendant accused of crimes against the state. He controls the outcome of the trial by controlling the evidence and by lying to the jury. Judge Fitzgerald denied Tim's most important evidence which would have let his jury know that other juries had found people innocent on the same charges. Curiously

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stare decisis does not extend to jury decisions.

Prior to trial the Fairbanks Tax Facts Council (with Tim's encouragement) distributed pamphlets & ran a newspaper ad on the right of the jury to veto the law. The U.S. attorney acquired one of these pamphlets in a downtown restaurant whereupon he filed a motion asking the judge (one genius to another) to inform the jury they could not judge the law. An IRS special Agent deposed & said he heard Tim Dove on a local T.V. program sponsored by the Tax Facts Council urge the public to ignore the judge's instructions and to veto the law if there was no victim. Sure enough the judge told the jury panel that they could not judge the law, that they were limited to the facts & evidence he approved of, and that they must follow his instructions. Anyone who would not swear to follow the judge's instructions was kicked off the jury. Yes, Virginia the IRS could convict Santa Claus with a jury of 6 year olds if they are forced to follow the judges instructions.

The most damaging testimony against Tim was that of Robert Jewell an undercover IRS agent who went to Tim's bookstore posing as someone interested in tax resistance. He testified that Tim advocated "overthrowing" the government which was a baldface lie. Tim Dove advocates political change not overthrowing the government. This is a prime example of the lies the IRS uses against its victims in court. It was obvious the IRS went to great lengths to silence Tim Dove & close down his bookstore.

I was asked to write an objective article about the trial but it is difficult to be objective about hardened criminals like Tim Dove whose crime was to claim his constitutional rights. Such effrontery is a clear & present danger to the fundamental right of congressmen to enjoy \$2.00 filet mignon at taxpayer expense. It is a threat to the community of federal judges vying for pay raises & retirement benefits.

When I say the judge lied, I mean he lied when he told the jury they could not judge the law and that they must follow his instructions. American juries have never been lim-

ited to deciding merely the facts or evidence. American juries have a constitutional right to hold the law to the light of their own intelligence or conscience and if any juror thinks the law is unjust, unfair or dislikes it for any reason, he can veto that law by finding the defendant not guilty. There is no other reason to have a jury in a criminal trial. If the jury has to follow the law or the judges instructions then you have a trial by congress or a trial by the judge, not a trial by the jury. The best way to restore sanity to congress is for juries to be told of their right to veto the law. Otherwise the agents are greater than the principals.

The IRS says it prosecutes vocal tax resisters like Tim Dove because of the deterrent effect on other people. The deterrent effect is mostly the imagination of the IRS. These trials only harden the resolve of tax resisters. And the judge's manipulation of the jury & the evidence make a sham of the trial that is obvious to everyone watching.

Since this article is objective it would be unfair to leave the impression that judge Fitzgerald is a solitary liar - he isn't. Most judges lie to the jury. There is a criminal conspiracy among judges to usurp the right of americans to judge the law and to veto it if they so desire. Judges have been engaged in this conspiracy for years. And that, boys & girls, is how tax resisters & other victims of the state are convicted. It's easy. The judge & IRS lie to the jury.

Hardly anyone leaves the trial fearing the IRS. It is only the corps of miners and sappers known as the federal judiciary who should fear the IRS. They have become it's puppets. But unlike other woodenheads their noses do not grow when they lie to the jury.

Wendy King, convicted Vancouver prostitute, whose client directory will not be published nor her clients charged, has been given a suspended sentence. On the condition, however, that she gives two months community service. Now that's a service we could go for.

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KEN FANNING continued.....

With reapportionment, what do you think of the prospects of running in a single member district? (Do you and Dick live close together?)

To answer the second part of your question first, No. I wish reapportionment could be retroactive to before the last election so we could lose the person who finished #6. Running in a single member district all depends on who you are running against, but I'd welcome a chance to run a one-on-one race. Stan, I've got to get back to the legislature.

OK Ken, I thank you for your time.

PLATFORM COMMITTEE

What makes the Libertarian Party unique and worth supporting? The fact that we have a consistent, moral philosophy of freedom which we courageously promote. And where is that philosophy of freedom really hashed out and recorded for the world to see? --- OUR PARTY PLATFORM

As chairman of this year's state platform committee, I want to encourage those of you reading this to volunteer for one of the four positions still to be filled on the committee. I assure you that your participation will be of great benefit not only to the cause of freedom, but to your own understanding of the Libertarian philosophy and your ability to promote it to others. If you really want to affect Libertarian issues and the way they're presented, please write to me and volunteer as soon as possible.

The initial committee meeting will be on Thursday, April 30, just before the State Convention. I will reserve a place in Libertarian heaven for those of you who participate.

Robert Reed Shelley
2130 2nd Street
Douglas, AK 99824

LEGISLATIVE REPORT

Well, folks, we all made it to Juneau safe and sound, about half a week before the session started. So we scrounged around and picked out our interim office while the legislature gets organized. We are presently located in two rooms on the first floor of the capitol building, right in the heart of the tumor!!

We shocked the supply officer by having a bunch of volunteers to house in office space. Libertarians just don't act like the rest of the world. The Legislative Affairs office just isn't used to having people working for a legislator who aren't paid by the state. Presently in Ken and Dick's office there are two paid personnel and four unpaid people. The paid people are Gail Nordling, Ken's secretary; and Ellie Smith, Dick's secretary. Add to that Pete Schnaars (volunteer), Robert Shelley (paid by NTU), Lydia Randolph (volunteer) (slave?), and a part time worker by the name of Christian Basler. That is six staff people that the supply office thought were only two.

But they have shoehorned us into the office for the present, and we are busy putting out press releases on the budget, letters to constituents, organizing files, and wondering who is going to be Speaker of the House.

Ken managed to hit the news before the session even really got started by raising a stink about the propaganda from the National Education Association all over his desk calendar. No one had ever really thought about it before -- until Ken came along.

A lot of what happens later on in the session depends on who gets elected Speaker. Depending on that we could have a committee chairmanship in this office, or we could be nothing but squeaky wheels again like last year. But the rule is not that we will make twice as much noise because we have twice as many people. It looks like we are making three or four times as much noise!

Please feel free to send us letters and comments. We love to hear from our constituents, especially our friends!!

-- Ellie Smith

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Calendar

FEBRUARY 4 & 18 - Libertarian Party Meets in the Arctic Room of The Polaris Hotel, Fairbanks

FEBRUARY 19 - Kenai area Libertarian Party meets at the Golden Nugget Bakery, Soldotna.

FEBRUARY 20 - Deadline for articles for the March newsletter.

FEBRUARY 23 - Libertarian Party of Anchorage meets at 7:30 pm at the Pioneer School House on Third and Eagle.

EDITOR'S NOTE:

The same day that I received the article by Dean Farris, I received a call from Tim Dove. He said the following sentences were inadvertently left out of paragraph two of the article on page 5; so I'm adding them now:

"I did in fact file what I believed was a return, 44 pages long; however, the court agreed with the IRS that a return that does not contain financial information is not a return. In other words, if you claim the 5th Amendment on your return, it ceases to be a return. So they leave you no way to claim your 5th Amendment rights against self-incrimination."

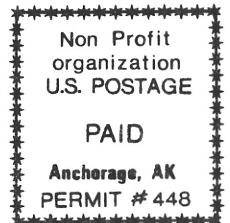
As a further up-date, Tim was sentenced to 2½ years on 3 of the 4 counts against him. The judge said if he made some arrangements to pay the back taxes he would suspend 2 years of the sentence.

As of 1-20-81, Tim said he would not pay up the back taxes and was still out of jail pending appeal.



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