

In Parker v. Riley, 18 Cal 2d 83, 113 P 2d 873, 134 ALR 1405, it is further stated that the primary purpose of the doctrine of separation of powers is to prevent the combination in the hands of a single person or group of the basic or fundamental powers of government.

TO THE QUESTION: Can the State Legislature give to its various subdivisions permission to have an alternative form of government?

ANSWER: The alleged Governmental Entity and its State Legislature could axiomatically cry it can because, in fact, the State did so give its permission. The alleged Defendant hastens, however, to say that even the permission of the State wouldn't necessarily make it legal!

The City of Lafayette could cry, "Oh well, it doesn't really matter, because we have the charter which the State Legislature approved and one for which the people voted!"

Then, the alleged Defendant would aptly point out that the first issue or question in that regard would have to have been — cessation from the State and the State from the Union!

Secondly, the necessity of, and the form of a Republican agreement must be observed as very well established — 200 years of successful government without condemnation of the People, and all because the People have prohibited the combination of powers into the hands of a single class or person — this is what Republican government is supposed to prevent. See, Parker, supra.

Thirdly, the alleged Defendant regards the State Legislature without the authority to establish an illegal or alternative form of government, because the Enabling Act of the State gives its adherence to the Federal Constitution, which includes the Declaration of Independence, (supra), in which the Declaration of Independence clearly states our national position as to changing of our forms of government.

"Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses...

Filed This 11/9 1952  
at Jules  
Ellen White

Fourthly, in Shean v. Edmonds, App., 200 P 2d 879, we see that:

"A home rule charter adopted pursuant to a constitutional or statutory provision may not contravene any provision of the constitution or the public policy of the State.:

Not only is it forbidden for cities acting under charters to contravene state constitutions, but they are further prohibited from doing so regarding the Federal Constitution. Article VI sec. 2 binds the Judges in every State by the Law of the Land and State Legislatures are prohibited from making laws contrary to it. Continuing in sec. 3, the State Legislatures are specifically mentioned and are reminded that they are bound by oath to support the Federal Constitution — to legislate in accordance with it!

Americans are again oppressed today, because the lines which have separated the powers of government have become washed away by the greed for power, and the liberties of the people are once again threatened.

The false belief that a democracy and a Republic are one and the same or that the difference is so slight as to be inconsequential has done much to erode the safeguards of our liberties.

Mr. James Madison, long recognized as the "Father of our Constitution", was very clear on the subject as he said:

"...such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and in general have been as short in their lives as they have violent in their deaths."

"A republic...promises the cure for which we are seeking."  
(Federalist Papers, No. 10)

Madison then later described the difference between a democracy and a Republic:

"It is that in a democracy the people meet and exercise the government in person; in a republic they assemble and administer it by their representatives and agents..."

(Federalist Papers, No. 14)

We must not advocate the writing known as the Federalist Papers to simple and idle chatter, because these are the statements of the intent of those who wrote the Constitution and, as to how it was meant to function.

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CITY OF GAITHERSBURG

"The intention of the lawmaker constitutes the law." (Stewart v. Kahn, 11 Wall. (78 US) 493, 504)

and also,

"As the meaning of the lawmaker is the law, so the meaning of the contracting parties is the agreement." (Whitney v. Wyman, 11 Otto. (101 US)

Furthermore, Chief Justice John Marshall verified the importance of the Federalist Papers when he said:

"The opinion of the Federalist has always been considered as of great authority. It is a complete commentary on our Constitution; and is appealed to by all parties in the questions to which that instrument has given birth. Its intrinsic merit entitles it to high rank." (Cohens v. Virginia, 6 Wheat. (19 US) 264, 418)

In defending the separation of powers principles Madison quoted Montesquieu:

"When the legislative and executive power are united in the same person or body there can be no liberty because apprehensions may arise lest the same monarch... should enact tyrannical laws to execute them in a tyrannical manner." Federalist Papers, No. 47

At least let us concede that it opens the door to the potential usurpation of power, and an inevitable absolute despotism! It is ~~to~~ this opening of the door to tyranny and the passing away of the Republican form of government in the alleged City of Lafayette which requires the alleged Defendant to challenge and question the authority and/or jurisdiction of this Court. It has been well established that with the passing of the Republic, so also passes the power and rights of the People to which they alone are sovereign! No government received its power and authority FROM the People! Therefore, any governmental entity cannot honorably assume authority to prevent the People from enjoying their inherent right to a Republican form of government! The alleged Defendant asks this Court to take special Judicial Notice that the People have held these rights to be sacred, so he comes now to demand that the Court not tamper with these rights at all!

The United States, by its very principles is Republican so is the very careful form of its own Constitution:

Article I clearly deals with the legislative power of the government.

Article II defines the role of the executive branch of the government.

11th  
J. J. [Signature]  
[Signature]

Article III breaks into the judiciary's contract of duties to the People. The necessity of our government being three distinct branches is clearly shown by the form of the Constitution breaking into three separate articles.

COMES NOW the alleged Defendant to offer up proof in evidence to how as in fact the alleged City of Lafayette has violated the "principle, fundamental, and essential" structure as to a Republican form of government.

TO THE QUESTION: What kind of government does the alleged City of Lafayette have?

ANSWER: The alleged Defendant must say that he really, isn't sure -- perhaps some sort of autocratic democracy -- but it certainly is NOT Republican in form or practicality! It can be described as "Home Rule", "Council-Manager", "City Council", or whatever else, but it must be clear by now that unless it espouses the doctrines of separation of powers and elective representation, it is not a Republican form of government as it must be!

TO THE QUESTION: What specifics does the alleged Defendant take exception with which prove the above allegations?

ANSWER: "The powers of the government of the state are divided into three separate branches - the legislative, executive and judicial;... except as otherwise provided by this Constitution." (Hogwash!!) Louisiana Constitution Art. II Distribution of Powers. The officers of said City of Lafayette a Governmental entity shall be such as by appointment may be provided by a charter/agreement; and the jurisdiction...of all such officers shall be such as in charter/agreement may be provided; (or)", to be done by the...general law...(see 16 Am Jur 2d, Constitutional Law, Section 177 and The Declaration of Independence, Clause II.

The charter of the City of Lafayette goes straight on ahead to allow a dangerous comingling and "Alteration of the Powers" which O'Donoghue (supra) referred to as the "Chief Merit"; and which Tucker (supra) declared the most important principle guaranteeing the liberties of the People!

11/4  
183  
Phoebe Wheeler

An in open and unshamed contempt of the separation of powers doctrine creates POLICE COURTS. This and the further violation of "police magistrates" is an arbitrary alteration and comingling of executive and judicial powers, which our Republican form of government prohibits and prevents!

Without the safeguards of independant authority, such as the executive (with its veto power intact), and without completely precluding a co-mingling of essentially different powers in the same hand, there can be no door at all to close on subversion, tyranny and all sorts of evil. The People would be left without their rights to liberty. Since the alleged Defendant is one of those 'People' he firmly believes that something can and should be done about it through the judiciary.

"A republican form of Government is one in which the people select those who are to make or direct their laws, and is radically different from a pure democracy, in which the people collectively, and as their own original act, make the laws." In re, Pfahler, 88 P 270, 280, 150 Cal 71

and also,

"A republican form of government is a government administered by representatives chosen or appointed by the people..." Kadderly v. City of Portland, 74 P 710, 719, 44 Or 118

So long as the alleged Defendant is not allowed to vote for the various executives, legislative or judicial officials, and so long as the alleged City Police retain more than one power in the same hand, it is operating in open violation of the Law of the Land, which those self-same officials should have sworn to uphold.

The consent of the State Legislature cannot give legality to an illegal situation. It only serves to impress upon this alleged Defendant what appears to be a collusion and possible civil conspiracy.

If the State may not violate the separation of powers neither then, may the alleged Plaintiff City of Lafayette, because the agent can not be greater than the principle.

In Black's Law Dictionary (1968 ed) at page 1689 the definition of the word, TYRANNY, says:

"TYRANNY. Arbitrary or despotic government; the severe and autocratic exercise of sovereign power, either vested constitutionally in one ruler, or usurped by him breaking down the division and distribution of governmental powers."

July 11 1968  
John Wheeler

The People of this State, in other words, the sovereign Power in this State declared in their Constitution:

No one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the other. Article II Section 2

A VERY CLEAR INTENT! Theirs was to secure and perpetuate the blessings of our God-given Freedom, and that's the reason they did establish a Republican form of government. There is no indication whatsoever, that this Sovereign Power did not intend to extend this same safeguard of a Republican form of government to their city governments and its public corporate creations. Furthermore, the State Legislature had no authority from the People to offer 'alternative forms of government' to their political sub-divisions.

"The people's rights are not derived from the government, but the government's authority comes from the people...when legislative encroachment by the nation, state, or municipality invade these original and permanent rights it is the duty of the courts to so declare, and to afford the necessary relief." City of Dallas v. Mitchell, Court of Civil Appeals of Texas at Dallas; 245 SW 944, 945.

Still, all of the law cases in the world cannot reverse the intent of the Sovereign Power in establishing safeguards for their liberties, and further, constitutions are not amended by statute law — another principle so very well established. No legislative act contrary to the intent of the People when they delegated power to legislate, is valid.

"The object in construing constitution provisions is to give effect to intent of the people, in whom the sovereignty of the state resides."  
McMillan v. Siemon, (1940) 98 P 2d 790, 36 CA 2 d 721.

TO THE LAST QUESTION: Is the alleged City of Lafayette a proper, authoritarian or jurisdictional entity?

ANSWER: By reason of its form of government, it is not! Regardless of the whims of the State Legislature, it may not, it must not, and it cannot give any other form of government other than that which it has to give. It simply may not give anything it doesn't have to give!

#### CONCLUSION

Just how an inferior form of government came into being — in spite of the safeguards erected to prevent it — the alleged Defendant could guess. The Court wouldn't like to hear. The point, however, is that our enemies have openly claimed they would take us over through infiltration and by

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conspiracy from within, rather than by any force and arms. Then, the thing that disturbs this alleged Defendant is that the Court may just laugh off these calims as one who is 'crying wolf'. However, let this alleged Defendant make his record straight, he is serious, deadly serious! His partiot fore-Fathers were not under near the tyranny now facing this land, and they waged a war, shed their blood and gave their lives and fortunes for less tyranny that we have.

Yes, all over this land today, an ever increasing and recognized proliferation of usurpation and tyranny is being discovered! It is being discovered by those of us who would have to at one time classified ourselves as part of the silent majority.

Finally, there can be no jurisdiction or authority by this Court over a non-existent Plaintiff. And this Court is respectfully asked to find that the alleged Plaintiff is in violation of the mandated doctrines of separation of power, and elective representation. It should be found to be in error to fault, or in the alternative a dismissal with prejudice should be entered bt the Court on behalf of the alleged Defendant.

Respectfully submitted,

*Robert Kaltenbach*  
Robert Kaltenbach  
Pro Se Litigant

Filed This 11th day of July 1983  
Elmer White  
By EW

225 West Bayou Pkwy.  
Lafayette, LA 70503

June 28, 1983

City Court of Lafayette  
City of Lafayette

CERTIFIED RETURN RECEIPT REQUESTED

To: Judge Kaliste Saloom

Judge, I will be making another Special Appearance in your court on July 5, 1983, at 1:00 p.m. as requested. It will be a Special Appearance and I waive No Rights. I claim all of them.

I feel that you and your court mistreated me on June 20, 1983, and I feel that you violated your oath of office by denying me my rights to a Trial by Jury. At that point you reputated your oath and I was legally not bound to you in any way, since you choose to not be bound by your oath. I continued to suffer further abuses because I knew your servant did not realize that I did not have to suffer those abuses. Should I have walked away many innocent marshalls would be aiding in an illegal act. I do not want to hurt innocent uninformed servants under your control.

Article IV of the Bill of Rights of the Constitution of the United States guarantees me a trial by Jury. "In all criminal prosecutions, the accused shall enjoy the rights to a speedy and public trial, by an impartial jury."

Article III defining the Judicial Powers Section 2 paragraph 3 states "The trial of all Crimes except in cases of impeachment, shall be by Jury." Article VI last paragraph states "all Executive and Judicial Officers, both of the United States and of the several States, shall be bound by Oath of Affirmation, to support this Constitution;"

I feel you also violated my rights by threatening me with a \$1000.00 Bond and throwing me in jail until it is posted. Article VIII of the Bill of Rights of the Constitution of the United States states "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

To ask if I had been in a hospital lately and later to address one of your servants "to have me evaluated" was uncalled for and an insult. God only knows what you told the audience when I was forced into the back room.

*Michael*  
JUN 30 1983  
CLERK OF CITY COURT

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I needed more time to secure assistance of Counsel, but you with your boiler plate techniques have rushed me so that I am forced to proceed without needed advice.

When brought to the back room to post bond, your Marshalls requested \$500.00 Cash or a Cash Bond. I asked him to define the substance Cash and whether Cash is legal tender or lawful money. He too seems to think that standing up for your rights is weird.

Because of the above I feel you should dismiss yourself from my case, as it is obvious you are prejudice.

I also think that all marshalls under your command should be advised of Title 31 USC 241 & 242, Title 42 USC 1983, Title 31 USC 371, and Article I Section 10 Constitution of the United States before my July 5th Special Appearance. The "I was only doing my job" defense went out with the Nuremberg Trials.

I claim all of my rights and do not waive any of them, and enter this good faith request supported by the record and request that you remove yourself from the case, so as we celebrate our Independence on July 4, 1983, so will the spirit of 1776 prevail in court on July 5, 1983.

Sincerely,

*Bob Kaltenbach*  
Bob Kaltenbach

BK/me

FILED  
JUN 30 1983  
*W. J. Roberts*  
CLERK OF CITY COURT

(The following is excerpted from an astonishing July, 1980, AP release that never appeared in many American newspapers.)

## DECISIONS EXPAND RIGHT TO SUE GOVERNMENT

By Richard Carelli  
Associated Press

WASHINGTON—Although important decisions on abortion payments, racial quotas and the commercial use of genetic engineering attracted the most attention, the Supreme Court's 1979-80 term offered one overriding theme: The expanding right of Americans to sue the government.

In a half-dozen decisions on the government's liability to its citizens, the court lowered—or obliterated—centuries-old "sovereign immunity" barriers.

While seldom fodder for newspaper headlines, a citizen's power to hold government and its agents responsible for lawless actions is as essential to a republican form of government as is the power of the ballot.

In its just-completed term, the Supreme Court ruled:

- Persons whose constitutional rights have been violated can sue government officials directly under the Bill of Rights if Congress has not provided an "equally effective" alternative.

- In the same decision, the justices extended the right to sue directly under the Constitution to cases involving violations of the Eighth Amendment's protection against cruel and unusual punishment.

- Persons can use an 1871 civil rights law (42 USC 1983, cited in Chapter 9) to sue for damages when they believe some act by state or local governments violated a legal right provided by Congress. Never before had the court given such broad meaning to that Reconstruction-era law, a major vehicle for the civil rights movement.

- Such lawsuits do not have to allege "bad faith" on the part of government officials. Instead, those officials must prove they did not realize their acts were unlawful.

- Local governments, unlike their employees, cannot get out from under a lawsuit charging violations of individual rights by proving the violations were unintentional or that the challenged acts were carried out in "good faith." The decision assured citizens whose rights have been violated the availability of some remedy or compensation.

- State courts may be sued for damages if they violate a person's civil rights in enforcing their administrative rules.

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30 JUN 1980

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**\*\*CONSTRUCTIVE NOTICE\*\***

City Court of Lafayette  
City of Lafayette  
State of Louisiana

TO THE CHIEF JUDGE:

On May 13, 1983 I received an alleged 'summons and complaint' from one who held himself out to be an officer of the City Police, and who, under color of law, held himself out to have the fierce and unlawful power to control my very life, liberty, and property! He further claimed that I would either have to appear in this court by the 20th day of May, 1983 or pay out a huge sum of money!

I was shocked beyond belief as I realized that our streets are filled with police who extort huge sums of money under statutory threats of imprisonment, which is a threat to my very life, and this is why I'm writing to you!

This person, holding himself out to be an officer of the City Police, is by his own claim - if he is who he claims - a member of the executive branch of government. Therefore, he had no business in issuing a 'summons', or judicially commanding either of my person, my possessions or my freedom to do anything beyond his limited executive powers!

Though Louisiana may have a statute purportedly giving judicial powers to the executive branch of government, it could not have been lawfully granted, and it, (if there is one), must be null and void! This is not just a naked assertion as I rely upon the following reasons:

Firstly, the Supreme Law of our Land in the Third Article of the United States Constitution states that, 'the judicial powers shall be vested in the courts!' It makes no provisions otherwise as IT DID NOT SAY that, 'the judicial powers are vested with the courts AND CERTAIN of the executive branches.'

It should be plain and simple; the executive branch does not have any of the judicial powers to issue summons. Does this court allow any of its own summons to be issued without either the seal or the signature of the court clerk? I think not! These would be the same Writs of Assistance which so incensed our patriot fore-fathers as to require them to willingly lay down their lives in a war against King George III, so as to divest themselves of such tyrannical bonds. The executive 'summons', however, conforms to the Writs of Assistance.

Any intention or attempt to transfer power from one branch of government to another is a flagrant violation of the Law.

"Any fundamental or basic power necessary to government cannot be delegated." Wilson v. Philadelphia School District, 113 ALR 1401.

No powers are more fundamental or basic to our American system of government than the legislative, executive and judicial, because in every body politic these three branches, however divided, are the very roots of any form of government. As we have just seen, these fundamental powers cannot lawfully be transferred one to another.

As was observed above; although Louisiana might have a statute purporting to give the executive branch certain judicial powers, it came without the proper authority to do so, and however well it has been established by precedents otherwise, we must note that;

"If the legislature clearly misinterprets a Constitutional provision the frequent repetition of the wrong will not create a right."  
Amos v. Mosley, 77 SO 619. Also see Kingsley v. Metril, 99 SO 1044.

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Any statute or branch of government co-mingling the basic powers, of one exercising some of the power of the other, must be seen as a clear misinterpretation of the Supreme Law of the Land, because:

"Neither the legislative, executive nor judicial departments of the federal government (see next page, paragraph 2) can lawfully exercise any authority beyond the limits marked out by the Constitution." Scott v. Sanford, 15 L Ed 691.

"Where the meaning of the Constitution is clear and unambiguous, there can be no resort to construction to attribute to the founders a purpose or intent not manifest in its letter." Norris v. Baltimore, 192 A 531.

and;

"No legislative act contrary to the Constitution can be valid. To deny this would be to affirm that the deputy is greater than his principle; that the servant is above the master; that the representatives of the people are superior to the people, that men, acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid. It is not to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. A Constitution is, in fact, and must be regarded by judges as a fundamental law. If there should happen to be an irreconcilable variance between the two, the Constitution is to be preferred to the statute." Alexander Hamilton, Federalist Papers #78.

Please also see Warning v. The Mayor of Savannah, 60 Georgia, P. 93, First Trust Co. v. Smith, 277 SW 762, Marbury v. Madison, 2 L Ed 60, and 16 Am Jur 2d Constitutional Law, section 177-178.

OTHER REASONS I AM NOT SUMMONED INTO YOUR COURT ARE, BECAUSE;

My signature was extracted from me involuntarily and by force and under threat of statutory penalty which was a flagrant violation of Haynes v. Washington, 373 US 503. The 'summons' is voided thereby, if for no other reason!

"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may be justly pronounced the very definition of tyranny." James Madison, Federalist Papers #47.

Thomas Jefferson who reviled King George III for;

"...altering fundamentally the Forms of our Governments:" (Declaration of Independence 23d clause),

also clearly condemned the executive (policeman) to exercising any of the powers of the judiciary.

"What has destroyed liberty and the rights of men in every government which ever existed under the sun? The generalization and concentrating of all cares and powers under one body." Thomas Jefferson, Works 6:543.

surely as;

"It was important to establish orderly government and the Rights of the people by a written constitution. It is just as important to preserve these rights as it was to affirm, if our form of government is to be maintained." Boynton v. State, 64 SO 2d 536, 554.

It is this opening of the door to tyranny and usurpation which has put me in great fear for my life. If my government will not obey the most basic and fundamental Law I can have no peace of mind!

I am going to DEMAND therefore, that this court order me to come in civilly, so it can PROVE TO ME that it has any authority and/or jurisdiction in this matter, and PROVE that the Officer had the authority to exercise the powers of the judiciary. Since the Law is clear, I believe most fervently that neither this court nor the Officer in this case can bring to bear any proper Lawful authority or commands, because the powers were usurped and not legally delegated by the People.

"Because of what appears to be a lawful command on the surface, many citizens, because of their respect for what only appears to be a law, are cunningly coerced into waiving their rights, due to ignorance."  
U.S. v. Minker, 350 US 179, 187.

I must not be coerced into waiving any of my rights as I claim them all!  
I further have a right to not respect that which only purports itself to be Law. Every scope of this matter looks in its every form as the very part of evil!

Justice Douglas said:

"Our Bill of Rights curbs all three Branches of government. It subjects all departments of government to a rule of law and sets boundaries beyond which no official may go, it emphasizes that in this country man walks with dignity and without fear, that he need not grovel before an all powerful government."

Well, as I mentioned in the foreparts of this Notice, I do indeed fear for my very life! If as Justice Douglas said, 'I can walk with dignity and without fear, and that I need not grovel before an all-powerful government, bound down by the chains of the Constitution, particularly by Articles IX and X of the Bill of Rights, it appears that you or someone (I don't know who to make my objections to anymore - no one seems to listen - do not recognize the Constitution of the United States as the Supreme Law of the Land, So, I have every reason to fear for my very life, because there is seemingly no respect for that which would;

"...establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity,..."Preamble of the United States Constitution.

By Louisiana Constitution I note that we should be able to expect the same responsibilities and duties from those state office's and servants as we can of the Federal, because they are to be;

"...republican in form, ...and not be repugnant to the Constitution of the United States and the principles of the declaration of independence;"

Therefore, if this court will not recognize the Constitution as the Supreme Law of the Land, second after God's absolute, immutable and natural Law, a decent respect to the opinions of mankind requires that it should declare the causes which have thus impelled it. The People, and more particularly I, should at least know what causes have been responsible for moving you away for the direction of Liberty and Life! If it is treason as we suspect, we will then recognize it for its face value and conduct ourselves accordingly. We the People, in order to form a more perfect Union; have established our doctrines upon the principles of Immutable, Absolute, and Natural Common Law. But it appears:

"This people honors Me with their lips,  
But their heart is far away from Me.

But in vain do they worship Me,  
Teaching as their doctrines the precepts of men."

Matthew 15:8-9 NASV

I cannot honor the unlawful summons #47178 because it is apparent it did not bring with it any lawful, proper, authority and/or jurisdiction! It was an invention of men without the proper precepts which we have claimed as necessary in order to preserve liberty!

I claim all of my rights and do not waive any of them, and enter this good faith challenge against this 'executive summons' because I have learned that I,

"...cannot be punished for challenging an executive summons in good faith." Reisman v. Caplin 375 US 440.

The end result of you or the Officer continuing your ways may be easily discernable by the following:

"Failure to secure a valid court order must be punishable for those conducting a search or seizure without it if the rights of the fourth amendment of the U.S. Constitution are to be maintained. If no penalty will be ever attached to a failure to seek a proper warrant or summons, as distinguished from the officers making their own, determination of probable cause, warrants will never be sought." Quotation of Niro v. U.S., 338 F 2d 535, 539, cited in U.S. v. Mason, 290 F Supp 843.

Lastly, it should be apparent that my Fourth Amendment right is no greater than my right to have a limited form of government - 'chained down to the Constitution' - as is secured by the separation of the first three Articles of the United States Constitution, (which the State of Louisiana is subject to, because of its Enabling Act which enabled it to become a State in the Union of the States, and is also subject therefore to;) the writings of the framers of our great Union, the Federalist Papers, the Declaration of Independence, and finally, but most particularly the Ninth and Tenth Amendments to the United States Constitution.

I therefore DEMAND AND HEREBY SECURE all of my Rights, Priveleges, or Immunities as granted by All Mighty God, and further established and secured by the Magna Charta, The Bill of Rights of 1689, The Declaration of Resolves of the First Continental Congress of October 14, 1774, The Declaration of Causes and Necessity of Taking Up Arms of 1775, The Articles of Confederation, The Treaty of Peace with Great Brittain of 1783, The Northwest Ordinance of 1789, The Constitution of the United States, The Louisiana Constitution in so far as it not repugnant to the foregoing and the Declaration of Independence.

I, Robert Kaltenbach HAVE NOT BEEN served with a Lawful and valid summons. I am therefore, under no obligation to appear in your court. Either summon me civilly, with a legitimate summons, to PROVE your case, kill me, or tell me what is the ransom for my life. If I do not hear otherwise in time to appear, I will believe you have agreed with me.

Yours for Constitutional Government,

*Robert Kaltenbach*  
Robert Kaltenbach

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U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
**FILED**

OCT 12 1983

~~ROBERT L. BISHOP~~  
*[Signature]*  
~~CLERK~~

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

FRANCES MITCHELL KALTENBACH

Plaintiff

-versus-

KALISTE J. SALOOM, in his  
official capacity as Municipal  
Judge of the City of Lafayette;  
EARL PICARD, in his official  
capacity as Administrator of  
the Lafayette City Courts

Defendants

CIVIL ACTION

NO.

832401

SECTION: Sec D

MAGISTRATE NO.

**COPY**

COMPLAINT

I. PRELIMINARY STATEMENT

Comes now the Plaintiff, Pro Se and in forma pauperis and informs this Court that:

1. This is an action to challenge the imposition of a five hundred dollar (\$500.00) bail requirement imposed after plaintiff had tendered payment of a thirty dollar (\$30.00) fine in lawful money of the Money of Account of the United States.
2. On September 28, 1983 plaintiff was given a judicial summons by an executive officer for parking her car facing the wrong direction in a public recreational park. She was not guilty of any crime, but her property (her license) was confiscated against her will.
3. On October 3, 1983 the plaintiff waived her rights to a trial and tendered payment of \$30.00 to Ms. Emma Charles, Deputy Clerk of Court, along with a two page Redress of Grievances.

a right guaranteed under the First Amendment of the Bill of Rights of the Constitution of the United States. A Copy of which is attached and marked "Exhibit A".

II. JURISDICTION

1. Jurisdiction over this action is conferred on this court by 28 U.S.C. 1331 and 1332 in that this is an action arising under the Constitution and laws of the United States of America. The jurisdiction of this court is further invoked under section 1 of the 14th Amendment to the Constitution of the United States and Title 42 USCS 1983 and 1988.

III. PARTIES

1. The plaintiff is a citizen of the United States and a resident of the State of Louisiana for twenty-five years. And that the matter in controversy exceed the sum or value of \$10,000.00 exclusive of interest and cost.

2. Kaliste Saloom is the present Municipal Judge for the City of Lafayette. He is sued personally and in his official capacity in which he has primary responsibility for overseeing the activities of the court.

3. Earl Picard is sued personally and in his official capacity as Court Administrator of the Lafayette City Court.

4. The two (2) defendants are named officially in this action pursuant to 28 U.S.C. 1331 and 1332 and 42 USCS 1983 and 1988.

IV. FACTS

1. On October 3, 1983 plaintiff tendered in good faith, payment of a thirty dollar (\$30.00) fine.

2. Along with payment plaintiff submitted a Redress of Grievance, expressing opposition to compelled payment of this fine in anything, but lawful money of the Money of Account of the United States.

3. The plaintiff's conduct was due to her sincerely held patriotic and religious beliefs.

4. The plaintiff's conduct was further due to her desire to fully disclose and explain her beliefs to her government through the Court of the City of Lafayette.

5. The plaintiff's conduct was not due to a desire to impede or delay the administration of the ordinances or traffic laws.

6. Her tender of payment was completely ignored by both Earl Picard and Kaliste J. Saloom and although trial was waived and payment tendered, she was forced to submit to an unlawful and unneeded arraignment.

7. Being forced and coerced into the necessity of either entering a plea or facing contempt, she entered a plea of Special Appearance and challenged the reason for arraignment, after she had tendered payment of the \$30.00 fine.

8. Judge Kaliste Saloom then set her bail at Five Hundred Dollars (\$500.00), and insulted plaintiff's father sitting in the audience.

9. The bail was set 16 times higher than the fine as punishment for accerting her First Amendment right to Freedom of Speech and Redress of Grievances.

10. She was then placed under arrest (without the presence of any council) and sent to the parish jail. The judges instructions were to make room for her, even if someone had to be released to make the room.

11. Plaintiff's driving record is immaculate, and she has no record of conviction for any misdemeanor or felony. At no time was she disrespectful to justify the above stated Abuse of Power.

12. Plaintiff's father secured two (2) individuals who entered themselves as surety and submitted signed affidavits. See "Exhibits B & C".

13. Mignon K. Equerme a twenty year resident of Lafayette attested under oath that she has property in excess of fifty thousand dollars over and above all just debts and liabilities.

14. James T. Doucet a thirteen year resident of Lafayette attested that he has property in excess of two hundred and fifty thousand dollars over and above all just debts and liabilities.

15. Both pledged themselves as surety, but Earl Picard and Kaliste Saloom would not honor their sworn statements and wanted the statements verified by the assessor's tax records.

16. October 10, 1983 was Columbus Day and the court house was closed. Mr. Doucet then obtained copies from his files of paid tax notices on six pieces of property within

Lafayette Parish. He was again refused to be surety for a \$500.00 bail bond which involves a \$30.00 fine.

17. The defendants wanted the plaintiff to remain in jail overnight as punishment for asserting her First Amendment rights.

18. Five Hundred Dollars Cash was raised after 5:00 p.m. on a Holiday in which the banks were closed and posted excessive bail to prevent staying in jail overnight.

19. The bail (16 times the fine) was excessive and uncalled for as plaintiff tendered payment on October 3, 1983. The attached letter contained sufficient information, was not frivolous, and was not due to a desire to delay or impede the administration of the ordinance or traffic laws.

20. Defendants completely ignored the payment of the fine. Held an unlawful arraignment and inflicted cruel and unlawful punishment. Defendants violated plaintiff's First Amendment right under the Constitution of the United States to Freedom of Speech and to petition for a Redress of Grievances.

21. The defendants further violated the plaintiff's rights to due process of law under the Fifth and Fourteenth Amendment of the United States Constitution, in that the determination of the substance requested in her redress is part of Due Process.

22. The five hundred dollars (\$500.00) bond is not normally required when a thirty dollar (\$30.00) fine is imposed.

One is not normally arrested and thrown in jail over a \$30.00 fine in which payment has been tendered in lawful moeny of the Money of Account of the United States. Their was no valid reason for the arrest or confinement. This was a Malicious Abuse of Process and invidious discrimination under the color of law.

23. These arbitrary and discretionary actions of the defendants and the cumulative effect is that the plaintiff's rights to EQUAL PROTECTION OF THE LAW and of the Fifth and Fourteenth Amendments to the United States Constitution has been violated in that other guilty of the same infraction did not receive excessive fines and imprisonment for tendering payment in something other than the Money of Account of the United States.

24. In this case, if the plaintiff had just tendered payment in Federal Reserve Notes or "Cash" as refered to by the court, she would probably had been released like everyone else. However, because she expressed through her First Amendment right, why she opposed the payment of her thirty dollars(\$30.00) in anything other than lawful money of the Money of Account of the United States, she was punished by excessive bail and thrown in jail. This is a gross Denial of Equal Justice and is still within the prohibition of the United States Constitution.

V. CAUSE OF ACTION

Plaintiff request a trail by jury of this matter.  
WHEREFORE, plaintiff prays that this court, after

a trial by jury:

(a) award exemplary and punitive damages in the sum of Five Hundred Thousand Dollars (\$500,000.00) as defendants were willful, wanton, malicious and oppressive and therefore the award is justified. Plaintiff prefers Gold Dollars, but will accept Silver Dollars and may accept paper Dollars or Demand Deposits.

(b) award a refund of Five Hundred Dollars (\$500.00) excessive bail plus interest.

(c) declare and determine that the actions of the defendants and their agents and employees are violations of the Constitutional and Statutory rights of the plaintiff.

(d) award plaintiff the cost incurred in this action including reasonable attorneys fees.

(e) grant the plaintiff such other reliefs this court may deem just and proper.

Respectfully submitted,

*Frances Mitchell Kaltenbach*  
Frances Mitchell Kaltenbach  
Pro Se Litigant  
225 West Bayou Parkway  
Lafayette, Louisiana 70503  
(318)234-9689

ATTEST: A TRUE COPY

DATE October 13, 1983

ROBERT H. SHERWELL, CLERK

*R. H. Sherwell*  
\_\_\_\_\_  
Clerk, U. S. District Court  
Western District of Louisiana

PLEASE SERVE:

1. Kaliste J. Saloom  
City Court Building  
Corner of Lee and East Convent  
Lafayette, Louisiana 70501
2. Earl Picard  
City Court Building  
Corner of Lee and East Convent  
Lafayette, Louisiana 70501



AFFIDAVIT FROM PUBLIC SERVANT

\*\*\*\*\*

I, the undersigned, being duly sworn to support the Constitution of the State of Louisiana and the Constitution of the United States, and being aware that "acts of Congress making the notes of the United States a legal tender do not apply to involuntary contributions in the nature of taxes exacted under State laws" (Hagar v Land Reclamation District No. 108 ; 111 U.S. 701), do hereby circumvent Article 1 Section 10 of the United States Constitution and order Francis Mitchell Kaltenbach to pay his/her debts to the City of Lafayette Traffic Violations Bureau in something other than gold and silver coin of the United States.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Witness

" Exhibit A "

SURETY and BOND FOR COST

\*\*\*\*\*

Case # 19032

The People of the State  
of Louisiana

Lafayette Municipal Court

vs

City of Lafayette

Francis Mitchell Kaltenbach

Parish of Lafayette

I do hereby enter myself security for cost in the cause, and acknowledge myself bound to pay or cause to be paid all cost which may accrue in this action, either to the opposite party, or to any of the officers of this court, in pursuance of the laws of this State, and/or the United States.

Dated this 10<sup>th</sup> day  
of October 1983

*James T. Doucet*

\*\*\*\*\*

JUSTIFICATION OF SURETY

Parish of Lafayette  
State of Louisiana

Personally appeared this day before me JAMES T. DOUCET  
of LAFAYETTE of the Parish and State of Louisiana aforesaid, surety on the bond of Francis Mitchell Kaltenbach who, being duly sworn, deposes and says that he is seized of his right mind, and that over and above all of his just debts and liabilities, in property not exempt by law from levy and sale under execution, of a clear unincumbered estate of the value in excess of TWO HUNDRED FIFTY THOUSAND & 00/100 Dollars, within the jurisdiction of this State.

Subscribed and sworn to before me this 10 day of OCT. A. D. 1983

*Sh. C. ...*  
Notary Public

My Commission expires at death

" Exhibit C "

SURETY and BOND FOR COST

\*\*\*\*\*

Case # 19032

The People of the State  
of Louisiana

Lafayette Municipal Court

vs

City of Lafayette

Francis Mitchell Kaltenbach

Parish of Lafayette

I do hereby enter myself security for cost in the cause, and acknowledge myself bound to pay or cause to be paid all cost which may accrue in this action, either to the opposite party, or to any of the officers of this court, in pursuance of the laws of this State, and/or the United States.

Dated this 10<sup>th</sup> day  
of October 1983

Mignou K. Equeme

\*\*\*\*\*

JUSTIFICATION OF SURETY

Parish of Lafayette  
State of Louisiana

Personally appeared this day before me MIGNOU K. EQUEME  
of LAFAYETTE of the Parish and State of  
Louisiana aforesaid, surety on the bond of Francis Mitchell Kaltenbach  
who, being duly sworn, deposes and says that he is seized of his right mind,  
and that over and above all of his just debts and liabilities, in property not exempt  
by law from levy and sale under execution, of a clear unincumbered estate of the  
value in excess of Fifty THOUSAND & NO/100 Dollars,  
within the jurisdiction of this State.

Subscribed and sworn to before me this 10 day of Oct. A. D. 1983

John H. Crowell  
Notary Public

My Commission expires at death

" Exhibit B "

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date October 27, 1983

TO: DIRECTOR, FBI

FROM: *JHY* SAC, LOUISVILLE (100A-6966) (RUC) *9*

SUBJECT: SHERIFF'S POSSE COMITATUS  
 DOMESTIC SECURITY/TERRORISM (DS/T)  
 OO: INDIANAPOLIS

Re Indianapolis airtels to Bureau, dated September 9, 1983, and October 1, 1983, and Louisville telephone call to Indianapolis, October 21, 1983.

"Preliminary Investigation" instituted August 11, 1983, with expiration date of December 11, 1983.



- ② - Bureau
- 2 - Indianapolis (157-8112)
- 1 - Portland (Info.)
- 2 - Louisville (1-100A-6966)  
(1-157-2082)

*DE-146 100-487031-47*

*V-16*

OCT 31 1983

*1cc-425*

Approved:

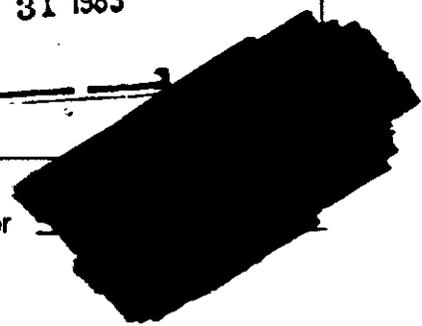
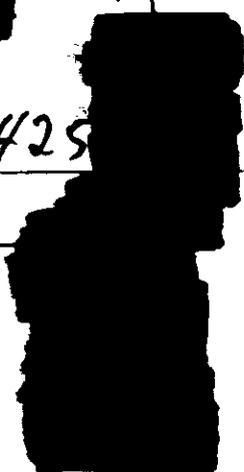
*64 DEC*

Transmitted

(Number)

(Time)

Per





LS 100A-6966

No information is available indicating any of the above listed individuals are currently affiliated with the SPC or CPC and may have been responsible for the letter received by Davis on July 21, 1983.

No additional investigation is contemplated by Louisville and captioned matter is being RUC'd to Indianapolis.



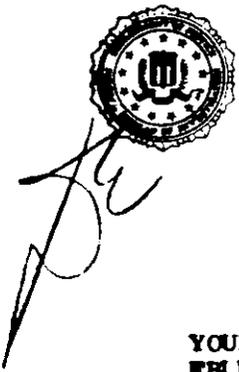
# FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

## REPORT

of the

## LATENT FINGERPRINT SECTION IDENTIFICATION DIVISION



YOUR FILE NO. 157-8112 (P)  
FBI FILE NO.  
LATENT CASE NO. C-26141

November 2, 1983

TO: SAC, Indianapolis

RE: SHERIFF'S POSSE COMITATUS;  
DOMESTIC SECURITY

REFERENCE: Airtel 9/9/83  
EXAMINATION REQUESTED BY: Indianapolis  
SPECIMENS:

[REDACTED]  
Pamphlet, 03  
[REDACTED]

The listed 0 specimens are further described in a separate Laboratory report.

No latent prints of value were developed on the 0 specimens.

The specimens are enclosed.

Enc. (6)

[REDACTED]  
(4)

100-487031-49  
23 NOV 9 1983

MAILED 9  
NOV 2 1983  
FBI

94

MAIL ROOM

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

[REDACTED]

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-13

**CHANGED TO**

JUN 21 1984

277





# FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

## REPORT

of the

### LATENT FINGERPRINT SECTION IDENTIFICATION DIVISION

*mf*

YOUR FILE NO. 157-8112 (P)  
FBI FILE NO. 100-487031  
LATENT CASE NO. C-26141

December 1, 1983

TO: SAC, Indianapolis

RE: SHERIFF'S POSSE COMITATUS,  
DOMESTIC SECURITY

REFERENCE: Airtel 10/11/83  
EXAMINATION REQUESTED BY: Indianapolis  
SPECIMENS: [REDACTED] 04

The specimen is further described in a separate Laboratory report.

No latent prints of value were developed on the enclosed specimen.

Enc.

[REDACTED]  
(4)

*100-487031-52*

2 DEC 13 1983

MAILED 13  
DEC 01 1983

117

[REDACTED]

RECORDED  
10/19/83

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

10/18/83

Laboratory Work Sheet

Recorded 11/3/83

Received 11/1/83

To: SAC, Indianapolis (157-8112) (P)

FBI FILE NO. 100-487031 - 7

LAB. NO. 31018083 D UZ

Re: SHERIFF'S POSSE COMITATUS  
DOMESTIC SECURITY

YOUR NO. LC#C-26141

OO: Indianapolis

Examination by: [Redacted]

Examination requested by: Indianapolis

Noted By:

Reference: <sup>Airtel/</sup> ~~Communication~~ dated October 11, 1983

Examination requested: Document - Fingerprint

Specimens received: October 18, 1983

Specimen:

Q4 [Redacted]

- 11/9/83 - a-u  
Spec upon L + I - no lots of val  
Proc spec 'P'  
- 11/25/83 - a-u  
Reproc spec - N - no lots of val  
Proc spec SA - no lots of val.  
Spec enc.  
enc. 1

ANSd.  
12-1-83  
[Redacted]

Examination Completed 11:10 AM 11/25/83 Dictated 11/25/83  
Time Date Date

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DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE 1 OF 2		CLASSIFICATION UNCLAS		PRECEDENCE PRIORITY
DATE 12/12/83		*FD908PP N08DE HQ #0090 #12YU8*SP 2*122115Z DEC 83		
START HERE				
FM	DIRECTOR FBI			
TO	FBI NEW ORLEANS (100-20194) PRIORITY			
	BT			
14	UNCLAS			
	SHERIFF'S POSSE COMITATUS (SPC); DOMESTIC SECURITY/TERRORISM			
12	(DS/T); 00: NEW ORLEANS			
	RE NEW ORLEANS AIRTEL AND LHM TO FBIHQ, OCTOBER 21, 1983,			
10	AND BUREAU TELCALL TO [REDACTED] DECEMBER 9,			
	1983.			
8	PRELIMINARY INQUIRY TO BE INITIATED DECEMBER 13, 1983, TO			
	EXPIRE MARCH 12, 1984.			
6	THE CRIMINAL INVESTIGATIVE DIVISION (CID), TERRORISM			
	SECTION HAS REVIEWED INFORMATION SET FORTH IN REFERENCED			
4	NEW ORLEANS COMMUNICATION. BASED UPON SPECIFIC FACTS			
	ARTICULATED THEREIN, A PRELIMINARY DS/T INVESTIGATION SHOULD BE			
2	INITIATED ON CAPTIONED GROUP.			
	NEW ORLEANS SHOULD REFER TO THE NEW ATTORNEY GENERAL			
DO NOT TYPE MESSAGE BELOW THIS LINE				
APPROVED	[REDACTED]	DATE	ROOM	TELE EXT.
	(2)	12/12/83	[REDACTED]	[REDACTED]

DO NOT TYPE PAST THIS LINE

100-487031-53

SEE NOTE PAGE THREE

DEC 19 1983

64 JAN 13 1984

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION  
DEC 13 1983

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE 2

CONTINUATION SHEET

~~PAGE TWO DE HQ 0090 UNCLAS~~

GUIDELINES REGARDING PRELIMINARY INQUIRIES AND CONDUCT

INVESTIGATION ACCORDINGLY.

20

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BT

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DO NOT TYPE PAST THIS LINE

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NOTE:

BY REFERENCED COMMUNICATION, NEW ORLEANS OFFICE ADVISED THAT THE LAFAYETTE RESIDENT AGENCY HAD BEEN CONTACTED BY [REDACTED]

[REDACTED] CONCERNING A GROUP OF INDIVIDUALS THAT APPEARED TO FIT THE PROFILE OF THE SPC.

THESE INDIVIDUALS HAVE ENGAGED IN HEATED COURTROOM DEBATES WITH A CITY COURT JUDGE DURING TRAFFIC VIOLATION HEARINGS TELLING THE JUDGE HE WOULD BURN, HAVE PAID TRAFFIC FINES WITH PUBLIC MONEY ORDER CERTIFICATES NOT HONORED BY ANY BANK, AND HAVE REFUSED TO RECOGNIZE THE JURISDICTION OF THE COURT OR THE AUTHORITY OF THE LAFAYETTE POLICE DEPARTMENT. A CIVIL SUIT HAS ALSO BEEN BROUGHT AGAINST THE CITY COURT JUDGE.

ONE OF THESE INDIVIDUALS, ROBERT KALTENBACH, IS AN AVOWED TAX PROTESTER WHO ESPOUSES THE PHILOSOPHY "FIGHT ORGANIZED CRIME, ABOLISH THE INTERNAL REVENUE SERVICE (IRS)." AN ASSISTANT ATTORNEY GENERAL OF THE STATE OF LOUISIANA BELIEVES THAT MEMBERS OF THIS SAME GROUP OF INDIVIDUALS, MAY ALSO BE LOCATED IN LAKE CHARLES, BATON ROUGE, AND NEW ORLEANS, LOUISIANA.

ON JULY 28, 1983, JOHN F. RUNTE, ANOTHER SELF-AVOWED TAX PROTESTER, SPRAYED MACE IN THE FACE OF A U.S. MARSHAL IN OPEN COURT DURING A TAX EVASION PROCEEDING IN THE WESTERN DISTRICT OF LOUISIANA, LAKE CHARLES, LOUISIANA. THE FEDERAL JUDGE PRESIDING OVER THIS MATTER IS BEING SUED BY RUNTE.

[REDACTED]

BASED UPON THE ABOVE, THE NEW ORLEANS OFFICE IS BEING INSTRUCTED TO INITIATE A PRELIMINARY INQUIRY IN THIS MATTER.

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For your information: \_\_\_\_\_  
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December 12, 1983

FEDERAL GOVERNMENT

BY LIAISON

SHERIFF'S POSSE COMITATUS  
MEMBERS IN DELAWARE

Reference is made to your letter dated November 16, 1983, requesting that the 41 individuals identified by the Internal Revenue Service (IRS) as members of the Sheriff's Posse Comitatus (SPC) in Delaware be searched in the Federal Bureau of Investigation (FBI) Headquarters indices.

FBI records were negative concerning all individuals except [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Name:  
Race:  
Sex:  
Height:  
Weight:  
Date of Birth:  
Place of Birth:  
Eyes:  
Hair:  
SSAN:  
Residence:

[REDACTED]

(CLN)

100-487031-55

On January 21, 1983 [REDACTED] was interviewed by Bureau Agents and admitted being [REDACTED]

Exec AD Adm. [REDACTED]

Exec AD Inv. [REDACTED]

Exec AD LES [REDACTED]

Asst. Dir.:

Adm. Servs. [REDACTED]

Crim. Inv. [REDACTED] advised he has no intention of arresting anyone, be it the Judge or the Marshalls, but merely wished to call their actions to the attention of the United States Attorney.

Ident. [REDACTED]

Insp. [REDACTED]

Intell. [REDACTED]

Lab. [REDACTED]

Legal Coun. [REDACTED]

Off. Cong. & Public Affs. [REDACTED]

Rec. Mgnt. [REDACTED]

Tech. Servs. [REDACTED]

Training [REDACTED]

Telephone Rm. [REDACTED]

Director's Sec'y [REDACTED] MAIL ROOM [REDACTED]

DEC 16 1983

R276

By Hand

12/12/83

RE: SHERIFF'S POSSE COMITATUS  
MEMBERS IN DELAWARE

[REDACTED]

On the same date [REDACTED] interview and the facts of this investigation was discussed with the Office of the United States Attorney for the District of Delaware which declined prosecution.

100-487031-56  
-57  
-58

100-487371-8  
-7  
-6

CHANGED TO

JUN 21 1984



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100-487031-NR<sub>10</sub>

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For your information: \_\_\_\_\_  
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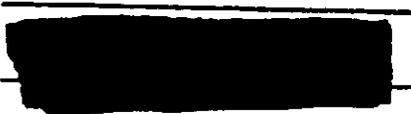
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100-487031 - NR11

TRANSMIT VIA

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PRECEDENCE

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ROUTINE

CLASSIFICATION

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CONFIDENTIAL

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DATE 3/16/12

DIRECTOR, FBI (ATTN: TERRORISM SECTION)

SAC, NEW ORLEANS (100A-26194)

\* *CHANGED*

ENLIGHTENED PATRIOTS ASSOCIATION;  
DOMESTIC SECURITY - TERRORISM

OO:NO

Title marked "Changed" to disclose true name of the organization known as the ENLIGHTENED PATRIOTS ASSOCIATION. Title previously carried as: SHERIFF'S POSSE COMITATUS; DOMESTIC SECURITY-TERRORISM; OO:NO.

Preliminary inquiry initiated 12/13/83 and expired 3/12/84.

Re Bureau teletype to New Orleans dated 12/13/83, and captioned SHERIFF'S POSSE COMITATUS; New Orleans airtel and LHM to the Bureau dated 10/21/83, and captioned SHERIFF'S POSSE COMITATUS.

Enclosed for the Bureau is the original and five copies of a self-explanatory LHM regarding captioned matter.

For the information of the Bureau, New Orleans is disseminating this LHM as well as New Orleans LHM dated 10/21/83 (described above) to the U.S. Secret Service and the Internal Revenue Service, both in New Orleans and also to the United States Attorney for the Western District of Louisiana at Shreveport, Louisiana.

ENCLOSURE

- 1 - Bureau (Enc. 5)
- 2 - New Orleans

*cc NY 12/13/83*  
*cc EAS 1/25/84*  
*cc USSS*  
*cc DOS*  
*2-26-84*

100-487031-53  
 100-487031-46X  
 100-487031-65  
 21 1984

Approved:

Transmitted

(Number)

(Time)

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FEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

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ENLIGHTENED PATRIOTS ASSOCIATION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NEWSPAPERS AND TELEVISION

The Daily Advertiser, a Lafayette, Louisiana, newspaper, has contained several advertisements concerning the Enlightened Patriots Association.

These advertisements disclose this group to conduct meetings at Stansbury's Restaurant at 8:00 a.m. on Saturdays and the Western Sizzler Steak House at 6:00 p.m. on Thursdays.

Furthermore, the advertisements disclose that the United States Constitution forbids direct taxing of citizens and the source of a man's living cannot be taxed.

ENLIGHTENED PATRIOTS ASSOCIATION

On February 26, 1984, The Advocate, a Baton Rouge, Louisiana, newspaper, carried an article featuring an interview with Robert Kaltenbach, a constitutional paralegal who leads a group called the Enlightened Patriots Association and who opposes paying income taxes.

On March 8, 1984

[REDACTED] advised he recently saw Robert Kaltenbach appearing on a Lafayette television station talking about his tax protest movement and claiming that he had not paid income taxes for the last ten years.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ENLIGHTENED PATRIOTS ASSOCIATION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CONCLUSION

Extensive investigation has not been conducted and a great deal of knowledge is not known about Robert Kaltenbach; however, it appears that he is leading a tax resistance organization and is openly involved in a tax protest movement offering step by step guides to would be tax resisters.

Apparently Kaltenbach, as displayed by his absolute refusal to display driver's license; his refusal to accept jurisdiction of local courts and police departments, his open defiance of paying taxes, his vow of poverty, and his claims that local governments cannot charge for license plates, traffic fines, building permits, judicial judgments, etc., does display a degree of negativism toward governments and legal authority.

ENLIGHTENED PATRIOTS ASSOCIATION

Furthermore, it is somewhat contradictory when Kaltenbach takes a vow of poverty but has over \$2,000 cash in his possession during a recent arrest.

It is opined, without further insight, that Kaltenbach will continue his tax protest movement and be willing to be jailed to express his opinions.

His association with members of other violent prone tax protest movements is unknown but it is believed that Kaltenbach has not openly advocated violence or the violent overthrow of the American system of government. However, he will not be deterred from his movement.

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# \$100,000 REWARD

SIMPLY PRODUCE A LAW  
REQUIRING AN AMERICAN  
CITIZEN TO FILE AN  
INCOME TAX RETURN.

LEARN THE TRUTH —  
ABOUT TAXES, MONEY,  
THE LAW & YOU!



ENLIGHTENED  
PATRIOTS  
ASSOCIATION

LEARN, REVIVE, and PRESERVE OUR CONSTITUTION

Come have breakfast with us every Saturday morning at Stansbury's Restuarant  
in the Oil Center at 8 a.m. You will be Enlightened!



# ENLIGHTENED PATRIOTS ASSOCIATION

**LEARN, REVIVE, and PRESERVE OUR CONSTITUTION**

**My Fellow American Citizen,**

**As many of you may know, I have been a Freedom Fighter and Patriot for 10 years. I am committed to this cause and will as proclaimed by Daniel Webster;**

**"I shall exert every faculty I possess in aiding to prevent the Constitution from being nullified, destroyed, or impaired; and even though I shall see it fail, I will still, with a voice feeble, perhaps, but earnest as ever issued from human lips, and with fidelity and zeal which nothing shall extinguish, call on the PEOPLE to come to its rescue."**

**The time has come for me to call upon the PEOPLE, who care about paying legal taxes with legal money to a legal government, and ask them to support this endeavor through the new named organization ENLIGHTENED PATRIOTS ASSOCIATION.**

**I firmly believe that every patriot should belong to at least one organization and not only educate the public about the fraud that exist in our money and tax system, but survive in the fight against injustice. Are you prepared? What would you do if the IRS seized your home, wiped out you bank account, closed down your business, and impounded your car. Do you know the Rules of Survival? Through proper education and application of basic rights, none of the above need ever happen. What would you do if the bankers foreclosed on your farm, home or business. Would you know how to fightback. There is a way to stop ALL foreclosures.**

**There is a way to fight and WIN against all buracracy. Don't be a sitting duck. Attending our meetings and learn how to end being a tax slave.**

**Learn why:**

- 1. All Income Tax is Voluntary.**
- 2. Why you are legally not required to file a return.**

3. How to legally stop your employer from withholding from your pay check.
4. How to stop IRS audits FOREVER.
5. Why not filing is in the Nation's interest?
6. How to use the Public Servant's Questionaire.
7. How to use the Privacy Act of 1974 (Public Law 93-597).
8. When absolutely required, How to file a:
  - a. Wages are not income return.
  - b. Bill of Rights Return.
  - c. 5th Amendment return with donation.
  - d. NoName 5th Amendment Return.
  - e. 0(zero return).
  - f. "NONE" Return.

Learn why the State, Parish and Cities cannot demand payment of:

- |                   |                         |
|-------------------|-------------------------|
| 1. Income Tax     | 5. Occupational License |
| 2. Property Tax   | 6. Building Permits     |
| 3. License Plates | 7. Business License     |
| 4. Traffic Fines  | 8. Judicial Judgments.  |

The Freedom League in Orange California is offering again for the 10th year a \$100,000.00 reward to anyone who produces a Law requiring any American Citizen to file a 1040 confession sheet. For 10 years 71,000 IRS employees, 615,000 Attorneys and over 2 1/2 million Accountants cannot find such a law. But they still insist that their is one, or rather their was one, but it prescribed in 1946. That right the Income Tax expired in 1946 and last year 35,000,000 Americans did not file or pay this VOLUNTARY TAX. Were you one? If not learn the truth about MONEY & TAXES by attending the ENLIGHTENED PATRIOTS ASSOCIATION'S meetings.

YOU WILL BE ENLIGHTENED. Admission is free and everyone is welcome.

April Fool's Day (April 15th) is approaching and their is a way to fight back. Their is a way to stand upon your Constitutional Rights an rid yourself of all illegal taxes.

Samuel Adams summed it all up with the following:

"If we love wealth better than LIBERTY, the tranquility of servitude better than the animating contest of FREEDOM, go home from us in peace. We ask not your counsel or your arms. Crouch down and lick the hands of those who feed you. May your chains set lightly upon you. May posterity forget that ye were our countrymen".

We have the same problem today. Everyone is more concerned about accumulating wealth, than preserving our children future. Everyone would rather pay the illegal Income Tax and leave this problem for the next generation to solve. Fear and ignorance will keep you a tax slave. The Constitution and the ENLIGHTENED PATRIOTS ASSOC. will set you free.

Thomas Jefferson once said:

"If the American people ever allow private banks to control the issue of their money, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of their property until their children will wake up homeless on the continent their fathers conquered. "

#### FACTS

1. The Federal Reserve is a private bank and does control our fiat monetary system.
2. Have you notice deflation and inflation lately?
3. Why do banks own every auto, home, farm ect. ?
4. Can you afford to buy a home today?
5. Will your children be homeless tomorrow?

Sit back and do nothing. Or worse yet look out for yourself and capitalize with the present bank created situation. Or learn the truth.

"And ye shall know the truth, and the truth shall set you free." John 8:32

Or;

My people are destroyed for lack of KNOWLEDGE". Hosea 4:6

Or:

"All that is necessary for triumph of evil----is that good men do nothing."

Edmund Burke

Our next meeting will be at Every Saturday Morning  
located at Stansbury's Restaurant 14115 College Rd.  
city of in the Oil Center Lafayette, La.  
at 8 AM <sup>beginning</sup> on the 21 day of January 1984.

For God and Country

Bob Kaltenbach  
Bob Kaltenbach



**WORK and PRAY**  
 STUDY THE BIBLE AND THE  
 U.S. CONSTITUTION - WORK  
 IN THE "REAL" AMERICAN STRUGGLE  
 FOR FREEDOM FROM SLAVERY -  
 AND PRAY FOR GOD'S BLESSING  
 THROUGH HIS SPIRIT!

*We Be People*

*Children: At present we are in the  
 process of...  
 ...  
 ...*



**ENLIGHTENED PATRIOTS  
 ASSOCIATION**  
 225W. Bayou Pkwy.  
 Lafayette, La. 70503



*"Know the Truth and the  
 Truth will set you free."*

! ? !  
**DOLLARS**  
 \$ of \$  
**WHAT?**



**Newsletter**

Do you have a "Dollar" in your billfold or purse? Possibly you may have some oblong pieces of colored paper with pictures or numbers on it. But is that a "Dollar" as is defined by LAW??? If you have one or more oblong pieces of colored paper, that you consider to be a "Dollar", sometime take a careful look at such an instrument. Yes, it is an instrument, but not the kind that can make music, or be used to perform surgery. There is a variety of financial/monetary instruments, such as stocks, bonds, demand deposits (checks), deposit certificates, contracts (I.O.U.'s) etc. But what kind of item is the oblong piece of paper that many citizens work for, and use to obtain things for needs and also pleasure for a citizens living? Does a piece of paper with numbers like 1, 5, 10, 20, 50 or 100 make it a dollar, or not? Do pictures of Washington, Lincoln, Jefferson, Hamilton, Jackson or Franklin fulfill the lawful specification of what a dollar is?

To help know and understand what this interesting and common item really is, a brief study of early American History will be helpful to understand what is being talked about, for such information may be very surprising. There is strong evidence that things are not what they seem to be, or what many citizens consider to be correct, really is not correct.

During the time of America's creation as a nation, with the establishing of a government, certain powers were defined. One such subject being a national money system.

The specification for a United States system of money was originated on April 2, 1792 and is called the "Coinage Act", and is still current law for the U.S. and is codified as such in Title 31 of the U.S. Codes. Section 371 of Title 31 U.S.C. says as follows: "The money of account of

the U.S. shall be expressed in DOLLARS, units"... Then to give permanence to this Coinage Act, the Second Congress added the following: "...and that all accounts in the public offices and all proceedings in the courts of the United States shall be kept and had in conformity to this regulation." In Section 20, most citizens are familiar with the common dealings of buying or selling in amounts to or from the government. The above description defines the "unit" of America's money, such as other nations use terms of Marks, Pounds, Franc, Lira, Peso, Yen, etc. etc.

The name for a measurement/unit of United States money is specified to be a DOLLAR. The question then arises to WHAT is the name applied to? It should be remembered the name (term) dollar is similar to other types of measurement, such as quarts measure liquid, inches measure distance, pounds measure weight, degrees measure temperature, hours measure time, etc. So a dollar then is a specific measurement of some "thing" or "substance", such as other terms of measurement like quarts of milk, inches of fabric, pounds of potatoes, etc.

The Congress has specified that a DOLLAR is an exact amount of precious metal. A "dollars worth" of money as defined by Congress is a precise amount of either gold or silver. Such specification as defined by law does NOT include a piece of oblong colored paper with pictures and numbers.

As the result of improper or incomplete information and also convenience, many citizens consider a dollar to be something that it is not. The only proper description for United States money is "Dollar of gold" or "Dollar of silver", nothing else.

From 1792 until 1933 there was the gold backing for United States currency. The government had both gold and silver under its "protection", that could then be exchanged for an oblong piece of colored paper with pictures and numbers. The pieces of paper were convenient to use and carry around, but were not a "dollars worth" of United States money. These pieces of oblong colored paper could be redeemed for the amount of precious metal stated on the instrument, \$1, 5, 10, 20 etc. etc. The paper was not the money, but only a claim (I.O.U.) to the money, silver and gold.

In December of 1913 a new law was made that concerns the United States system of money. Prior to 1913 the Federal Government itself was the supplier of "DOLLARS". The new law permitted another source of money for the United States, the Federal Reserve System. The name is less than correct, and misleading as to what many think or consider it to be, such as, the Federal Reserve is NOT any part of the United States Government. The word "Federal" suggests the organization may be a division agency, department, bureau, etc. of the United States Government. It is NOT. It is a combination of (12) twelve private banks, which presently have an exclusive monopoly agreement with the Federal Government as the only source of money issued in the United States. All money created in the United States is borrowed from the Federal Reserve (private banks) and loaned to the United States Government. Also the term "Reserve" is not correct at this time, and has not been since the 1960's. A citizen could exchange/redeem an oblong piece of colored paper with pictures and numbers for a quantity of gold until 1933. During that year a law "suspended" the backing for gold of United States money. The choice of having a "dollars worth" of gold by citizens on a piece of oblong colored paper was ended. But there was still the choice of having a "dollars worth" of silver. This choice of citizens to have silver dollars was also ended in the 1960's. No one could exchange/redeem a piece of oblong colored paper for a dollars worth of silver, and it can not be done at this time. You may purchase a silver or gold coin from certain dealers, but they want more paper than what is the value amount stated on the face of such. There are no silver or gold coins in general circulation at this time. All coins are of a different substance, such as copper and nickel, with a "new" penny (cent) soon to be of zinc. The production cost of any oblong colored piece of paper with pictures, regardless of the numbers on it (1, 5, 10, 20 etc) costs about 2¢ each to print, which is less than the production cost of any/all U.S.

coins in circulation now, except the penny. It would seem that someone has a good scam going, loaning paper money at its face value to the government, that has 98% profit for a one "dollar" bill.

No! Paper money is NOT dollars as is defined by law. The oblong piece of colored paper is a Federal Reserve NOTE. As such, it is evidence of a debt, such as an I.O.U. Any note is an obligation of the maker, and is not wealth in the common sense. It is a liability/burden, and the acknowledgement that there is an amount owed that has been borrowed. Assorted government officials have confirmed/acknowledged the following: "Federal Reserve Notes are NOT dollars". #1- Russell L Munk, Asst. General Council, Dept. of Treasury, Wash., D.C. Feb. 18, 1977. #2- John E. Burke acting District Director of Internal Revenue Service June 27, 1978.

Something to think about! Remember, in America the money of account is a DOLLAR, and that is an exact amount of either gold or silver, not a piece of colored paper.

All merchandise, and compensation etc. etc., are described as amounts of dollars. Do you pay dollars at a store? Do you receive dollars when cashing a check at banks? NO, you do not, the Federal Reserve Note is a substitute for a Dollar. Also, ALL courts must say Dollar(s) when assessing a fine for such actions as traffic violations, all state, county and city taxes are described in amounts of Dollars. The law says so. If you do not have any Dollars, as is defined by Congress, can you pay the bill for taxes, or an amount of a fine? The U.S. Constitution says in Article one, Section 10 as follows: "No state shall ...make any THING but gold and silver coin a tender in payment of debt". All government employees take an oath to uphold the law, and support the Constitution. Don't let them forget.

Since 1968 there have been NO lawful dollars created in the U.S., and there is no specification of the substance of a "Dollar" at present, or how much of said substance is a Dollars worth.

P.S. Recently the Attorney General for Illinois State admitted that only gold and silver can be used to pay taxes to the state. It would seem the same law applies to the other 49 states also.

P.S.#2- If you still think paper currency is Dollars try this test: A stack or roll of dimes worth \$10.00 is twice as big as a stack or roll of dimes worth \$5.00. A "\$10.00 Dollar" bill is the same size and weight as a "\$5.00 Dollar" bill.



**WORK and PRAY**  
 STUDY THE BIBLE AND THE  
 U.S. CONSTITUTION - WORK  
 TO REBUILD AMERICA UTILIZING  
 THE THREE PRINCIPLES -  
 1. WORK 2. PRAY 3. OBEY  
 RETURN TO GOD'S WAY

**ENLIGHTENED PATRIOTS  
 ASSOCIATION**  
 225 W. Bayou Pkwy.  
 Lafayette, La. 70503



**YOU ARE  
 INVITED  
 EVERY SAT.  
 8A. M.**

*We Be People*

**DO YOU OWE A TAX  
 ON WAGES?**

**Newsletter**

Some citizens are still confused about who owes an income tax. Some citizens believe that all money received is taxable. Private individuals may consider that their wages are taxable. Do you know some wages are taxable and other wages are not taxable? If some wages are taxable, who has taxable wages? If some wages are NOT taxable, whose wages are not taxable? If you do not know the correct answers to these questions, probably you are paying a tax that you do not owe. If you do not properly understand what the income-tax law really means, possibly the correct knowledge will be safeguarding.

Children are taught about the Tooth Fairy, Easter Bunny and Santa Claus. Adults all now know that such stories are lies. People have been taught another story that is also a lie. Citizens have heard this lie for so long, that many individuals have never asked IF the story is true, or not true. Some may have asked about this story, but did not ask the right person. Possibly the person being asked for the truth, also accepted the lie, or could be a liar. Another question then is, how does one learn what is the truth, and what is a lie?

To find and learn any truth, one must go to the authority. Such authority will usually be written in some book. The authority for the tax on income is the 16th Amendment of the United States Constitution. The application of the tax authority is described in Title #26 of the United States Codes. This is the explanation of tax authority that is used by the Internal Revenue Service. This information is printed by the United States Government. Many citizens have never read the IRS Code (26 USC) and usually accept other peoples idea of what it means. Some citizens that have read the tax code are confused about what it says.

Citizens have complained about the way the tax code is written. The language is sometimes vague, contradictory, misleading and omits certain descriptions. One such interesting example is that the term "PERSON" does NOT

always mean a human being. In legal description a "person" also can be a company, agency, organization, institution, etc. that is incorporated (created) by government, which "Person" would have certain rights and obligations specified by government. The privileges granted to such a "Person" by government, can be different from "natural" rights Private individuals have, that government is supposed to protect and not infringe. An individual is also a person, but a "person" is not always an individual.

Another interesting item is the name of the department and the regulations for tax collection. Most citizens are familiar with the Internal Revenue Service and their Internal Revenue Code (26 USC). Over in England the same government branch is called the "Inland Tariff." This government department has the function to collect tax inside of the Federal Government, which could be confused as being the same as inside the United States, but really is not. Geographic borders are not as significant for federal revenue collection as are the limits, intents, exemptions, liability etc. that are specified by law.

For an individual to earn and also receive wages, that can be taxed, one must first be an "employee". Certain employers pay wages that are taxable to their employees. For the purpose of tax liability, the IRS Code describes who an employee is, that the employees (person) wages can be taxed. It should be helpful to remember that the income tax is granted under Article I, Section 8 of the United States Constitution, and is a type of Indirect Tax, which does permit the graduated liability of the tax. The exact opposite of other taxes (Direct) are required to be equal.

In Chapter 24 of the IRS Code that is titled: "Collection of Income Tax at Source on Wages" in Section 3401 (C) is the definition for the term "Employee", as follows: "For purposes of this chapter, the term "employee" includes an officer, employee, or e-

...of the United States, State, or any political subdivision thereof, of the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation".

The above description for federal revenue collection says several different things. In simpler language it means #1 that the tax is on wages, and not on the "source". This is important, as any "source" is exempt from tax. All sources can NOT be taxed, unless the tax is equal, or there is a national emergency which does permit such for a two year time limit. (Article I, § 8, Cl. 12) #2 Also specified is that government employees (public servants) wages are taxable. The interesting fact is that without a national emergency ONLY public servants wages are taxable. The wages received by any Private Individual are NOT taxable! The wages of Public servants are taxable because the employee is working for government. The privilege of working for the government is considered "special" and is taxable just like any other license granted to citizens.

The excise tax for government employment is collected "at the source", but is NOT a tax on the source for private individuals. Government employment (special privilege) is a proper subject for tax liability! Both the 16th Amendment and the IRS "Code" specify that profit or gain (income) must be produced (generated, derived, originated, separated) FROM the source to be taxable. Title 26 USC describes this specification in Section 61 (A) as follows: "...gross income means all income FROM whatever source derived..."

That government employees are subject to an Indirect Excise Tax on wages is described further in Section 3402 of 26 USC 3402 (A) describes that employer (a division of government) making payment of wages is required to withhold tax as prescribed by the Secretary of the Treasury. In Section 3402 (N) permission is granted to be exempt from "withholding". IF certain conditions are met by the employee. There is a critical difference of being "exempt" from withholding, which still acknowledges a liability or duty, when compared to be "immune" from withholding such as a private individual citizen.

Explained further that public servants are subject to an indirect excise tax liability is the description in 26 USC Section 6331 (A) concerning delinquent tax, which reads in part, as follows: "Levy may be made upon the accrued salary or wages of any officer, employee, or elected official of the United States, the District of Columbia or any agency or instrumentality of the United States or District of Columbia ...". If you are not a public servant, then the IRS cannot properly put a levy on your wages under Section 6331(A) of 26 USC.

The IRS Code again specifies that private individual compensation is immune of indirect excise liability in Section 861, which is titled "In-

From sources within the United States. Part 2 of Section 861 discusses the subject of "Personal Services" and reads in part, as follows: "...compensation for labor on services performed in the United States shall NOT be deemed to be income from sources within the U.S. if - (C) the compensation is for labor on services performed as an employee of or under a contract with - (ii) an individual who is a citizen or resident of the U.S., a domestic partnership, or a domestic corporation..."

Again, the tax code specifies that the source is immune of liability. Also, Section 861 describes that compensation for Personal Services is not income (profit or gain) if you are a private individual citizen, and have not accepted some special privilege from government to create a duty and obligation to pay an excise tax.

During the national emergency of World War II is when withholding for tax had first started. The authority was temporary for the duration only. (Article I, § 8, Cl. 12) The tax then collected was under Section 3401, at the source. This authority is now expired, as that emergency is over. Section 61 (A) of 26 USC is not the proper application for withholding of private individual compensation for services.

The law for tax on income is an Excise Tax and applies to users of some special privilege granted by government and then also permits a tax on profit or gain, but not any of the source of such profit or gain is taxable. IRS Publication #525 specifies that wages and salary are the main source of profit or gain for most citizens. If you did not know or properly understand the authority for Federal (and State) tax on income, then if you are not a public servant, probably you have been the victim of a big lie.

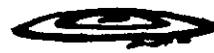
If you are not a public servant, there is no legal reason to fill out a W-4 Form that invites your private employer to withhold amounts of your compensation. If you are a public servant, you have taken an oath to obey the law. Honest public servants tell the truth, and do not collect a tax that private citizens do not owe. If a public servant is opposed to such a tax, then employment in some private enterprise is suggested. The law for a tax on income has not changed. Now you know what it really means.

## TAXES ON OCCUPATION OR LABOR ARE UNLAWFUL

WAGES, SALARIES AND OTHER COMPENSATIONS ARE NOT INCOME (PROFIT OR GAIN), BUT ARE WAGES FOR SERVICES OF LABOR FOR WHICH EACH INDIVIDUAL IS RESPONSIBLE. NOT INCOME, AND NOT TAXABLE.

THE U.S. AND 50 STATES MUST PROTECT THE LIBERTY (INCLUDING LABOR) AND THE COURTS HAVE UPHOLD THIS PRINCIPLE.

SEE: AMERICK V. PENNA. 118 U.S. 105; GARDNER V. COMM. 281 U.S. 479 (1930)



# MUST YOU PAY INCOME TAX?

## FOR INDIVIDUALS, INCOME TAX IS A VOLUNTARY TAX

The above statement makes many people skeptical when they read it. However, the basic reason for the truth of the statement is really very simple.

**THE U.S. CONSTITUTION FORBIDS THE FEDERAL GOVERNMENT TO IMPOSE ANY TAX DIRECTLY UPON INDIVIDUALS**

**INDIVIDUALS VOLUNTARILY IMPOSE AN INCOME TAX UPON THEMSELVES WHEN THEY FILE AN INCOME TAX RETURN.**

Read on and learn why. You will be glad you spent a few minutes to learn about these important facts.

### AMERICANS ARE CONFUSED AND DECEIVED

Before World War II, individuals' wages were not considered to be subject to income taxes. During the war a "Victory Tax" was imposed on wages as an emergency measure to help pay for the war. The people did not realize that government could not constitutionally impose any tax directly on them, so they assumed that individuals and their earnings could be taxed directly.

The Internal Revenue Service intentionally promoted this misunderstanding of taxing power through clever wording of its statements, publications and propaganda news releases. Consequently, Americans have been deceived into believing that they are required to pay an income tax which is laid on them directly by government. However, when the IRS's publications, U.S. Supreme Court decisions and the Internal Revenue Code (income tax law) are studied carefully, they show that for individuals, paying income tax is voluntary and that the filing of tax forms is also a voluntary action that is not required by law.

### CONSTITUTIONAL LIMITATIONS ON TAXING POWER

In order to understand why paying income tax and filing tax forms are voluntary actions for individuals, it is essential to understand the limitations on federal taxation embodied in the United States Constitution. The statesmen who wrote the Constitution were fully aware of the dangers to liberty in allowing a central government to impose taxes directly upon individuals or upon property.

Tyranny resulting from direct taxation of individuals had led to the American Revolution only 12 years earlier when all the taxes collected amounted to less than 7% of the colonies' savings. This tyranny was referred to in the Declaration of Independence where in describing the reasons for the revolution, the founding fathers stated: "Mr. (King George III) has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance."

Because of the knowledge of these facts, the framers of the Constitution included not one, but two limitations in the Constitution that absolutely forbid the federal government to impose any direct taxes upon individuals or upon property. All direct taxes are required to be "apportioned", which means that they must be laid upon the state governments in proportion to each state's population.

The limitations forbidding direct taxation of individuals are found first in Article I, Section 2, Clause 3, which states: "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers..." and again in Article I, Section 9, Clause 4, which states: "No Capitation, or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein-before directed to be taken." These basic sections of the Constitution have never been repealed or amended. The Constitution still forbids direct taxation of individuals and property.

### 16th AMENDMENT MISINTERPRETED (DELIBERATELY)

Deceptive statements by IRS spokesmen and other propagandists have intentionally created great confusion as to whether these limitations on direct taxes are still in effect. They incorrectly claim that the 16th Amendment (the income tax amendment) changed the constitutional limitations on direct taxes and authorized an income tax as a direct tax without apportionment. The U.S. Supreme Court rejected these claims in the case of *Brushaber v. Union Pacific R. R. Co.*, 240 US 1 (1916), when they ruled that the 16th Amendment created no new power of taxation and that it did not change the constitutional limitations which forbid any direct taxation of individuals.

The Court stated that the nature of income tax is identified by the wording of the Amendment itself, which says: "The Congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." The Court explained that since it is a tax "without apportionment", the income tax cannot be a direct tax (a tax on individuals or on property), because the Constitution still requires that all direct taxes must be "apportioned".

### INCOME TAX IS AN EXCISE TAX

If the income tax is not a direct tax, what kind



of tax is it? The *Brushaber* decision, which has never been overruled, cleared up the misunderstanding by stating: "... taxation on income was in its nature an excise..." and it further stated "... that taxes on such income had been assessed as excises in the past." The ruling established that income tax is constitutional as an excise tax, but not as a direct tax. According to the Court, the income tax is still an excise tax (primarily a tax on corporations). The IRS relies on the *Brushaber* decision to prove the constitutionality of the income tax, but ignores the Court's ruling that income tax is an excise tax.

Now the question arises: Can an excise tax be laid on individuals by government? The answer is definitely NO! Remember, as discussed earlier, the Constitution absolutely forbids any federal taxes to be laid directly on individuals. Then who or what is subject to an excise tax? The U.S. Supreme Court in *Frost v. Stone Tracy Co.*, 230 US 107, defined excises as "... taxes laid upon the manufacture, sale, or consumption of commodities within the country, upon licenses to pursue certain occupations, and upon corporate privileges."

Individuals are not commodities or corporations, so the only way an individual could be even indirectly subject to an excise tax is if he were granted a license to engage in an occupation of special privilege, such as a lawyer. The Court has ruled that a lawyer is granted a license of special privilege by government to act as an officer of the court and that money earned in the exercise of that privilege is subject to an income (excise) tax. All occupations that one could lawfully pursue without the existence of government are occupations of common right and are not subject to an income (excise) tax. For example: laborer, factory worker, salesman, plumber, electrician, doctor, merchant, nurse, secretary, truck driver, waitress, etc.

### INDIVIDUALS ARE NOT "REQUIRED"

Section 6012 of the Internal Revenue Code tells who "shall" file income tax returns. Without

careful analysis, the wording of the statute appears to require all individuals earning \$1,000 or more to file returns. The section states: "Returns with respect to income taxes under subtitle A shall be made by the following: (1) (A) Every individual having for the taxable year a gross income of \$1,000 or more, except..." Everything that comes in to an individual is not legally defined as "income". To be "income", money must be a gain or profit made in the exercise of a government granted privilege, such as lawyers' fees. The IRS Code, if carefully analyzed, clearly shows that wages, salaries and tips are not "income".

The section states that returns "shall" be made by every individual having a certain amount of "income". It does not say that returns are "required" to be made by them. Courts have repeatedly ruled that "shall" means "may" when used in statutes (laws).

In the decision on *Cairo & Fulton R. R. Co. v. Mosby*, 95 US 170, the U.S. Supreme Court stated: "As against the government, the word 'shall' when used in statutes, is to be construed as 'may', unless compulsory intention is manifest."

In the decision of *Gow v. Consolidated Coppersmiths Corp.*, 145 Atlantic 136, the court stated: "If necessary, to avoid unconstitutionality of a statute, 'shall' will be deemed equivalent to 'may'."

If you, as an individual, were required to file a return and supply information under oath, all of which could be used as evidence against you in any criminal case, the requirement would be unconstitutional because it would violate your 5th Amendment right not to be compelled to be a witness against yourself. It is clear that individuals are not required to file returns, even if they have "income" of \$1,000 or more.

#### IT'S VOLUNTARY, SAYS IRS

Here are a few examples of the tricky and deceptive wording used by the IRS in their own publications that confirm the voluntary nature of income (excise) tax. IRS publication #21 that is widely distributed to high schools acknowledges that compliance with the law requiring the filing of a return is voluntary and at the same time suggests that the filing of a return is mandatory when it states: "Two aspects of the Federal income tax system - voluntary compliance with the law and self-assessment of tax - make it important for you to understand your rights and responsibilities as a taxpayer. Voluntary compliance places on the taxpayer the responsibility for filing an income tax return. You must decide whether the law requires you to file a return. If it does, you must file your return by the date it is due."

A former IRS commissioner stated in a 1940 instruction booklet: "Each year American taxpayers voluntarily file their tax returns..." The U.S. Supreme Court also confirmed the voluntary nature of income tax in the case of *U.S. v. Pears*, 262 US 145, when it stated: "Our system of taxation is based upon voluntary assessment and payment, not upon distraint" (force).

The term "voluntary compliance" appears to be contradictory, but careful analysis shows the words to be accurate and appropriate. An act is voluntary when one does it of his own free will, not because he is forced by law to do it. If a law applies to an individual, his compliance with the law is mandatory, not voluntary. However, individuals engaged in occupations of common right are not subject to the income (excise) tax.

For them, compliance with the law is voluntary, not mandatory, because the law does not apply to them.

#### NO CRIMES FOR INDIVIDUALS

Since individuals are not subject to an income (excise) tax, they should not be subject to tax related criminal penalties. All the criminal penalties in the Internal Revenue Code are contained in Chapter 75, Section 67543 of this chapter defines a "person" who is subject to criminal penalties. An individual is not listed as being a "person" subject to criminal penalties for failure to file a return, failure to pay income tax, or any other tax law violation.

Section 67543 states: "The term 'person' as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs." Only those people who are required to act on behalf of a corporation or partnership, are listed as being a "person" subject to criminal penalties. If an individual is not in that capacity, he is not required to act and is not subject to any criminal penalties under the Code.

#### HOW CITIZENS ARE TRAPPED

Now you might ask, if those statements are true, how are individuals sent to jail for Internal Revenue Code violations? Judges, all of whom are government employees, are dependent upon preservation of the "system" for their power and benefits. In order to uphold the "system", they frequently twist the law against citizens in tax cases. Since jurors do not generally understand the law and are misguided by those corrupt judges' instructions on the law, they frequently vote "guilty" in tax cases when no crime has actually been committed. If one is not subject to the income (excise) tax, he or she is not committing a crime by not filing a return or by not paying the tax.

People should remember the following important facts. When an individual files an income tax return, he is considered to have subjected himself to the tax by his own action of filing a return (the legal principle of implied assent). The voluntary action of filing is considered to be acknowledgment that he is required to file as a "taxpayer" and is therefore subject to the tax. Anyone who admits to being a "taxpayer" is caught in the trap-like definition of the word in Code Section 67701 (a)(14) that states: "The term 'taxpayer' means any person subject to any internal revenue tax."

#### DAMAGING EFFECTS OF INCOME TAX

In the past, America prospered and became the greatest and richest country in the world when individuals paid no income tax and government's revenues were raised by constitutionally authorized taxes on certain goods and services and on corporations. But now, money is taken from productive sector of society by the income tax to support the non-productive sector, foreign aid, give-aways and a bloated, needless bureaucracy. The income tax paid by citizens sharply reduces their earnings; they then buy less, causing business to decline, leading to unemployment and depression, thus lowering the standard of living for all Americans. The income tax has created havoc in America's

economy, in addition to the loss of liberty and the harassment of our people by the IRS's oppressive collection tactics.

The collection of the income tax by extortion-like methods based on deception and enforced by fear and intimidation is as un-American as the origin of the income tax itself which is the second plank of Karl Marx's Communist Manifesto.

Abuses of the rights of American citizens by judges and bureaucrats administering the income tax law is a disgrace to our country. History has proven that governmental abuses of citizens' rights, if unchecked, always lead to tyranny. Deceiving citizens into voluntarily subjecting themselves to a tax they do not owe is a fraud. When individuals who do not voluntarily subject themselves to the income (excise) tax by filing returns, have assessments of tax laid on them directly, it is a blatant violation of the constitutional limitations forbidding the direct taxation of individuals. If the IRS then confiscates the individuals' wages or property by levy and seizure to settle the unconstitutionally laid tax claims, the action is pure theft under color of law.

#### WHAT YOU CAN DO

The U.S. Constitution is the supreme law of the land. It was written to create a government of limited powers for the primary purpose of securing citizens' rights to life, liberty and property. The Declaration of Independence states that it is the duty of citizens to oppose and resist abuses of their rights. These violations of citizens' rights can be stopped if enough people become informed of these facts. SHOW THIS INFORMATION TO YOUR FRIENDS! Copy this article. Show it to citizens' groups and organizations. Inform the news media. Call radio talk shows. The American people must be informed of these facts so they can take action to preserve their rights.

The Constitution is a precious document of our heritage of freedom. Its guarantees of liberty are only as effective as the will of the people to enforce them.

I am a free, independent, sovereign individual and entitled to all the fruits of my labor and the derivatives thereof.

The IRS (Internal Revenue Service also known as insidious Robbery System) IS NOT AUTHORIZED TO ASSES A TAX against me and has no jurisdiction over my person and subject matter and CAN NOT be assumed.

"No officer can acquire jurisdiction by deciding that he has it. The officer, whether judicial or ministerial, decides as he pleases." (Middleton v. Low, 30 C 586.)

Would you help an evil group of men hurt naive and innocent people? Everyone Knows and Feels the IRS is vicious and cruel with their lies and deceptions... So remember, ONLY A JUDAS helps the IRS OPPRESS the American workers.

I declare under penalty of perjury the above is true and correct.

*David M. Felt*  
JOIN THE FREEDOM MOVEMENT  
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# Jury 12 U.S. Attorney, & I.R.S. 0 0 0

**Jury Verdict: Wages are not income**  
**Man who did not file income tax on \$40,000 is innocent.**

**AUGUST:** The Welfare State bureaucrats and International Bankers that feed like a cancer on wage taxes may have to go on the unemployment lines, start asking alms, and stop handing billions to the communist nations after a May 27, 1983 decision in Federal District Court in Auburn, New York.

The Government had charged an ill man with failure to pay income taxes and tried to slip "overseer" from income tax on W-4 withholding forms where he worked. It was a classic David v Goliath case as it appeared from the very start that both the Judge and the Government were out to punish the patriot defendant for his libertarian views.

Percy "Jack" Perce had been indicted by the U.S. Attorney's grand jury for failure to pay income tax on nearly \$40,000 of wages in 1980 and 1981. Assistant U.S. Attorney John McCann argued unsuccessfully to the jury that Perce didn't send in 1040 forms because he "willfully and deliberately" wanted to defy the law.

Defense Attorney Scott McLarty, from Decatur, Georgia, successfully argued to the jury that it was Perce's belief, as well as his own, that based upon the 18th Amendment the Government cannot place a direct tax on the source of a man's living. Only income earned from tows/rent/separated from the source is the taxable object authorized by the 18th Amendment, such as interest earned on a part of a man's wages (source) he keeps in a bank, and interest earned is correctly "income" from whatever source derived. The logic of Perce's position is substantiated by several older Supreme Court cases that were handed down before the government turned socialist.

A sampling of the older cases are: *Eaton v McComber* where income is defined as gain (profit); *Marchants Loan & Trust Co. v Snieland* the court demanded that income must be given the same meaning in the Income Tax Acts of Congress that was given to it in the Corporation Excise Tax Act of 1908 (where it meant only corporate profit); *Keesbey & Mattison Co. v Rhythoids* where the defined concept of income had been uniformly restricted to a gain realized or a profit derived from land and capital, labor, or both; *Millsberg v United States* where the court said that what is not in fact income cannot be made income by legislative act, or be a mere regulation of an administrative department like the IRS; and in *M. E. Skott Co. v United States* which said Treasury regulations can add nothing to income as defined by Congress.

Judge Lloyd F. MacMahon upheld Assistant U.S. Attorney John McCann's objections which prohibited McLarty from entering letters from Senators, Congressmen, and attorneys, and other documents that said "income" is restricted to mean exclusively "gains or profits" and that the sources of living of middle-class America was never intended to be the object of the income tax. IRS agents took the stand against Perce and said he was conducting meetings and distributing material that was harmful to the tax system. Under cross examination the meetings turned out to be about constitutional taxation and the subversive material was the U.S. Constitution and the Declaration of Independence. The Perce trial was

very exciting and much of the time was a real dogfight between Judge MacMahon and Defense Attorney McLarty. At one point in the trial the Judge had to be taken to the hospital for what may have been a heart attack.

There was no question Perce didn't pay income taxes on his wages of nearly \$40,000 in 1980 and 1981, and no question that he didn't send 1040 forms to IRS. Neither did Perce rely upon the Fifth Amendment. The patriot attacked the very heart of the welfare state by raising the issue "Wages Are an Exchange of Property and Are Not Income."

The jury came back after several hours of deliberations with a 12 to 0 verdict exonerated on all charges. Judge MacMahon called it the worst verdict he had ever heard. The verdict was clearly a vote against government spending, government deficits, foreign aid, guaranteed (employer) loans by the Big Banks to communist nations, payroll withholding taxes, the income tax, and the Welfare State in general. The verdict was a vote for the right of the people to receive their whole paycheck that they work for and to spend their pay as they see fit for their needs in the free market place.

The Perce victory follows the Ray Gerard victory in Chicago for failure to pay income taxes and the Gary Bass victory in Beaumont, Texas over the IRS. The Perce victory is significant as the brave jurors clearly said "wages are not income" by their verdict and the case was tried in New York State the very heart of the welfare state's Wall Street Eastern Establishment. The Cayuga County farming community has said NO to big government and YES to private property. Many of the jury of six women and six men voted in the foyer below the courtroom, which is located in the Auburn post office, to greet and cheer the Perces and McLarty. McLarty said "If all the people in the country knew they had the power on juries to overturn bad law and put a stop to big socialist government, like the people in Auburn, NY have the IRS would have to move to the Soviet Union where it belongs."

Perce, a member of the New York Patriots Society, thanked the jury for their courage to vote with their hearts, and later at a large Patriots Society meeting in Fulton, gave credit to Jesus Christ for instilling His power in the jurors to stand firm for the cause of truth, liberty, and the right to acquire private property in the face of the powerful federal government that has gone insane over its lust for power and is enviously confiscating the wealth, property, and inheritance of the private citizenry which the government redistributes amongst the communist nations of the world.

The Perce victory will be a nightmare for the IRS as now more people will demand their rights to pay only a tax on what is actually "income" and resist slave taxes on the source of their living. He important people know the law, not break the law. The N.Y. Patriot Society conducts educational classes on history, philosophy, Bible, economics, and the Constitution. Those interested can call 982 5179 for class information for a free bumper sticker, "Stop Organized Crime, Abolish the IRS", or booklets on taxation write N.Y. Patriots Society, 808 Emory St. Fulton, NY 13068.

## Law of the Land

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid. One must prevail. This is succinctly stated as follows:

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"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as if would be had the statute not been enacted.

"Such an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. . .

"A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Sixteenth AMERICAN JURISPRUDENCE  
Second Section, page 256

ENLIGHTENED PATRIOTS ASSOCIATION  
225 W. BAYOU PARKWAY  
LAFAYETTE, LOUISIANA 70503

## Supreme Court Supports Local City Judge's Ruling

The Louisiana Supreme Court has upheld City Judge Kabate Salomon Jr.'s ruling against a local man who refused to pay a traffic fine with federal reserve notes.

The state court Friday unanimously denied 14-year-old Winston L. Kaltenbach's writ against the City of Lafayette, upholding Salomon's decision to require the "greenbacks" for payment of court fines.

Kaltenbach was ordered jailed on Nov. 21, 1963, when he attempted to pay his fine with public office money certificates.

His father, Robert Kaltenbach, and sister, Frances Mitchell Kaltenbach, have similar cases pending in which they have attempted to pay with the public office money certificates. The money certifi-

cates resemble bank checks, signed by the issuer.

Kaltenbach had been arrested on a charge of failure to yield with an accident. He claimed in his petition that he had been unlawfully imprisoned, and sentenced by Salomon to serve 30 days for failure to pay the \$25 fine.

The court was in error, Kaltenbach claimed, because "the money account of the United States (gold and silver coin, prior to 1934) can be tendered at law into any public office or any court."

Kaltenbach said he never refused to pay his fine, but wanted to know how he could pay his fine according to the Change Act of 1933 and the U.S. Constitution.

Salomon would only accept whatever the bank would honor, such as U.S. currency, and silver coins, which were

then refused by Salomon, Kaltenbach's petition says.

According to the petition, his father offered to pay the fine in "unlawful" federal reserve notes and offered to double the payment if an affidavit was signed authorizing him to pay in something other than gold and silver coins.

U. S. CONSTITUTION

# FORBIDS

DIRECT TAXING  
OF CITIZENS

Surprise! The Income Tax is Voluntary!

LEARN THE TRUTH —  
ABOUT TAXES, MONEY,  
THE LAW & YOU!



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in the Oil Center at 8 a.m. You will be Enlightened!

Advertiser, Lafayette, La., Wed., Feb. 16, 1984 6

## Court 'Evades' Money Issue

285 W. Bayou Parkway  
Lafayette, La.

Public Forum  
Daily Advertiser  
Your article on page 3 of  
Tuesday's paper dated  
January 21, 1964 entitled  
Supreme Court Supports  
Local City Judge's Ruling is  
a gross misrepresentation of  
facts, under the color of  
press power.

It should have been en-  
titled:  
-Supreme Court Evades  
Ruling On Issue Too Hot To  
Handle.

or:  
Supreme Court Protects  
System By Judicial Discre-  
tion.

The Court did not uphold  
any ruling as your article  
states. They simply evaded a  
ruling (which all judges  
evade) by denying a writ of  
review.

This article like all others  
on the subject covered by  
your reporter is distorted or  
inaccurate. At the present  
time we have 11 cases pend-  
ing with municipal and state  
courts. None have ever col-  
lected any payment and until  
they denominate our fine, tax  
or debt in gold or silver  
coins, we are legally IM-  
MUNED from payment. (16  
Am. Jur. 2d 82).

The Constitution of the  
United States is the supreme  
law of the land and Article 1  
Section 10 clearly states:

"NO STATE  
SHALL MAKE ANY  
THING BUT GOLD AND  
SILVER COINS A TENDER  
IN PAYMENT OF DEBTS."

These 11 cases deserve fair  
and accurate reporting.  
Please have the common  
courtesy to give this rebuttal  
the same size heading given  
in the original article.

Signed - Robert Kaltenbach

WAGES NOT INCOME.

# Supreme Court Rules:

**"The Source of a Man's Living  
Can Not be Taxed"**

*Pollock v. Farmer's Loan — 15 Sup. Ct. 912  
Gusheba v. Union Pacific — 36 Sup. Ct. 236*

**LEARN THE TRUTH —  
ABOUT TAXES, MONEY,  
THE LAW & YOU!**



**ENLIGHTENED  
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ASSOCIATION**

**LEARN, REVIVE and PRESERVE OUR CONSTITUTION**

*"Let us disappoint the men who are raising themselves upon the ruin of this country."*  
Sam Adams, 1776

**MEETINGS: SATURDAYS AT 8 A.M. & THURSDAYS AT 6 P.M.**

*Stansbury's Restaurant at 8 a.m. Western Sizzler Steak House at 6 p.m.  
1412 S. College Road 4401 Johnston Street.*

**WELCOME**

**YOU WILL BE ENLIGHTENED!**

**WELCOME**

**WELCOME**

*The Daily Advertiser*

## Acadiana

*Advertiser, Lafayette, La., Wed., Feb. 22, 1984 11*

U. S. CONSTITUTION

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YOU WILL BE ENLIGHTENED!

# Income taxes target of 'Patriot' lectures

By BRUCE SCHULTZ  
Academy bureau

LAFAYETTE — Robert Kaltenbach — should he be called a tax cheat or a patriot? Kaltenbach, who prefers the title of constitutional paralegal, is one of thousands of people nationwide who doesn't believe in paying taxes.

He insists he would gladly pay legal taxes, but he claims the present federal income tax is voluntary and has no foundation in law.

And he's taking his message to anyone who will listen through his group known as the Enlightened Patriots Association. Saturday mornings and Thursday nights, he conducts his lectures against income taxes, the judicial and monetary systems.

He shares his fight against the IRS through the sale of video-taped lectures, live lectures, books and pamphlets. For \$298, he will present four hours of anti-tax, pro-Constitutional beliefs.

Business is brisk just before mid-April, he said. Most seek out his aid because they simply don't want to forfeit money in taxes, not because they have a moral

objection to the tax system, he admitted. Sure, Kaltenbach admits, he could have continued the easy path in life, paying his taxes, paying traffic fines, obtaining his driver's license and vehicle license plates, just as he did for 23 years.

"I was a very rich man at one time," Kaltenbach said while in his modest Lafayette home. "But I couldn't continue to turn my eyes and follow something that is wrong."

The 24-year-old man said an automobile accident about 18 years ago led him to the straight and narrow road to the U.S. Constitution.

He recalls his injuries were almost fatal from that head-on collision with a drunk, and Kaltenbach said he received a divine message during recuperation.

The message: "You ain't got nothing to lose my friend. You should've been dead."

The holy messenger instructed him to "Go out and tell the world" about taxation, the Constitution and how to see one to avoid the other.

His cause has become a daily struggle in

(See KALTENBACH, B3)

SUNDAY ADVOCATE

Feb. 26, 1984

Section B

# Kaltenbach

(Continued from B3)

what he sees as a fight to prevent certain doom for the nation's economy.

If the U.S. isn't returned to the hands of the people, the country will face inevitable ruination, he believes.

"I've got to straighten this out," he said. Kaltenbach believes that an end to the present tax system would turn the trickle-down theory into a flood. If citizens united nationwide and ceased paying taxes on their wages, there would be enough money in the private sector to create an unprecedented economic boom, he is convinced.

He said he is just one leader of numerous protest groups like his which have sprung up nationwide. More and more people have refused to pay income taxes, he claimed.

"We're growing at the rate of 1,000 a day," he said.

The Enlightened Patriot's Association's primary target, of course, is the IRS, but judges, lawyers, accountants and bankers are also on his list of undesirables.

"They've stolen our law system from us and we're going to have to jam it back down their throats," he said.

"People are going to have to take control of their destiny again."

He believes the struggle against the IRS is a winning effort.

"We've got the IRS so they don't know which end is up," he said.

Kaltenbach believes that the nation can be saved through peaceful means and he said those who share his beliefs are willing to pay the price.

"It's no deterrent to send us to jail."

He said most of his fellow protesters are willing to use peaceful means to achieve their goals, but he admits that some haven't eliminated violence as a possibility.

Some would be willing to die for their beliefs, he said, mentioning that one protestor, Gordon Kahl of Texas, has been killed.

Kahl was sought by federal authorities in connection with the shooting deaths of two U.S. marshals in February 1983 in North Dakota. Kahl, a member of the tax protest group, Posse Comitatus, was the government's prime suspect in the marshals' deaths. When federal authorities caught up with Kahl, he was killed.

But a newspaper from Clinton, Ark., The Justice Times, contends that Kahl was framed and murdered in Arkansas and that the marshals were killed in North Dakota when Kahl returned fire in self-



Bruce Schultz/Morning Advocate

## Robert Kaltenbach leads a group which opposes income taxes

defense. The paper refers to Kahl as a "champion of freedom" and insists that federal authorities masterminded Kahl's death.

The paper also hints that the North Dakota incident may have been a plot by the U.S. government to influence a jury hearing defense testimony in a tax evasion case against seven Braniff airline pilots.

"We know that was the reason for it," Kaltenbach said, agreeing with the Justice Times allegations.

Kaltenbach said some tax protesters, including himself, have become survival-conscious, establishing wilderness hideaways with stockpiles of food and coins of gold and silver just in case the worst transpires. He recommends northeast Arkansas and the Rogue River area of Oregon as some of the best crisis retreats to be found.

Kaltenbach's dispute with the IRS is a many-sided argument, based on his interpretation of case law and the constitution.

First, he claims that no federal law exists that requires a U.S. citizen to pay income tax. There was once such a law but it expired in 1946, he said.

People simply take it for granted that they owe taxes and every year they obediently comply with a non-existent statute, Kaltenbach contends.

"It's the biggest hocus-pocus ever put on us."

But even the law that expired in 1946 didn't require most citizens to pay taxes, he said, because it was aimed at federal employees. That's why the federal tax collection agency is known as the Internal Revenue Service, he said.

But even if the law had not expired in 1946, taxpayers would owe no assessments on wages received for their labor, Kaltenbach argued. Wages are simply an exchange for a person's time and efforts and are not income, he said.

He believes that income is money generated from rent and investment interest, and taxes should be paid on that money. But the IRS and the U.S. Supreme Court have failed to define what income is, Kaltenbach said.

Anyone considering Kaltenbach's course of action might also want to consider the federal government's view of tax protesters.

The IRS doesn't take any of the tax protesters' claims seriously, said Larry Batdori, an IRS spokesman in Washington D.C.

Those citizens who fail to file tax returns and those who file protest returns totaled about 40,000 nationwide last year, Batdori said, down by about 3,000 from 1982.

"We feel it is a problem," Batdori said.

But it is a problem we're well able to cope with."

A protester might get away with not filing one year, but eventually the IRS catches up with those who don't pay their taxes out of principle, he warned.

Either civil tax penalties are assessed or a person is taken to court for criminal prosecution, he said, noting that 724 protesters were convicted last year in federal courts.

If a person has exhausted his appeals of IRS decisions and still refuses to pay his taxes, Batdorf said, his personal property may be seized without a warrant to satisfy the tax liability and IRS penalties.

Batdorf said he is familiar with all the protesters' arguments, from a claim of taking the Fifth Amendment to the wage-aren't-income theory, but none of them hold water.

"I've seen all those," Batdorf said. "But the courts have rebuffed those arguments."

Some citizens file protest returns which prevent the IRS from determining tax liability, but federal authorities don't accept those efforts with casual disregard, either, he said.

As a matter of fact, any frivolous return can be fined \$500, he said, and so far, that penalty has been imposed in 8,000 cases since September.

Kaltenbach's ongoing disputes aren't just limited to the federal government, however.

He is fighting traffic charges in the city courts of Lafayette and Opelousas.

In the Lafayette court, he was fined but Kaltenbach has argued he can't pay the

fine since Lafayette City Judge Kaliste Salomon has insisted that the penalties be paid with federal reserve notes.

But federal reserve notes are worthless, Kaltenbach said, since the currency is no longer backed up by gold or silver.

In support of his argument, he draws on the Constitution which reads: "No state shall make anything but gold or silver coins a legal tender in payment of debt."

He doesn't believe he should be required to obtain a driver's license because he argues that such a requirement violates his freedom of movement.

He also doesn't believe that he should be compelled to obtain a license plate for any of his vehicles because he insists it is a form of illegal taxation.

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