

FREE!!!

# COMMON SENSE

TAKE ONE

## Editorialized News

(At least we admit it)

"Better a free press without government than government without a free press." - Thomas Jefferson

### JUDGES AND JUSTICES

John R. Wilkenson

The only people who are conceivably unaware of the general moral corruption of the entire legal profession are those who have had no contact with it. While it would be unfair to paint the few lawyers and judges who dissent from the status quo with the same brush used for the majority, it is also fair to note that if one is not part of the solution, one is most likely part of the problem.

As a member of, and area contact person for, HALT (a national organization of Americans for legal reform) I feel obligated to relate one of numerous Mesa County's judicial horror stories. Since I am personally involved, let it be clear that I speak for myself personally, and NOT on behalf of HALT or it's agenda.

My mother and I paid some folks \$3,000 to buy some pre-1965 US silver coins (aka "trash silver") for us. As it turned out, we were defrauded by materially false advertising, and have never gotten either the silver or our money back. So we went to court to try to recover our property.

One of the defendants (the only lawyer) made a motion to quash the summonses, based on the fact my mother and I had signed them instead of having a lawyer do it. In spite of the fact that in a 1980 case then-chief judge James Carter ruled that it is perfectly valid to do what we did, judges William Ela & David Bottger said otherwise. But that's just the tiny tip of the iceberg. Not only did they quash the four summonses related to the lawyer's motion, but they quashed all the remaining summonses 30 days after the remaining defendants had appeared in court ready for litigation.

"Comes Now" the judicial lawlessness. Good Old Ela and Bottger assessed attorney fees against us for the defendants' motion to quash summonses even though Colorado law says: "CRS 13-17-102(6) No party who is appearing without an attorney shall be assessed attorney fees unless the court finds that the party clearly knew or reasonably should have known that his action or defense, or any part thereof, was substantially frivolous, substantially groundless, or substantially vexatious." Colorado law also requires the courts to hold a hearing on the subject of whether a party

"clearly knew or should have known," and requires the court to set forth in writing the reasons for the award in view of at least 8 separate factors and considerations. There was no such hearing. There were no such findings. Good Old Ela and Bottger simply violated the law with impunity, despite our motion to reconsider.

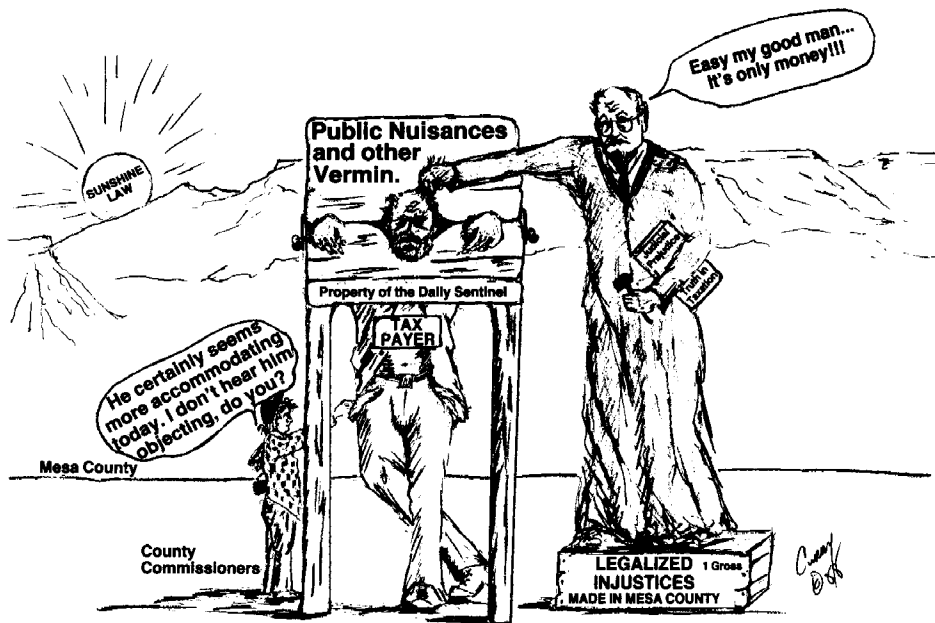
Of course, we refuse to pay one thin dime, and although Good Old Ela and Bottger haven't had the gall to try to enforce their maliciously illegal order, neither will they vacate it. Nor have they dismissed our case, because they know it's a valid and timely complaint. Since a decision by the court to dismiss for failure to prosecute would be an outright and appealable lie, the case just sits there. But that is still not the end of the story.

Good Old Ela and Bottger's lawlessness raised four unprecedented questions of law which my mother and I presented to the Colorado Supreme Court. The high court's response to the most exhaustive and comprehensive work I have seen on the subject matter was substantively comprised of a single word: "denied". No reasoning, no findings, just "denied". The Good Old Colorado Supreme Court obviously does not want to talk about their law-breaking judges and the legal "profession's

treatment of non-lawyers." Apparently they'd rather stonewall and coverup both the issue and the story. The committee on judicial discipline did not bother to respond to our complaint. Of course this "un-decision" won't be published in the law reports because the Good Old legal profession and its "supreme" court don't want the American public to know how they are treating non-lawyers in the courts.

We have appealed to our state and federal legislators to enact corrective legislation to protect citizens from arrogant and lawless judges who lie about what the intent of the law is, or who, like judge Dave McKinley, tell non-lawyer litigants, "I don't care about your constitutional rights" (I heard that one with my own ears, and still can hardly believe it!). So far only Tim Wirth and Ben Nighthorse Campbell have even bothered to respond, let alone help.

Isn't it fascinating that if you're a lawyer your summons is valid, but if you're not a lawyer, your summons is no good. Isn't it interesting that if you hire a lawyer, the time and effort necessary to earn the money to pay him/her are accorded a monetary value by the courts and you are compensated for the expenses necessary to obtain justice, BUT if you are not a lawyer - or (as in my case) no lawyer will take Continued on pg. 4



THE REAL PILLORY

# Commentary

## Common Sense

Originally founded  
by Thomas Paine in 1776

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## EDITORIALS

### The Great Oz

ISN'T IT INTERESTING THAT WHEN THE "RIGHT" PEOPLE WANT A NEW JUDICIAL COMPLEX AND JAIL, ALL OF A SUDDEN PRISONERS HAVE NEWLY FOUND "CONSTITUTIONAL RIGHTS"? All the rest of the time nobody, either in or out of prison, has any rights at all except: 1) the right to believe in "the system"; 2) the right to help pay for "the system"; and 3) the right to participate in the herd decision-making process until your dissent becomes effective, when it is promptly outlawed under the "clear and present danger" doctrine.

Tuesday night we attended a public meeting where at least 95% of those who spoke voiced their strong and unequivocal opinions against Mesa County's endlessly - increasing level of taxation. Particular focus fell upon the decision of "honorable" federal judge Richard P. Matsch that, like it or not, the people of Mesa County ARE GOING TO PAY for a new jail. Most of those present seemed to be asking, "who in the world does this Matsch character think he is? Doesn't he know it's the function of the Legislative Branch (accountable to the people at election time) to decide what the level of taxation should be and what the tax monies will be spent on?" So, since the Great and Powerful Matsch of Oz seem's not to give a hoot for either the peoples' pocketbooks or the doctrine of separation of powers, and since our elected officials seem to enjoy the diffusion of accountability - they can be heard in unison to sing; "it's not my fault!" - arising out of a situation where life-tenured unelected judges regularly cheat the citizenry out of its constitutional rights, life, liberty, property, and happiness, the question arises: WHAT ARE WE GOING TO DO ABOUT IT??

Thomas Jefferson (the most popular politician in America's history) understood the judiciary, and said the following in some of his letters:

*"The great object of my fear is the federal judiciary...." "It is not from the legislature we have the most to fear. Taxes and short elections will keep them right. The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. This will lay all things at their feet.... Against this, every man should raise his voice, and more, should uplift his arm." "If the States look with apathy on this silent descent of their government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrollable but by a rod of iron, and so the blasphemers of man, as incapable of self-government, become his true historians."*

"Uplift an arm" against the judges? WOW!!! Physical resistance is strong stuff! And what about Thomas Paine who was of the opinion that the penalty for any legislator who voted in favor of the legalization of monetized public debt should be DEATH? Good thing Jefferson, Paine, Samuel Adams, and Patrick Henry are not alive today, or they'd all be called dangerous radicals, terrorists, and traitors, "unfit for public office". Of course, nobody but a fool could accuse the Founders of not understanding how "gumint" works.

While "uplifting an arm" against tyranny is always a dangerous (and "illegal" according to the tyrant) thing, fortunately we still have the freedom to publicly express our opinions.

One idea of what actual action might be taken against the arrogance of the Great Oz was that we could just give all our property to the government and become serfs. That way we wouldn't have to think we were free and had rights.

A better idea was used by America's founders through their Committees of correspondence. Expose the wrongdoing of public officials and discuss the issues fearlessly in public. That is the precise aim of **Common Sense**.

### The Daily Sentinel

The Daily Sentinel's unfair caricature of the people who attended Tuesday night's public meeting screams out for rebuttal.

Not everyone is aware that the Sentinel has an executive editorial board which sees to it the stories are presented with the "right slant". If one reads George Orwell's 1984 one can understand the motives of the Sentinel's policy makers (most of the people who just work there are decent and hard-working). The Sentinel's definition of people was "anti-tax", "anti-government", and "salivating lions". The truthful and real definition of those colorful phrases is "anti-waste", "anti-corruption", and "angered by theivery". In this editor's opinion, the Sentinel's editorialization of the news amounts to what Orwell called "newspeak". That's where evil is called good and god, evil - all for the purpose of brainwashing the subjects and maintaining control.

**Common Sense** finds it amusing that on many things of little substantive importance locally, the Sentinel will use flaming rhetoric to create an illusion that it is taking a hard conservative line - e.g. "Let's give Ted Bundy the hot squats", instead of simply, "Ted bundy ought to be executed" - but when it comes to getting into your pocket by promoting the public-debt bond racket, all that designed-for-Mesa-County-readers psuedo-conservatism vanishes right out the window.

**Common Sense** believes the publication and distribution of "peoples" newspapers is essential to the public exposure of the whole truth and the preservation of liberty and justice. Accordingly, **Common Sense** encourages anyone who is having trouble getting the truth about injustice out to the people to feel free to borrow the idea of **Common Sense** and its format.

Because so few ideas are truly original, the editor reserves the right of editorial control only over those volumes with his name on it as editor and publisher. Every issue of a "peoples" newspaper should be viewed as a completely separate enterprise, and other publishers of **Common Sense** ought to accept accountability by placing their names on any issues they might publish, much like America's Founders accepted accountability by signing the Declaration of Independence.

## ACCESS TO THE LAW LIBRARY

Chancellor B. Good

It has come to my attention recently that there has been some problem with access to the law library. While the situation seems to have improved since the reign of former chief judge William Ela, people are still given the feeling they are not wanted there.

Let's be clear on one point: appellate case law proves that any citizen has a constitutional right of access to the law library. It's an indispensable part of the people's right of access to the courts. Not only the U.S. Supreme Court (Bounds v. Smith), but also the 10th Circuit U.S. Court of Appeals (Braden v. Beaman) and the Colorado Supreme Court (People v. Hernandez) have upheld the right. So why all the games, boys?

I have heard that law books are the 2nd biggest item (after salaries) in the budget of the 21st judicial district. So, since the law library is not the personal property of the Mesa County Bar Association, and since the people's courts do not exist for the purpose of creating a livelihood for lawyers, and since the people are paying for the books anyway, what do you say they are allowed to use them without being hassled or made to feel less than welcome?

In fact, I have a great idea! Why not make it mandatory that our school children become competent in legal research as a prerequisite for graduation from high school? That way they could compete on an even footing with lawyers and politicians. Why not design our law libraries so when people need legal information they can walk in the front door and find out how to use the place and find the books they need. Let's rearrange the court clerk's office so all the forms anybody might need are actually there on display for people to fill out

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## JURY NULLIFICATION

Hope F.O.R. Justice

*"I consider the trial by jury as the only anchor ever imagined by man, by which a government can be held to the principles of its constitution..." "It is in the power... of the juries, if they think permanent judges are under any bias whatsoever, in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power except when they suspect partiality in the judges; and by the exercise of this power, they have been the firmest bulwarks of English liberty." - Thomas Jefferson*

Jefferson was telling us about one of the most powerful tools an individual citizen can use to defend freedom from a corrupt government: the power of a jury to acquit a defendant regardless of the judge's instructions on the law. In other words, if a jury believes a law is unjust, or is being unjustly applied, a juror has the power to vote in favor of acquittal, regardless of anything the judge might think or say.

Of course, virtually all modern-day judges and lawyers hate the idea of jury nullification, so they will go to almost any length to keep the public from being made aware of what they derisively call "jury lawlessness." Since this same Good Old Gang refers to fraudulent special-interest legislation, lying judges, and the monopolistic-restraint-of-trade practices of the legal profession as "the rule of law", or "government of laws", it should come as no surprise that they usually prefer to avoid public discussions about rampant judge lawlessness and lawyer lawlessness.

Any person who wants to retain what little freedom remains to the individual, or who wants to join the battle to regain the constitutional rights our forefathers and mothers fought and died for, should always remember (and tell all your friends): YOU CANNOT BE PROSECUTED FOR VOTING "NOT GUILTY". Using the power of jury nullification, just one lone citizen with a conscience can help keep the sacred lamps of liberty and justice burning.

Why do you think the legal "profession" is working so hard to eliminate jury trials and, until they are eliminated, trying to implement the rule that a simple majority of a jury can determine guilt? Why does the legal profession think there's plenty of money to pay tax-free interest on fraudulent unconstitutional public debt, but not enough money to pay for jury trials?

Lysander Spooner's Trial by Jury should be must reading for everyone interested in preserving liberty and justice.

Feel free to copy  
and distribute the material  
in **Common Sense**.

## SPEAK OUT/LETTERS

This was written to the  
Editor of the *Daily Sentinel*.

Dear Editor:

I never cease to be amazed at your contempt for the democratic process and citizen activism. I remember that the city council recall supporters were called "vigilantes" in your column. In your September 22 editorial, you described 200 concerned and, I believe, legitimately upset citizens as "salivating lions". These people were knowledgeable and articulate, some having prepared statements in advance, and your description of them was "an angry, ugly, seething crowd." I call that irresponsible! Do you believe in representative government or do you believe in government by elitism?

As for my comment, I make no apology for it. Exaggeration is a legitimate means of making a point. There's no comparison between my remark and the malicious comments made in your editorial. Now, come on, do you really believe any candidate or commissioner felt threatened?

Anyone who doesn't appreciate the intent of my remark doesn't really understand how destructive debt is. Government debt is nothing more than delayed taxation. Why do you think they're asking for higher taxes now? Half of sales tax revenues are going to service debt.

Debt is not responsible government. It is not wise stewardship of our money. Government debt is neither Constitutional nor legal. They may say that bonds are not debt and they can call white, black, but I call it what it is.

I think any newspaper editor who would write the kind of drivel found in that September 22 editorial "ought to be shot on sight!"

Robert Martin  
Libertarian Candidate for  
County Commissioner, District 1

Dear Editor:

Sometimes I think about the poor news reporting that is done on the whole by the media. When I have first-hand knowledge about an event that appears in the newspaper or on TV, I rarely find the story accurate. Sometimes important facts are simply not reported; sometimes what happened is "interpreted" for us.

I don't believe the media deserves the trust that we give it. Many people complain about the bias in the *Daily Sentinel*, but I find that those people never fail to rely on it for information. They are moved to act or form opinions based on what they read in it. And yet they acknowledge that it does not reflect their understanding of the truth.

It seems to me that if there is hope inspired in the public, the *Sentinel* will try to destroy it. If there is truth which threatens the status quo as they see it, the *Sentinel* will oppose or ignore it. If there is a truly good thing arising from the grassroots level, rather than imposed from the top, the *Sentinel* will discourage it. The *Sentinel* does not seem to balk if there is a chance to keep hopelessness fueled, to lull us into apathy.

I am offended by their resolve and by the shameless use of the sheer power of monopoly. Yet how could there be a monopoly if we weren't tied to it voluntarily by this perpetual umbilical cord? I wonder if the reason we cannot throw it off is that our intellectual life is fed by it. We are not required by law to read the *Sentinel*. What would happen if those who have had the courage to try to lead the public in truly righteous causes and in hopeful, freedom-seeking ventures did not pause to see what the *Sentinel* thought of their efforts? I would really like to know.

Liz Martin

Judges... Continued from pg. 1

the case because it involves lawless public officials - and you have to fight your own case, then your time is covertly held to be worthless, and you are not compensated for the time, effort, and expense necessary to obtain justice.

The lawyers' closed-shop monopoly union has intentionally aborted the constitutional phrase "assistance of counsel" to mean "representation by counsel" just to keep non-lawyers from having professional help and at the same time retain control of the course of their own litigation. What this means is that the position of the Good Old legal profession, truthfully stated, is: "You are 'counsel' for the purposes of the 6th Amendment, should you be foolish enough to choose to represent yourself. BUT if you're lucky or competent enough to win, you are not 'counsel' for the purposes of being compensated for the time, effort, and expense necessary to obtain justice."

Is it any wonder Shakespeare said, "the first thing we must do is kill all the lawyers." Is it any wonder Jesus said, "Woe unto you also you lawyers! For you burden men with burdens grievous to be borne, and you yourselves touch not the burdens with one of your fingers. Woe unto you lawyers! For you have taken away the key of knowledge: you entered not in yourselves and them that were entering you hindered."

The legal "profession" is the only group in society which hears and adjudicates its own conflicts with other members of society. All non-violent battles are fought on the lawyers' own turf: court. Despite the fact all historical concepts of law, and even Nature itself, abhor the idea that people should be the judges in their own cause, the legal profession shamelessly persists in doing just that.

The lawyers use the ages-old ploy of divide and conquer. The first group of lawyers is called "legislators". They pass special interest laws benefiting their elite group and their pals to the detriment of nearly everyone else. The second group of lawyers is known as "judges", who define and enforce their groups elitist special privileges. The third group we can call "free market" lawyers. For \$100/hour, members of this group will go into court with you and hold your hand, while you're being sheared of your property and defrauded out of your constitutional rights by the first two groups. Any lawyer who seriously and effectively opposes this tyrannical little scheme will be kicked out of the club (aka "disbarred").

It is clear the legal profession and its enforcement goon squad of majority judges have a Mafia-like stranglehold on the rest of society. Thomas Jefferson's predictions are now a reality. 200 years of hindsight have proven that, as Jefferson believed, if the Constitution is going to be called the Supreme Law of the Land, and "the will of the people," then it needs to be interpreted by judges accountable to (elected by) the people.

The taproot of the legal profession's power is the courts' claim that they have "inherent power" to regulate lawyers. Of course the "inherent power" doctrine is an outright lie, be-

cause only real natural beings have "inherent" power to decide and move their bodies. All powers of government (including judges) are strictly "delegated" by the people. However, if the people force their legislators to do anything about the rotten judges, the courts will probably use the "inherent powers of the court" doctrine in combination with the "separation of powers" doctrine to declare any corrective legislation unconstitutional.

What is really needed, is an amendment to the US Constitution which mandates the popular election of all judges and lawyer discipline committees by the registered voters in their judicial districts. We also need corrective legislation allowing any party to any court action to tape record and/or make video tape recordings of the proceedings. This would offset the judiciary's too-frequent practice of altering or losing transcripts and records to suit its own purposes (e.g. clean up judges' language, eliminate proof of bias, etc.) All records on complaints and grievances against judges and lawyers, including bar proceedings on those complaints and grievances should be opened up to the public and made public information (In Colorado this is presently not the case). The "consumers" have a right to know who the incompetents, jerks, and cheaters are. If the people can succeed in deregulating and demonopolizing the legal profession, maybe, just maybe, we can avoid regressing into certain destruction.

Remember folks, you heard it first from a genuine 1988 Orwellian un-person! Of course the Good Old boys in the media (4th and most powerful branch of government) don't like un-people. So they've developed a three prong strategy to "neutralize" them: 1) deprive them of resources (let "the system" wear them down with illegal and unjust decisions and actions); 2) label them as dangerous, crazy, radical, ter-

rorist, or just plain "unreasonable"; and 3) deprive them of access to public opinion (don't print their letters to the editor or do interviews or stories because they might be too persuasive to too many people).

This unperson says "let's let the people do the judging." They couldn't possibly do any worse than the arrogant and amoral bunch who are doing the "judging" now. It's very long past time to take pro se (self represented) litigants out of the back of the "justice" bus. Until there is equality of citizenship in the courts, there can be no equality of citizenship, period.

*Anyone interested in HALT may contact me or write directly to: H.A.L.T., 1319 F. St. NW Suite 300, Washington, D.C., 20004 or call (202) 347-9600. Anyone contributing \$15 or more per year to support HALT will receive the quarterly magazine The Legal Reformer free of charge.*

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when they walk in. Let's teach the clerks (who love to say, "We can't give legal advice") the difference between "information" and "advice". Most people already know what they want to do, so they don't need "advice". They just need a little merciful information about how to do what they need to do.

Even our national parks and non-law libraries have information centers with brochures and video tapes to explain what's available and how to best make use of the resources. So why is the idea that we might very inexpensively do something similar inside the door of a courthouse totally, almost violently, anathema to most lawyers? Could it be that the ruling majority are nothing more than a bunch of self-serving con-artists selling "legal" protection to the public?

