

LIBERTY TREE

Vol. 7 Number 7 — June, 2005

Congratulations Joe!!

Joe Banister's Jury Verifies SAPF's Criminal Defense Program

I have to admit, when Jeff Dickstein rested the defense, I believed that was a mistake, and actually still believe that Joe was capable of handling any of the cross-examination that the government would have thrown his way making it even harder on the government's case. When the judge granted the severing of Joe's prosecution from Al Thompson, I told those attending the Fellowship's Saturday night meeting that the government would be better off dropping the charges against Joe.

Ever since the federal grand jury indicted Joe Banister I have said publicly that the IRS and the DOJ were making a serious mistake. Joe's sincere effort to present his newly discovered evidence regarding the actual liability of the income tax to his superiors within the IRS not only laid a good-faith foundation for a criminal defense, but actually turned the law into material facts which could not be withheld from the jury. There was no way for the judge to mislead the jury about the law in his instructions. Just thank God that this jury was astute enough and principled enough to do the right thing.

The type of defense that naturally evolved due to Joe's sincere effort to do the right thing, is the defense that the Fellowship has been advocating and helping its members with for twenty years, calling it *The Jake Snake Program* (see the

September/October 1991 issue of the *Reasonable Action* newsletter).

Aside from those members that are beyond help because they've laid a foundation on some wild theory the government can use against them, the Fellowship's members can avail themselves of a series of letters to be sent to the CID Special Agent that asks pointed questions about the provisions of the IR Code, the IR Regs, and the IR Manual among some other things. As laid out in the *Reasonable Action* newsletter, these letters become material facts, and barring raw tyranny, circumvent the judge's attempts to keep the actual application of the tax laws from the jury.

Because of the public's mindset about the imposition of the federal tax, ingrained in them by the news media and government misinformation, when the defendant enters the court the jury believes him guilty. If he weren't guilty, the government would not have brought him there. They naturally key on the actions of the prosecutor and the judge, and if the judge can successfully keep the actual facts about the law from them, the defendant does not have a prayer. But if the defendant has a series of letters that were sent to the Special Agent, that agent can be asked numerous questions about the content of those letters. Through these questions the jury will slowly begin

to realize that there really are two sides to the case, and that maybe the government is hiding something. The longer this goes on, the more difficult it becomes for the prosecution, making it practically impossible for the judge to mislead the jury on the tax laws.

This came to light in the reports on Joe's trial entitled "Joseph Banister Trial Day 8, Wednesday, June 23, 2005" from "Sherry, Peymon, Ross and Ken," as follows:

The judge called them back and they found two sections about assistant commissioner international, section 1132 in the CID manual. They heard Jeff Dickstein say "isn't it true that the only place the word Division shows up in the manual is when it refers to the assistant commissioner international in all of the manual?" Mr. Gorini said that he did not know that to be true.

However, juror #2 said he was looking specifically for where it discussed the "domestic section of the manual" on this deposition video. The judge told the attorneys to go back into the transcript and find any place that the word domestic was used. The attorneys found two places where "domestic" was used.

In the letter to Gorini from Joe

attached to Joe's report to the IRS higher ups, Joe had mentioned the assistant commissioner international, and Gorini told Joe that there was a domestic section in the CID manual for domestic taxpayers. In the other section where the word domestic was used, the prosecuting attorney Twiss asked Gorini what he had done to show Joe the domestic section, and Gorini said that he referred Joe to the domestic section of the manual. Gorini said after he referred Joe to the domestic section of the manual Joe never came back and asked any more related questions, and they did not discuss these issues anymore until Joe gave Gorini his report.

The judge asked the juror #2 whether that answered his question and he said yes.

The jury then had another question is 26CFR derived from the code or is the Code separate. The judge explained to them that the Code is made by congress and the CFR are written by the treasury to promulgate the Code. The jury then goes back to deliberate.

Once an honest American jury is exposed to the law, they will do the right thing. Of



Many defendants, in civil (and criminal) litigation lose because they don't have the funds to prepare a defense. This is especially true where there are contested issues of material fact, and discovery, pursuant to the Rules of Civil Procedure, comes into play.

For instance, in the case of the IRS's petition for an injunction to silence the Fellowship, it shall be necessary for us to conduct depositions, a kind of discovery. The IRS contends that our associate and full members are provided with "financial incentives ... to violate the internal, revenue laws." Therefore, it shall be necessary to depose (ask questions with a court stenographer making a transcript) those government agents making these allegations, what facts lead them to this conclusion. Depositions do not serve the purpose of impressing a jury, but rather, to ferret out the facts of the matter.

Such testimony can then be presented as evidence to trip up the IRS—for facts are stubborn things.

Of course, conducting depositions is expensive. We have pay our lawyers, fly them to Maryland, put them in a motel room, pay a licensed stenographer, etc. This all costs quite a lot. This is why your financial support is needed to support this effort to preserve *your* Fellowship. Save-A-Patriot Fellowship is the only organization of its kind in the USA today, and it is needed now, more than ever before. It is very telling that the Oligarchy fears our free speech, more so than ever, in these troubled times.

Please contribute generously to the Fellowship's defense fund, for its very existence may depend upon it.



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Joe Banister's Jury Verifies SAPF's Criminal Defense Program

By: John B. Kotmair, Jr.

I have to admit, when Jeff Dickstein rested the defense, I believed that was a mistake, and actually, still believe that Joe was capable of handling any of the gross-examination that the government would have thrown his way making it even harder on the government's case. When the judge granted the severing of Joe's prosecution from Al Thompson, I told those attending the Fellowship's Saturday night meeting that the government would be better off dropping the charges against Joe.

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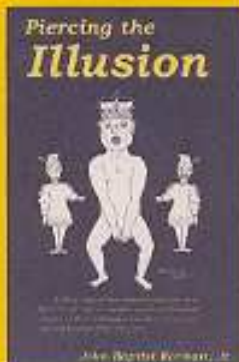
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