

Payoffs for Judges, Prosecutors Is Legal by Statute

By Pat Shannan

Anyone who has ever attended an Internal Revenue Service court case likely noticed the biased attitude of the presiding judge in favor of the prosecution. Perhaps, though, only those of us who have sat in courtrooms, in every section of the country, can attest to this unwavering pattern of unfairness. Whatever happened to the judge's impartial role of "referee"?

Federal statutes show how and why U.S. law encourages prosecutorial and judicial conflicts of interest, non-neutrality, non-impartiality and corruption of justice in the federal courts. (See page 13 for portions of 5 USC 4502 through 4504 from the United States Code.)

How can the federal judiciary be independent and impartial when the law permits the federal government to secretly award judges up to \$25,000 in undisclosed secret "cash awards," and to privately, secretly and "erroneously" overpay them up to \$10,000, and "waive" these erroneous overpayments?

How can any defendant be found innocent or "guilty beyond a reasonable doubt" when such statutory "cash award" provisions on their face create an irrefutable, behind-the-scenes incentive for the prosecution?

These questions and others must be answered by the U.S. District Court in Portland, Oregon following a lawsuit naming multiple defendants in the Department of Justice including Judge Anna J. Brown, who presided over a trial of "conspiracy to impede the IRS" last November.

Defendant Roy Bendshadler's attorney Nancy Bergeson had complained of suspected "jury tampering" and



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was found strangled to death in her Portland home the next day. Her cause of death was at first passed off as "natural causes" until a second medical examiner changed it to homicide. The murder is unsolved.

The 94-page action was filed by Michael Sean Mungovan, one of five convicted in the above 2009 case. Mungovan was sentenced to four years in prison on July

28. This was an hour after he had served Judge Brown with a copy of the suit, which should have legally restricted her from any sentencing action over him until it was resolved, according to Mungovan.

None of this is new to the IRS. Its manual on pages 1,229 to 1,291 (Delegation Orders of January 17, 1983) outlines the IRS system of monetary awards "of up to and including \$5,000, for any one individual employee or group of employees, in his/her immediate office, including field employees, engaged in National Office projects; and contributions of employees of other government agencies and armed forces members." This would include U.S. District Court judges and U.S. attorneys.

The Mungovan suit, composed by Utah lawyer Dr. Dale Livingston, explains, "These awards include secret cash awards. They are not limited as to the number of awards that may be awarded to any one person or group. There is no limitation placed upon any award. Any person or group of persons can be awarded this money, including: U.S. attorneys, federal judges, the president of the United States or anyone else for that matter."

Livingston added: "The awards may be given to the same person or group, each minute, each hour, every day, every week, every month, every year or not at all. In other words, the U.S. government and the alleged Internal Revenue Service . . . have a perfectly legal (not lawful) system of bribery. The bribery works against the American people . . . when they expect impartial justice, and there is no proof on the record to the contrary."

The murder of attorney Bergeson, who only threatened to initiate an investigation into what she believed to have been a stacked jury, sends the warning that Mungovan, by forcing the issue, may have placed a

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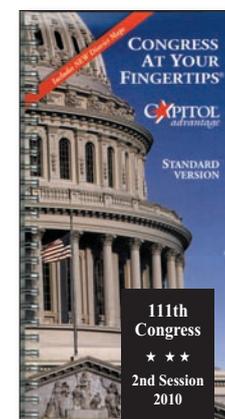
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much larger target on his back.

Lack of space here prevents this writer's attempt to list all the negative ramifications of such a surreptitious program posing as "justice for all," but let us consider for a moment a few of the many dubious convictions from the recent decades reported in AFP and *The Spotlight* over the years.

How much money did Judge Paul Benson receive for railroading Yori Kahl and Scott Faul in 1983? There was no evidence these young men ever fired a shot in the melee in Medina, North Dakota, where Yori's father, Gordon, admitted shooting U.S. Marshal Ken Muir in self-defense. Later it was learned this was the same judge that had sent away Leonard Peltier of Wounded Knee fame for life, with no evidence he had killed the two FBI agents found dead after the 1973 shootout. Are judges paid more for high-profile cases?

How about Judge Walter Smith of Waco, Texas? We cannot imagine how many bucks he may have received after sending away 11 Branch Davidian Church members, who had been acquitted by a jury of capital crimes in 1994, not long after the Waco massacre of men, women and children by federal agents and troops. These 11 churchgoers received a total of 240 years. These outrageous maximum sentences for merely carrying a firearm were applied against people who had not even fired a shot in self-defense at the onrushing U.S. marshals, U.S. military Special Forces soldiers and other federal gunmen.

Then there were the Montana Freemen, who were labeled as "separatist outlaws." In 1996 they were working to expose the banking fraud of the Federal Reserve System. Many of these men are still in federal prison, yet they never harmed anyone.

Cash incentives paid for convictions help us understand not only what has happened in the past, but also what we can expect to see in the future. ★

Federal Bribery Sanctioned in U.S. Legal Code

Judicial independence is supposed to be "one of the crown jewels of our system of government." But under a law unknown to the public, government employees including judges can receive cash bribes from Uncle Sam of up to \$25,000 if they rule you are guilty. Here is the actual wording of the law.

5 U.S.C. § 4502 General Provisions, provides for payments to Federal employees. The payment and incentive provisions with respect to 5 U.S.C. § 4502 is summarized as follows:

5 U.S.C. § 4502 General Provisions

Payment of \$10,000.

Payment of \$25,000.

Acceptance constitutes agreement by employee.

Amounts determined by Sections 4503, & 4504.

Award additional time-off from duty—no loss of compensation.

Other incentives under sub section (b) by Secretary of Defense.

5 U.S.C. § 4503 Agency awards, attached hereto and incorporated herein as Exhibit C-1.

The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

(1) By his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

(2) Performs a special act or service in the public interest in connection with or related to his official employment.

5 U.S.C. §4504 Presidential awards, attached hereto and incorporated herein as Exhibit C-1.

The President may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

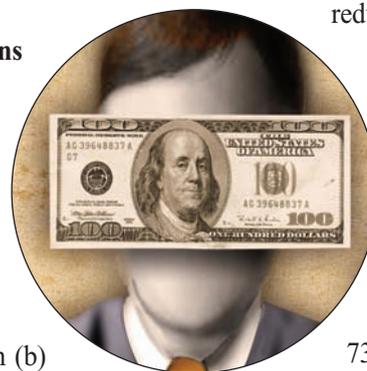
(1) By his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

(2) Performs an exceptionally meritorious special act or service in the public interest in connection with or related to his official employment.

A Presidential award may be given in addition to an agency award under 5 U.S.C. § 4503.

Editorial comment: 5 U.S.C. § 7342(a)(6)(C) reveals that the Administrative Office of the United States Courts is

the "employing agency" for "judges and judicial branch employees." This includes judges of all United States Courts of Appeals; all United States District Courts; The Court of International Trade; The Claims Court; and The District Courts in Guam, the Northern Mariana Islands and the Virgin Islands. So the law states that these specific categories of federal judges can receive "cash awards" of up to \$25,000. [See 28 U.S.C. § 602 and Administrative Office of the United States Courts Personnel Act of 1990, Section 3(a)(1).] ★



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The Host & the Parasite

How Israel's Fifth Column Has Consumed America

According to Canadian author Greg Felton, author of *The Host and the Parasite: How Israel's Fifth Column Consumed America*, since the 1980 general election, "a cabal of Zionist Jews, Evangelical Christians and neo-con econo-theologians has been waging war on the U.S. republic." Writes Felton: "Rather than consider Iraq in isolation as oil-firsters do, it must be placed in the more complete context of Israeli subjugation of the Middle East, especially Palestine. Not only does this larger picture reinforce the fact of U.S. subservience to Israel, but it further militates against considering oil as the prime determinant of U.S. policy. In short, a nuclear Iran would be a force for peace and stability, and Israel cannot allow that to happen." According to Felton, "Today the republic is dead, brought down by a junta that serves Israel's colonial interests, not the U.S. national interest. This is the essence of the war on terrorism and the motive behind the Sept. 11 attack, the invasion of Iraq and the overt provocations of Syria and Iran." *The Host & the Parasite* (softcover, 491 pages, #HOP, \$35) is available from First Amendment Books, 645 Pennsylvania Avenue SE, #100, Washington, D.C. 20003. No charge for S&H inside the U.S. on products offered by FAB. Call toll free 1-888-699-6397 to charge.

