

# FREEDOM or SURRENDER?

## Welcome to Brainwashed America...

*by Adrienne Gilbert*

“Have you heard about Kent Hovind going to prison?” While it is true that he is in prison, most of the rest of the information floating around is false or misrepresented at best. Even with three different types of charges, numerous infringements of basic rights, and severe judicial grievances, the standard response is, “He didn’t pay his taxes, so he’s serving his appropriate time.”

Whoa—since when was his case about “not paying his taxes?” I have always wondered what these assumptions are based upon, besides the possible hearsay from another spreader-of-the-propaganda (or possibly the local media—a trustworthy source).<sup>1</sup> Here is one letter I received recently:

Dr. Hovind is not in jail for "First Amendment" rights[;] he is in jail for tax fraud. He was not practicing his "right" to freedom of religion[;] he was being an unlawful man by not paying up to \$845,000 in taxes. He is not in any need of our help[;] what he needs to do is pay his taxes and be a law abiding man. I would ask that you look into the situation first before trying to "help" this man anymore.

Having reviewed legal documents and witness’ summaries of this case over the last three years,<sup>2</sup> I have never once seen anything about \$845,000. The numbers I know are \$9,500 “structured”; \$9,600 “structured”; \$430,400 “tax loss”; or \$604,874.87 “restitution.”<sup>3</sup> Maybe we should “look into the situation first before trying to” make an accusation.

Let me first explain exactly what is going on here. I hope this will help consolidate many facts, point out truthful sources of information, and alarm the unfamiliar or misinformed to action.

The three categories of charges against Dr. Hovind are, in brief, (1) failing to withhold taxes from those helping him (12 counts); (2) “structuring” bank transactions (45 counts—Title 31 says structuring would be an amount over \$10,000, but each alleged “crime” in this case is no more than \$9,600); (3) “impeding” the IRS (1 count).<sup>4</sup> Obviously there are many details to cover on each of these three, but it should be obvious that his own taxes are not the subject of concern. So my question to the people believing this is, what do you take issue with the most?

Is it the IRS taking the Hovinds’ vehicles out of their driveway in 1996?<sup>5</sup>

Or the special agent digging through their garbage cans to find papers for useful evidence?<sup>5</sup>

What about April 14, 2004, when the IRS walked on the property and thoroughly searched all the buildings, hauling out \$42,000 in cash? The next day on his radio show, Dr. Hovind asked prayer concerning the ensuing events and people involved. This was construed as “threat of bodily harm.”<sup>3</sup> (A friend of mine suggested that if they cannot handle free speech, turn off the radio.) Nearly two months later, on June 2, the IRS made up a jeopardy levy and forwarded the stolen money to satisfy it.<sup>5</sup>

Is your issue with the district court judge who, after the defense attorney’s closing arguments, called a recess to rewrite the jury instructions? The changes were claimed to clarify, but in fact they changed the law saying “more than \$10,000” to also include “less than \$10,000.”<sup>3,5</sup> After the rewriting, the judge asked the prosecuting attorney if the changes were worth a risk of mistrial. The attorney replied, “Absolutely, your honor.”<sup>5</sup> Although the Hovinds moved for mistrial after the jury instruction changes were presented, it was denied.<sup>3</sup> (Let me not forget to mention that the district judge was reprimanded twice and fined once for misconduct.<sup>6</sup> For over a year after the trial, she refused to release the transcript in order for the appeal to be filed.)<sup>7</sup>

How can structuring include \$9,500 when the law specifically says structuring can happen with any amount over \$10,000?<sup>8,9</sup> Even if structuring was to include any amount from \$1 and up, should it be considered “structuring around a Currency Transaction Report” when there was no valid CTR form June 2001 through October 2003 (the charges were made for July 20, 2001 through August 9, 2002)?<sup>4,3,10</sup> Perhaps we should check with the agents who, when asked why \$7,800 was not an issue when \$9,500 was, replied, “\$9,500 seemed more egregious.”<sup>5</sup>

Would you be as brainwashed if this was your personal case? Questions start coming to my mind...what if I wanted to draw out of my bank any amount under \$10,000? And what if I made several transactions of similar amounts that ended up more than \$10,000 over any period of time? Would I be structuring? If the government wanted to make their own job easier, perhaps they should have added all the totals for one “structuring crime” of \$430,400, or at least grouped them into groups of \$19,000 so the amounts would be covered under the law of “more than \$10,000.”<sup>11</sup> But even then, an intention of structuring a certain amount could not be shown, because there was no specific dollar amount that was trying to be hidden.<sup>10</sup> The Hovinds happened to have an operating budget of over \$10,000 and withdrew various amounts of money at various times; including amounts over \$10,000 which required a bank report, amounts close to the threshold, and amounts such as \$7,800 which are considered to be much less than the threshold. As to “impeding” the IRS, or as the circuit court stated, “obstructing the administration of internal revenue laws,”<sup>12</sup> we might as well throw out the redress of grievances clause from the first amendment. Or else, read this quote from *United States v. Caldwell*, 989 F.2d 1056, 1061 (9th Cir. 1993):<sup>3</sup>

The federal government does lots of things, more and more every year, and many things private parties do can get in the government’s way. It can’t be that each such action is automatically a felony. The government may, if it wants to, explicitly outlaw conduct it thinks unduly obstructs its functions; in fact, in 1987, it enacted a regulation, 31 C.F.R. § 103.37, prohibiting the very conduct at issue in this case. But we’re unwilling to conclude Congress meant to make it a federal crime to do anything, even that which is otherwise permitted, with the goal of making the government’s job more difficult. Simply making the IRS’s job harder - just isn’t illegal.

The jury assessed the “structuring damages” (counts 13-57), but was not allowed to find any “tax loss” (the restitution required for counts 1-12). During sentencing, the judge recalled the decision of the jury (a default “none”) and used the suggested tax loss of the prosecuting side.<sup>3</sup> Amendment 7 of the Bill of Rights says a jury-found fact cannot be reexamined by any judge or court. But this was the enhancement which gave Dr. Hovind a 10-year sentence versus the 0-6 months guideline. Consider Jo, Kent Hovind’s wife, who was on the bank account and thus was also indicted for the 45 counts of “structuring.” Her sentencing guideline was 0-6 months,<sup>11</sup> but it was somehow pushed up to a year and a day.<sup>6</sup> If it had been a year or less she would not have had any actual prison time—only probation.<sup>13</sup> This additional day would make one wonder if this case is about getting her (or especially him) in prison, rather than serving actual justice.

When the 10-year sentence was imposed on Kent Hovind, the question arose, “How can a man transferring funds in and out of his bank account get 10 years when a rapist would get 18 months?” The judge’s reply was, “I consider this worse than rape.”<sup>13</sup> Although this statement was removed from the transcript, five people filed affidavits about it. One was a rape victim, who was obviously quite offended at the trivialization of such a crime. However, she failed to define “this” in that statement. A random tax regulation does not induce this serious of action. It seems that the real question is free speech (on the radio, which somehow “impeded” the IRS agent), and free exercise of religion (excluding the power to tax, which is the power to destroy—*Atherton v. FDIC*, 519 U.S. 213, 221 (1997) quoting *McCulloch v. Maryland*, 4 Wheat. 316, 431 (1819)).<sup>13</sup>

So how did Dr. Hovind become such a target? For those who have never heard of this man or his case, he has a tax-exempt ministry, Creation Science Evangelism. Watch the evolving documentation throughout the legal process. The district court called it Creation Science Evangelism Enterprises Ministry, and the circuit court conveniently shortened that to Creation Science Evangelism Enterprises, more often referred to as Evangelism Enterprises.<sup>12</sup> The only way for a person to be required to withhold employee taxes and follow all business regulations is for them to actually be operating a business. A ministry (CSE), tax-exempt by 508(c)(1)(A), would fall under Amendment 1—the free exercise of religion.<sup>5</sup> The government cannot just say, “We think you should be called a business” and then indict someone for bad business operations. It does not work that way. Even if it did, Kent

Hovind was charged with “willfully” disregarding the law. He would have needed to be informed that such a law existed and applied to him. They insisted that his notice was the indictment.<sup>3</sup> Think of it—if he had “complied,” would he not have been indicted? But without the indictment, he would not have known to comply. This is a classic case of circular reasoning that disregards the real issue.

By my calculations, up to 8 of the 10 articles in the Bill of Rights were infringed in some way throughout this case. Of course, Amendment 1—the freedom of speech, religion, and redress of grievances—may be the root cause of the whole case. For the gun fans out there, it should be noted that Dr. Hovind was a concealed-carrying patriot.<sup>14</sup> He is now considered a felon, which would keep him from guns in the future. If we fight so hard to use and keep the 2<sup>nd</sup> Amendment right, then have it taken away through the back door, I would like to point out Amendment 9. We do not give up one right for another (freedom of speech and religion to retain our guns). It is not hard to notice that all the special agents and upwards of 30 officers at a time who seized things, searched the garbage cans, removed vehicles and money, and locked up buildings were perhaps stepping over Amendment 4.<sup>5</sup> Amendment 5 is the “due process” clause,<sup>3</sup> which has been detailed in the numerous legal documents.<sup>2</sup> Amendments 6 and 7 cover the right to a jury, and in this case, the right for a jury to make the decision and not have those decisions be later re-decided by the judge when the jury is not there anymore. Last of all, Amendment 8, regarding excessive or unusual punishment, needs no further explanation. If all of these are violated, what about the other two? The 10<sup>th</sup> Amendment carries relevant jurisdictional issues that go much deeper than this article has space for. And who cares about the 3<sup>rd</sup> Amendment—soldiers in your house—when the government wants to take all of your property away to be “restitution” for operating a non-existent business and withdrawing money from your own bank account?

Is the real problem that Kent Hovind has consistently used his freedom while everyone else has surrendered it?

The Hovinds’ Bill of Rights is the same as our Bill of Rights. This is the time for us to step up and expose the deception that has been continuing on nearly unchecked. As long as the rest of the world surrenders to silence, all of us may have our freedoms further abused. The Hovinds’ case is being filed to the Supreme Court in the next few weeks, so it is imperative that we act right now<sup>15</sup> to make the truth known by shining a light into the dark corners where the judicial system operates.

#### **About the Author:**

*Adrienne Gilbert is a grassroots activist involved in many projects to influence legislation, hold elected leaders accountable, and promote the cause of liberty. On a usual day, she is networking with fellow patriots and creating new action plans to restore our freedom. Other times, she can be found teaching and performing music, sharing Dr. Kent Hovind’s DVDs with friends or new people she meets, or assisting her father in his natural health practice.*

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#### **Sources/Notes:**

- 1: Pensacola News Journal (<http://search.pnj.com/sp?aff=1100&skin=100&keywords=hovind&x=0&y=0>) does a great job of reporting untruth on this subject. Dr. Hovind’s blog has many references to these articles as they came out. (<http://www.cseblogs.com/?p=23>, <http://www.cseblogs.com/?p=130#comments> by pabramson [blog moderator in Kent’s absence] on March 25th, 2008 at 8:18am)
- 2: Most of the legal documents that detail the claims and arguments are posted on <http://penaltyprotestor.com> or <http://drdino.com/legalupdate.php>.
- 3: <http://www.drdino.com/legalfiles/11thKentBrief.pdf>
- 4: <http://penaltyprotestor.com/files/HovindINDictment.pdf>
- 5: <http://penaltyprotestor.com/files/LindseyHovindTrialReport.pdf>
- 6: <http://www.cseblogs.com/?p=79>

7: <http://www.cseblogs.com/?p=111>

8: <http://penaltyprotestor.com/files/LindseyHovindCounts13through57.pdf>

9: <http://drdino.com/legalfiles/11KentRehearingEnbanc.pdf>

10: <http://drdino.com/legalfiles/11thJoHovindAppealBrief.pdf>

11: <http://drdino.com/legalfiles/11thJoHovindRehearing.pdf>

12: <http://penaltyprotestor.com/files/11HovindFinalOrder.pdf>

13: Per conference call with case researcher and first-hand witness, Lindsey Springer, March 7, 2009.

14: Dr. Hovind talked about this in one of his college classes, although I do not remember which one. All of his current materials can be purchased through his website, <http://shopping.drdino.com/index-exec/>. Many of his current videos, as well as older versions, can be downloaded for free from <http://freehovind.com/download>. (WARNING: Twisted versions of his videos are all over the internet, as he has acquired several enemies of his freedom of speech who love to use the same freedom against him. Be sure to get unedited copies from trustworthy sites such as <http://freehovind.com>.)

15: There are three main courses of action we can take, and the sooner the better—(1) check <http://drdino.com/legalupdate.php> for info on donations. Dr. Hovind has made it a personal policy to never ask for donations. An anonymous donor has offered to match all other donations through April 15, so now is a perfect time for us to make a sacrifice for our freedom; (2) spread the word to all your friends and contacts. Misinformation and willful ignorance promoted by the media is just fuel to the fire. Every person in the grassroots, who knows what freedom is, has the power to pass the truth along. This could be the next “O.J. Simpson” if we really get moving; (3) pray specifically for every part of this case. No person knows what exactly to do in every situation, and nobody can control how things will happen except God.