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County Vigilantes

The New Poses And Their War Against Lawmen

By Larry Stammer
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Los Angeles

A YEAR ago last month, an Internal Revenue Service agent was ushered into a house in Abbotsford, Wis., to keep an appointment with a farmer.

The agent, Fred M. Chicken, had expected to verify the price of a farm that had been sold.

Instead, he was confronted by five men and a conspicuous stack of rifles against the wall. When he tried to leave he was shoved into a chair, asked to sign a "public service questionnaire" and photographed.

He said he was branded a "traitor" for attempting to enforce "unconstitutional" income tax laws, and for the next several minutes he was subjected to right-wing diatribes.

Six months later, one of the five men was brought to trial and found guilty of assaulting the agent.

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IN COEUR D'ALENE, Idaho last March 30 men surrounded a policeman in the county courthouse on his way to testify against a friend of the posse charged with assault with a deadly weapon.

Kootenai County Sheriff Thor Fladwed dispatched a force of deputies and rescued the policeman.

"They were trying to effect a citizens' arrest by taking the officer into custody. My deputies had a different idea," Fladwed said.

Last month in Sacramento, Calif., two IRS agents who showed up at the home of a man to take possession of a pickup truck for his alleged failure to pay a tax bill were greeted with a lecture on property rights and the U.S. Constitution.

When that didn't persuade the agents to leave, the taxpayer ran into his house and emerged a few minutes later with a shotgun. The IRS agents retreated.

And last week near Stockton, three members of a "posse" bent on stopping recruiting by the United Farm Workers of America were arrested when a shotgun discharged near the head of a sheriff's inspector who was trying to keep the peace.

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A COMMON thread ties these otherwise unrelated incidents to-

gether. The persons who confronted the IRS agents and law officers believe the Constitution has been "subverted" and that they must take the law into their own hands, if necessary, to restore it.

It is the so-called "Sheriff's Posse Comitatus," sometimes known as the "Christian Posse Comitatus." Comitatus is Latin for "power of the county."

Members, citing references to English Common Law, "natural law," "God's law" and the U.S. Constitution, claim they can organize as a posse comitatus — with or without the sanction of established law enforcement.

They talk of arresting sheriffs, policemen, IRS agents or any public officials who "subvert" the Constitution. There is even talk of hangings.

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THE PLACE was the Buddha Room Cafe in Burbank, Calif. The Los Angeles County Sheriff's Posse Comitatus awaited a leader. The mood was subdued.

Soon, the front door opened and Terrence Oaks, still youthful at 37, strode in with an armful of notes. He is the same Terry Oaks who in 1974 was convicted for failure to file 1971 income tax returns and filing a false withholding exemption form.

He passed out literature and brought his posse members up to

date on his appeal on grounds of discriminatory prosecution.

"Did I tell you about the time I went to the bank to trade my worthless federal reserve notes for silver," he asked rhetorically. "They laughed at me. I say, fine. When it comes time to pay my income tax I laugh at them."

"You see," he confided, "federal reserve notes are not real money. They are fiat money. They are not backed by gold or silver. They are IOUs."

Thus, he explains, taxes cannot be owed on IOUs.

It is a line familiar to tax resisters, posse members — and to federal judges who have rewarded the practice of such beliefs with jail sentences.

Although there are no formal organizational ties between the posse and other right-wing groups, there is an overlapping membership.

Some posse members, like Oaks, belong to the U.S. Taxpayers Union, (USTU), which has declared the income tax unconstitutional and exhorts its members not to pay "unlawful" taxes.

Posse members also are found in the National Association to Keep and Bear Arms (NAKBA).

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H. L. (MIKE) BEACH, a 72-year-old retired machinist in Portland, Ore., is national chairman of the Sheriff's Possee Comitatus.

In an interview, Beach said he believes the posse and tax resistance groups make a good team. And he was quoted in the February issue of Tax Strike News as viewing the posse as the "muscle" or "back-up force" behind tax resisters.

In Oaks' view, it has become apparent that tax resisters cannot prevail in court because judges and federal agencies by their decisions and actions are violating the Constitution.

It matters not, he says, that the Nation's monetary system and tax laws were enacted by an elected Congress. The Congress, he says, also has flouted the Constitution.

The remedy, therefore, lies in the arrest of judges and law officers, if necessary.

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"**SO**," OAKS told the possee members in Burbank, "we form a posse comitatus. If they do anything about it, they're interfering with Common Law, and who knows, somebody might shoot them."

Oaks paused to let the point sink

in and then shattered the calm with a crack of his clenched fist on wood.

"We've got a criminal government! That's what we've got. I'm not going to live under this. I'll die first. There's going to be bloodshed. There's one way they're going to get my gun. They're going to get it out of my cold, dead, clammy fingers," he shouted.

"If the posse ever does have to be violent, then, by God, we're going to go all the way. I don't want anybody on it that's going to run."

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THE MAN behind the movement, Mike Beach, began chartering posses in 1969. For \$21, and the signatures of seven men, he will mail a charter. For another \$6.50 he will send an official posse comitatus badge, each with its own serial number.

"I don't make any money on the charters and badges. This is kind of a poor man's game," he said.

Beach claims a national membership exceeding 400,000, a figure which is disputed by law enforcement authorities, who say 10,000 is closer.

Beach also reports he has chartered posses in every state except Maine and Hawaii. He refuses to say how many but says there are five times as many "wildcat" posses.

The posses recognize the county sheriff as "the only legal law enforcement officer" in the United States. Hence, as the posse comitatus, they are an adjunct to the only legal law enforcement in the Nation.

If the sheriff fails to carry out his lawful duty, as the posse defines it, posse members believe they have "the lawful right under natural law to act in the name of the sheriff to protect local jurisdiction."

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LAW ENFORCEMENT authorities are not impressed.

"They're nothing but a bunch of vigilantes," said San Joaquin (Calif.) County District Attorney Joseph Baker.

It is in San Joaquin county where the first active posse chapter was organized in California. Since that time, posse members say there are chapters in the counties of Los Angeles, Orange, Fresno, Ventura, Butte, Santa Clara, Tehama and Nevada.

"There is this overtone that really cannot be ignored," Assistant U.S. Attorney Larry Campbell said in Los Angeles. Campbell was speaking in general of posse threats to arrest law officers.

"Frankly," Campbell said, "they're kind of a scary bunch. To accept what these people say is to open the door to civil rebellion."

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MUCH OF the justification and authority cited by posse members for their actions is found in literature distributed from Portland by Beach.

Like many posse leaders, Beach qualifies controversial statements.

He will say — for the record — that talk of arresting the local sheriff is "a little bit far-fetched." But he also says he thinks the time will come when a sheriff is arrested.

He will say — for the record — that a now-deleted paragraph in the posse bluebook calling for the public hanging of officials who subvert the law merely refers to "an old, old law." But he also will say the time may come when there are hangings "but, not yet."

He said the posse isn't content with a membership which "sits at home and reads and twiddles their thumbs and says how bad things are."

