The Activist Legal Defense Fund Scam

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4/7/15 UPDATE: A reader of mine has brought to my attention the fact that I had neglected to mention the technological problems inherent in the transparency of several crowdfunding websites. Also, I have decided to expand upon Jim Hogshire's advice on having an "arrest plan" in light of predictably recurring events. So, in response, I have added two paragraphs addressing those concerns; the rest of this article has remained unchanged.

During times of oppression, it is not at all uncommon for absolute governments to arbitrarily imprison their own people, especially those who are politically incorrect. Although such governments may not be able to *openly* persecute these political prisoners, they are more than happy to play the "gotcha" game by trying to arrest those individuals who violate *mala prohibita* (or sometimes, they'll just go ahead and frame them for it). Today, America, the purported "land of the free," enjoys the unique distinction of maintaining the largest prison population on the entire planet.

A trend I've noticed over the years is for both patriots and libertarians to elicit sympathy from their respective audiences by requesting them to support an incarcerated person whom they claim is being targeted by the government. All sorts of noise gets made (especially over digital "social" media websites like Facebook, Twitter, and YouTube), covering the details about the purported injustice being committed. At the end of the day, though, what was actually



accomplished by all the yammering, ranting, and pontificating regarding the latest caged dissident?

One common aphorism promulgated by activists (who insist that others *must* join in their effort to provide legal defense support for a fellow jailed dissident) is by asserting that through creating "awareness" in the mainstream media about a specific prisoner, then any sort of injustice flowing from the bench would be automatically tempered by the glaring lens of the corporate media. This is fallaciously wrong on multiple counts. First, writing a letter to the editor on the prisoner's behalf is ill conceived because writing letters to the editor about any topic at all simply does not work. Second, spreading hyperlinks to articles detailing the ongoing saga to your associates and various email lists is ineffective, because how do you expect those who happen to read them to *act* on the information? Third, volunteering any labor, such as by writing letters to the prisoner himself, or even going so far as to attend his trial, is utterly fruitless. There is nothing you can tell the inmate that the prison guards would not also know, and unless you are testifying in court on the defendant's behalf, there is no benefit you can provide for him by simply acting as a spectator in the courtroom.

What about *donating* your hard-earned "Monopoly money" for the goal of helping the prisoner regain his freedom? *Now* we are starting to get at the heart of the matter, for "awareness" by itself does not pay the

bills, as it were. Legal defense funds are all the rage in activist circles, for they seem to be a concrete way of supporting a prisoner's ability to legally defend himself in court from the government's charges. The key question that nearly all the advocates of such legal defense funds desperately attempt to avoid is, *how are the funds being allocated, exactly*? It is problematic regardless of whether the funds are sent to a third-party organization managing the fund, or are directly handled by the accused.

Let us first see if it is possible to determine what precisely would need to be paid out of a legal defense fund. It is not unreasonable to assume that the highest priority for any legal defense fund to pay for would be a privately hired defense attorney, who is assumed to be noticeably better at defending clients than the public defenders are (unless you believe Jim Hogshire, in which case this potential reason can be safely ruled out). Other reasons would include hiring freelance investigative reporters, or private detectives, to work undercover by trying to determine whether or not government corruption would be at play, for if it were, then the public revelation of such malfeasance would positively demonstrate that the prisoner's due process was being violated, which *might* be more than enough reason for all the charges against him to be dropped. The chief goal of any legal defense fund is to hire a team of specialists who can increase the probability of either getting the defendant found innocent in court, or forcing the government's charges to be dropped completely.

If no attorney, investigative reporter, private detective, or any other kind of legal "professional" is *not* having their services retained by a legal defense fund, then it does beg the question as to *what* those funds are being allocated towards instead. Should a defendant continue to use his court-appointed public defender, would it then be unreasonable for us to assume that any donations to such a fund are *not* being allocated towards any kind of legal defense (despite the fact that the prisoner in question is *still* asking sympathetic strangers for donations to his legal defense fund)? Is it really that strange, under these circumstances, to assume that all public requests for donations to any such "legal defense funds" are, in reality, just scams?

Luke Rudkowski, the figurehead for *We Are Change, Inc.*, solicited for donations intended for a legal defense fund during March of 2009, on behalf of himself and two other We Are Change members, and retained all the contributions *after* the charges that warranted the legal defense fund were dropped. Case details provided by the New York State Unified Court System showed that Rudkowski retained the services of The Legal Aid Society (specifically the New York County Criminal Defense Office, located on 49 Thomas Street in Manhattan), whose own mission statement says that the Society is a "not-for-profit legal services organization." Rudkowski was able to raise \$4,241.55 though an online ChipIn fundraiser, although *none* of these funds have been accounted for, as required by the We Are Change Code of Conduct; as such, there is no reason to believe that any of these funds ever made it to The Legal Aid Society (or even should have been collected in the first place).

Adam Kokesh, following the events of his arrest at Smoke Down Prohibition V on May 18 th of 2013, was interviewed by *We Are Change, Inc.* on May 30 th. He asserted that the reason the government dropped their case against him (but not against N.A. Poe for exactly the same thing, which was a felony charge for ostensibly violating Title 18, United States Code § 111) was because of his popularity on the Internet. He went on to *thank George Donnelly for managing his legal defense fund*, a service Kokesh described as part of his "arrest insurance" that he purchased from Donnelly (since Kokesh was a client of Shield Mutual). Kokesh also suggested that the reason N.A. Poe got railroaded by the government (and thus is still in legal limbo) was because he capitulated to "working within the system" by paying bail and so forth, thus (according to Kokesh) all of "us" need to "resist" more, which will then "force the government to back off" because the costs of enforcement would become too high for them. Worst of all, Luke Rudkowksi also recommended during this interview that in order to be "true to yourself," you *must* relinquish whatever privacy you have left and become a self-made public figure, lest you make yourself vulnerable to government persecution by suffering the same fate as Brandon Raub.

George Donnelly (who upon hearing that Kokesh was *not* going to hire a defense attorney), published an article on June 5th announcing that Shield Mutual will be offering refunds to any donators who asked for one, just as long as they do so before the two-week deadline ended on June 19th (he had raised \$5,377.44 for Kokesh's legal defense fund by this point). Kokesh was subsequently arrested again, this time on June 8th at the Smoke Down Prohibition Joint Summit with President Choom in Washington DC, and then yet again on July 9th when his home was invaded at night by both Herndon and US Park Police.

Donnelly published another article on July 17th, providing screenshots of the accounting he was tasked with keeping. According this article, the amount of refunded donations, plus the payment processor's fees, came to \$465.83, which left a balance of \$4,911.61 in the legal defense fund, as of June 21st. This amount was sent by Donnelly to Lucas Jewell (who was Kokesh's business manager for *Adam v. The Man [AVTM]* at the time) in the form of a check that same day on June 21st; also, both the Bitcoin and Litecoin donations were released simultaneously as well, in the amounts of 4.5002619 BTC and 120.5 LTC (the conversions work out to approximately \$450 and \$284, respectively), for a current running total of \$5,646.41. Mr. Jewell contacted Donnelly on June 26th, July 2nd, and July 5th, claiming each time that the check for \$4,911.61 had not been received yet. Meanwhile, presumably acting in the best interests of his client, Donnelly requested donations on July 10th for Kokesh's legal defense fund (regarding his July 9th arrest) and raised nearly \$1,400 for 3 press releases, the first one of which cost him \$369 out of Shield Mutual's own petty cash (the current running total, at this point, for the legal defense fund, was \$6,300.58).

On July 15th, Donnelly discovered that the payment processor had stopped the payment; apparently, the United States Postal Service (USPS) claimed on July 12th that the check was "undeliverable." That same day, Donnelly issued a new check for \$5,431.58 to Jeffrey Phillips (who is Kokesh's new *AVTM* business manager), which was \$519.97 more than the previous check's amount because Donnelly wanted reimbursement for the first press release he had already issued. Also on July 15th, Donnelly gave a loan of \$500 to Darrell Young (who is another *AVTM* staff member) for the express purpose of expediting Kokesh's bail payment; later that same day, Mr. Phillips *canceled* the legal defense fund (Donnelly also claimed in his July 17th article that \$172 had been raised already, but that those donations would be refunded since Kokesh decided to use a public defender anyway).

The 5-man AVTM "business team" (composed of Darrell Young, Jeffrey Phillips, Edd Yealey, Liz Delish, and Jeremy Mazur) issued a fundraising statement on July 16th, which was read by Miss Delish:

"First of all, Adam Vs. The Man is no longer affiliated with Shield Mutual for any fundraising efforts. Please direct all of your donations to Adam Vs. The Man's page, and you can reach the 'Invest' link at http://www.adamvstheman.com/invest. At that site, you will be able to donate Bitcoin, Litecoin, and metals, as well as Federal Reserve Notes, because we wish to support alternate economies. If you have any questions whatsoever about your donation, please contact me at liz@adamvstheman.com. Tomorrow, we will be having a moneybomb fundraiser in order to muster up the funds we'll need to stabilize and keep going at full speed...[t]he donations we gather will be used for legal AND operational expenses at Adam's discretion." [emphasis added]

Ah, isn't that rather interesting? So, *AVTM* admits that, despite Kokesh's earlier statements on May 30th in praise of George Donnelly's management of the legal defense fund, he is still being thrown under the bus for no good reason whatsoever (as I have just outlined). *AVTM* then issued another press release on July 18th where this time they tried to further justify the dropping of Shield Mutual (a video version of this press release was also read by Miss Delish):

"As of July 15th, 2013, we are no longer using Shield Mutual for any of their services. The reason behind this decision is based upon funds that George Donnelly raised on May 18th, 2013. These were never released to Adam and are still missing. In light of these events, we have directed all fundraising efforts through channels that the ADAM VS THE MAN team can monitor and utilize most effectively in order to quickly and accurately enact Adam's requests from the detention center. This fundraising approach allows Adam the most control over his assets while he is unlawfully incarcerated. Adam will not be using the public defender, and therefore needs to raise at least \$10,000 in order to obtain appropriate counsel." [emphasis added]

No mention was made of the hiccup with the USPS (which was *not* Donnelly's fault), the check Donnelly issued to Mr. Phillips for \$5,431.58, or the \$500 loan to Mr. Young, so the claim made by the *AVTM* "business team" that the funds are somehow "still missing" is brought into serious doubt. Not only that, but the *AVTM* "business team" now wants to handle any legal defense donations themselves, to the tune of \$10,000 plus, all the while claiming that Kokesh did *not* want to use his public defender, which directly contradicts what Donnelly said the day before on July 17th. So, the real question here is, *did Jeffrey Phillips in fact receive the check for \$5,431.58 (and Darrell Young, the \$500 loan; for a grand total of \$5,931.58) from George Donnelly; and, did Kokesh choose to retain his public defender, or not?*

Kokesh admitted in an earlier July 8th, 2013 interview on *The Alex Jones Show* (which was the day before his home was invaded and he was arrested yet again) that, since his open carry march into DC lacked the "critical mass" of individuals he wanted, coupled with his arrest on May 18th in Philadelphia during Smoke Down Prohibition V, it would not be wise for him to continue organizing an event that required marchers to cross a political border armed. This formed the basis for why he changed his mind from organizing a single armed march into DC on July 4th to instead propose to his audience that they should hold their *own* protest demonstrations at their respective state capitols. Despite this, Kokesh also said during this interview that he *still* wants to do the exact same march next year on Independence Day of 2014! Needless to say, that just might be impossible for him to pull off if he is convicted of the various drug and gun felony charges that is the government's justification for his July 9th arrest. Regardless of whether he is convicted, I have no doubt his *AVTM* "business team" will, in the meantime, rake in a handsome profit.

Unlike Adam Kokesh, N.A. Poe *did* provide at least a *partial* accounting for his legal defense fund. As you can no doubt tell from his Fundly.com page, Mr. Poe was able to raise \$3,370.00 from 124 donators, whose (statistical) mode donation was \$10 per donator. Unfortunately, *there is absolutely no proof currently available to demonstrate what exactly Mr. Poe spent that money on*; this is especially disconcerting when combined with the fact that despite my offer to him to get his story out, he has steadfastly refused to provide me with the legal documents of his case. This deeply concerns me further since he already admitted to me that the feds have attempted to turn him into an informant at least a few

times now.

Charles Dyer was a former US Marine who became a vlogger and public speaker at Tea Party events. J. Croft probably describes him the best:

"Charles Dyer, otherwise known as July4Patriot [aka J4P], one of the greatest spokesmen of the real Patriot Movement, got hooked by a vindictive ex-wife, a corrupt Podunk Oklahoma town, and the FBI. It took three jury trials, but [it took] bogus child molestation charges, [as well as] his shyster court officer lawyer [who] sold him out, [that] got [him] convicted. He's serving 30 years, but [I] believe it was for his peaceable Patriot activism."

In the context of what he thinks is an example of failed legal defense support, J. Croft elaborates:

"Charles Dyer...was a Marine who spoke out during the Bush years, got in trouble for it, went to trial three times over [regarding] a bogus airsoft copy of a grenade launcher and totally made up child molestation charges, the last [of which] they won by making him flee for his life when his home and all his exculpatory evidence was burned in an act of arson and the judge only gave him a week delay as his trial was going to start the next Monday from [when] the incident [occurred]. He fled, was sold out by his contacts, [and] was caught shirtless in Texas trying to get a drink at a restaurant. Dyer's final trial was basically one day, held mostly in the judge's chambers, and [then] he was sent to prison for 30 years. This author attempted repeatedly to rally support for Dyer, but was stymied at every turn by COINTEL operators like 'mamaliberty' and, probably worse, endemic indifference."

But is that the totality of what really happened to Charles Dyer? Was this really just a simple case of "endemic indifference," as J. Croft put it, or is there more to this story? As it turns out, there is quite a bit more than J. Croft's overly simplified, albeit well-intentioned, explanation of Dyer's legal saga.

Debra Swan established the Dollars4Dyer legal defense fund in September of 2011. After Miss Swan had collected only \$50 in donations, Rick Light committed libel when he asserted that she stole \$10,000 from the fund, as well as claiming that Jan Dyer (Charles' mother) never had access to the funds raised, or was even aware of it (this is also the very same Rick Light who has been consorting with employees or agents of the government, especially the FBI with regard to the Charles Dyer affair). Concurrently, a *totally separate* legal defense fund was established on ChipIn by Patriot Unity Coalition member organization Patriot Legal Defense (that has since become defunct), which was run by Nancy Genovese (aka, Mystcstar), who was the very same individual who single-handedly bankrolled New Colony Media during my short-lived stint with them. No accounting of any donated funds was ever made publicly available by Genovese's Patriot Legal Defense organization.

Similar to Rick Light's libel against Miss Swan, Randy Mack was slandered by Jim Stach, who asserted that not only had Randy tried "to destroy J4P's donations," but also that Randy had accused Jim himself of

having the means to access the PayPal account, through which Jim supposedly stole an undefined amount of donations (of course, since it has already been established that there were at least *two completely separate legal defense funds* for Charles Dyer, it is still unclear *which* fund Jim was referring to in his slander against Randy).

When Chris Mortenson, a former US Marine, hired the *US Observer* to perform some investigative reporting about Charles Dyer's legal troubles, Ed Snook breached his contract by simultaneously contracting with Jan Dyer and Amy Dark (Charles' sister) for the exact same work (to the tune of \$6,500 and \$3,000; respectively), as well as committing libel and slander against not only Mr. Mortenson but also Miss Swan, the latter of whom actually signed the contract on Mortenson's behalf, since he was simply bankrolling Snook's assignment to the tune of a \$10,000 retainer, for a grand total of \$19,500.00 that the *US Observer was paid*. Granted, *while there was no formal legal defense fund involved here*, one of the key purposes (as I stated earlier) for *why* you have such a fund in the first place is to hire legal "professionals" (like Mr. Snook) to get the defendant off the hook. I don't think it is too much of a stretch to assume that all the money paid out by Mr. Mortenson, Mrs. Dyer, and Mrs. Dark, for the express purpose of vindicating Charles Dyer, would be, in reality, fundamentally different from what *any* legal defense fund is supposed to accomplish (and at the very least, it *still* qualifies as legal defense support). *Any investigative expose about Charles Dyer's legal troubles shouldn't have to cost almost \$20,000 to write up*.

Examining the legal defense funds and "support work" involving Luke Rudkowski, Adam Kokesh, and Charles Dyer reveals some pretty ugly facts. First, there is no way of measuring how effective "spreading awareness" about some random dissident's legal troubles actually is. Second, non-monetary legal defense support (such as writing letters to the editor, or attending court hearings) are worse than useless. because they are counter-productive methods that necessarily increase opportunity costs. Third, private defense attorneys are almost never actually hired, even though this is the primary reason for a legal defense fund in the first place. Fourth, any accounting of the donations is rarely ever provided, either privately to each of the donators, or publicly; if anyone should demand financial transparency (as was the case with some of the We Are Change members, like Louie Bee), or themselves release the transaction records (as was the case with George Donnelly), they are harshly demonized by those individuals and "circled wagon crews" who seek to benefit from the naïveté of well-meaning donators (or alternatively, the circled wagon crews" will attempt to deflect attention from themselves by falsely accusing other individuals" of stealing from the legal defense funds, as what happened to Debra Swan and Randy Mack). This naïveté does not come cheap, as it has cost donators (cumulatively from the three case studies already covered) to the tune of at least \$29,673.13 (granted, this pales in comparison to Ron Paul's phony 2012 presidential electoral bid, which is estimated to be a whopping \$40 million, but I digress).

What can be done about this, if anything? Let us consult J. Croft again:

"Common gangbangers can count on support for their trial and [while] in prison. When they get out [of prison], they are not [out] on their ass. That the Patriot Movement could learn from street thugs is by itself testament enough to how ineffective the 'movement' has been led to be. It's a testament to how the 'movement' has been left in the hands of celebrity gatekeepers who effectively neutralize it for the enemy."

your time comes, you will experience it *totally and completely alone*, whether it be a brief roadside detention, a longer-term incarceration, or even the morgue (at least, absent a security team, anyway). Should you and I take the no-so-subtle hint that the "teasing the bear" variety of civil disobedience does not work either? Might it be preferable to instead practice *discrete* civil disobedience, like SEK3 advocated?

But what if you feel that you *must* donate? In that case, I would most strongly suggest that you perform your own due diligence and ask the legal defense fund manager(s) whether they have retained the services of an attorney, or not. If they haven't found one yet because they're "still considering" whom they'd like to represent the defendant, than that should be an automatic *red flag* for you; in that case, I think you should react by delaying on donating *anything* until such time an attorney is retained (if it happens at all). If you have learned instead that the defendant has decided to use his public defender (or chosen to represent himself), then the need to donate to a legal defense fund is rendered moot. If a lawyer *has* been retained, but you are uncomfortable with donating money to the legal defense fund (because of the fund's manager, for instance), then I would advise you to *pay the lawyer directly*, if at all possible.

Holding a moneybomb fundraiser *vis-à-vis* a crowdfunding website on behalf of the accused does not solve the abovementioned problems with the systematic lack of transparency, either. Whether it be sites like Kickstarter, IndieGoGo, or Patreon, the trend appears to be, generally speaking, against showing *what* those donations were spent on (as was the case with N.A. Poe mentioned earlier). Until such time those expenses are shared publicly (in emulation of George Donnelly), or at least made available to the donators themselves, I wouldn't put much faith in the reliability of *any* of these so-called "legal defense fund managers" to be responsible with the collected monies.

Regardless of which option you take, do it for the right reasons; don't do it because you've been guilt tripped by the empty rhetoric emanating from the mouth of some manipulative talking head. You are not a bad person and your ideals are not rendered *somehow* insincere because you didn't bend over and immediately donate money to a random legal defense fund for someone you either don't know, or have reservations about. On the other hand, if you avoid performing your own due diligence and just flippantly donate to a legal defense fund because some self-important Internet political pundit with delusions of grandeur demanded you to do so, then you have nobody to blame but yourself. In that case, you chose to assume full and total responsibility for your actions by being willing to literally gamble your money on whether the legal defense fund managers have the integrity to allocate the funds for what they advertised they'd be used for, instead of being diverted under false pretenses to someone's personal kiddie fund.

There is, of course, a much simpler, yet absolutist, route you could take. Just simply ignore any and all public requests for donations to legal defense funds *carte blanche*. Save your money and use it for whatever you would've otherwise have donated towards something that can actually help you secure your Liberty (like buying a carton of bullets, for instance). Don't just stop there, though; I further recommend you don't waste your time and effort rampantly consuming all the nitty gritty details about some random "liberty activist" who got arrested by the government during this week's news cycle, like I have in the past (as demonstrated by the three copiously detailed aforementioned case studies about Rudkowski, Kokesh, and Dyer). There is virtually *nothing* to be learned from their escapades, other than what *not* to do. If you sincerely want to learn about what you *should do*, I recommend you do yourself a favor (and lower your opportunity costs) by reading *You Are Going to Prison*, and applying Jim Hogshire's advice as you need it. The old adage, "An ounce of prevention is worth a pound of cure," is never more true than when you are evading and/or attempting to survive the beast that is the American criminal (in)justice system.

Just as survivalists have bug out plans, I believe it is imperative for all American political dissidents from across the entire ideological spectrum to devise what the copblockers have described as an "arrest plan." Namely, it would be prudent to make arrangements *before* you experience a police interrogation to have any dependents of yours squirreled away with someone trustworthy, to inform a single point of contact that

you are being held by government police, and to shower and shave for your mug shot (if at all possible), regardless of whether the scenario is a roadside traffic stop, or a midnight home raid. Of course, you could negate any purported need for legal defense funds if you approach your legal troubles from the perspective of a state citizen (such as by acting as a *pro se* litigant, having someone you trust act as "next friend," or filing a *habeas corpus ad subjiciendum* to challenge the legality of your incarceration), then legal defense funds become moot, unless you seriously want to beg perfect strangers to foot the bill for your own court costs. Similarly, if you've allocated some of your savings ahead of time towards future commissary purchases, then any excuses to jimmy up requests for donations gets reduced down to zero.

I guess the biggest problem I have with the whole notion of volunteering my personal time to provide legal defense "support," or worse, donating my hard-earned Monopoly money to a shady legal defense fund, is that the entire concept is predicated on the assumption that if the "we" support the prisoner's attempt to legally "work within the system," then that is the only realistic chance he has for regaining his freedom. The unsaid justification behind legal support work (with or without a concomitant defense fund) is inherently reformist; it relies on the beast's own rules to escape the clutches of the beast itself (such "rules" intrinsically violate any notion of due process, procedural or substantive). Besides, do you want to be responsible for justifying the existence and actions of the American Bar Association through your funding of its attorneys?

In summation, giving free legal defense support, or donating to a legal defense fund, is a recipe for failure. Consider also that the oh-so-valuable bar attorney is bound by the rules of the court which unfairly favors the Administrative Agencies, anyway (if you don't believe me, then read Justice Brandeis' concurring opinion in *Ashwander v. TVA*). Generally speaking, it costs a minimum of \$20,000 to legally contest criminal charges successfully, and the ones who stand to gain the most from it (aside from the scumbag bar attorneys) are the notorious patriots-for-profit. They nickel and dime their audiences for such lesser stuff, and thus bleed them dry slowly over time. All they want are Federal Reserve Notes; have you noticed that they never seem to accomplish anything substantive (much how like the American Cancer Society claims to want to cure cancer)? The whole idea of legal defense support is *literally* stupid, both deontologically as well as in a utilitarian sense; the presumption it has of "leave no one behind" is *bullshit*, plain and simple. An individual soldier *is* expendable, since it would be a waste of effort to try and rescue him (either through proving his innocence in court, or by way of a operationally planned and executed prison-break). Sadly, the truth of the matter is that *nobody is coming to save you from the gulag when your time comes*, so act accordingly.