

FINANCIAL PROFESSIONALS SHOULD STOP PRETENDING AND FACE REALITY, PART II

It was 1978, a day prior to New Year's eve and three days after my fortieth birthday. My ex wife and I were attending a financial convention in Florida and decided to escape the New England cold weather and relax a bit by getting to a sunny place several days in advance. We were having breakfast, when a gentleman and his wife joined us. At that time he appeared to be quite pushy and not exactly my 'cup of tea'. Little did I know then what a great influence he would have on my life and on the way I thought. We somehow started discussing the trend of what was going on in our country. I remember how Bob said, "Hal, if you don't know what your rights are, you don't have any." I listened to him thinking, "Does he think I'm stupid, or what." I considered myself to be open-minded, and thought that Bob had an attitude to some extent. What could make him think that I did not know what my rights were in this land of opportunity? But, in retrospect, he was right and I was wrong. I guess I only pretended to know what my rights were.

When Bob told me that the government was gathering information on me and my clients, to tell you the truth, even if I believed him, which I did not at that time, I was too busy trying to make money in the 'rat race' of the business world. It wasn't until years later, indicted in 1992 and then going to trial in 1993, when I put in an F.O.I.A request and discovered that the government had over 80,000 pages of information concerning me and my clients. Although most of the records were my company's banking records, I felt violated and it made me very angry that this type of thing was happening here in the land of the free.

THE F.O.I.A.

Years earlier back in Florida, I did not even know what F.O.I.A stood for. When Bob first mentioned putting in a Freedom of Information Act/Privacy Act request to different federal agencies, I did not realize that this information could be sought without the help of an attorney and that there was, at least in theory, a presumption that records of agencies and departments of the executive branch of the U.S. Government were accessible to the people.

I did not know that you have a right to know the information that these Agencies and Departments have that refer to you or your company. Unfortunately, if you don't ask, you will never find out. If I had it all to do over again, I would have asked for this information much earlier than I did. There was nothing to lose, and all to gain.

There was so much I did not know. I did not realize that in requesting information about my corporation, I had to supply a Corporate Resolution stating that at a meeting of the Board of Directors of the company, that I was authorized and empowered to execute any and all documents concerning the Freedom of Information and Privacy Act Requests on behalf of the Corporation.

It did not take long to find out that the agency has a right not to disclose certain information and was suppose to tell me under which of the different *exemptions* they were withholding the requested information. Any reasonable segregable portion of the record 'supposedly' must be released after appropriate application of the exemptions, but that is not the way things are always done when the government is 'hiding' information.

OUR FUNDAMENTAL RIGHTS

As time went on, my studies became one big civics lesson. I began to learn more and more about Government and the Fundamental Rights of 'We the People'. The fundamental rights of individuals are listed in the Bill of Rights, the first ten amendments to the U.S. Constitution. I discovered that some of our fundamental rights are enumerated, for example the first eight amendments list those rights that belong to the individual citizen. Most of us have some familiarity with our basic freedoms, such as the first amendment right to speak or not to speak. The right to worship where we wish to, and the second amendment right to bear arms and the third amendment right not to have domestic armed troops housed in our homes and the fourth amendment right to freedom from 'unreasonable' search and seizure, and the fifth amendment right to due process of law and the right not to be a witness against ourselves, and the right to counsel in a criminal prosecution and the right to witnesses in your own defense and the seventh amendment right to a trial by jury if the amount in dispute exceeds twenty dollars, and the right to not be exposed to cruel and unusual punishment. Then I discovered that there were two other amendments, important enough

to be listed as the last two amendments in the Bill of Rights, these being the so called 'un-enumerated rights'.

One of these Amendments, the Ninth Amendment states that there are other rights that belong to We the People that are not enumerated in the previous eight Amendments. One of these rights is the right to privacy, which includes of course, the right to financial privacy. The Tenth Amendment, is another one that the government has no pluses in promoting. The Tenth Amendment states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

Now I want to tell you right now, that virtually every one of my fundamental rights was violated by administrative courts of the United States, which may not be bound by the United States Constitution, but rather by their own administrative law based upon Admiralty law. You read that correctly. Many of our courts, especially federal bankruptcy courts in the United States, do not have to grant you and I the fundamental protections of the Bill of Rights.

The next article, Part III, will contain the following subtitle:

THE COURTS VIOLATE THE 'CHORN'S' FUNDAMENTAL BIRTH RIGHTS

The following examples of violations of our birthrights occurred to the "Chorn" and unfortunately, the same can happen to you.

PART IV GOVERNMENTAL PIE-RATS STEAL YOUR BIRTHRIGHTS VERSUS PROTECTING THEM

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