

On March 2, 2004, David Kay Johnston sent me an email because he was angry that I'd called him a "coward" during the course of the February 28th edition of American Radio. What appears immediately below is my response. If you want to read his email, it appears below my response.

Dear David,

I apologize if you feel I falsely gave the impression to my audience that I connected you with the 7,500 figure concerning the number of companies that don't withhold from their workers. I never intended to give that impression, and I don't think I actually did give that impression. Nevertheless, I'll be happy to make a point of clearing that up with my audience this Saturday.

As to your attempts to convince me of your bravery, let's get a few things straight. David, I used to walk a foot beat in various neighborhoods that were densely populated by MS13, White Fence, Mexican Mafia, Bloods and Crips. I used to routinely be within arms length (and sometimes closer) of cold-blooded killers on a daily basis. And yes, I put many of them in jail, including murders and a "cop-killer". Most people would say I am a brave man. Am I brave? Who knows. Everyone has their own version of brave. Some people would just say I was crazy (not brave), but they'd consider someone "brave" who gave birth to a child she knew had Downes Syndrome. Like art, "brave" is in the eye of the beholder.

My remarks about you on last week's show were pointed to a specific topic: Tax law. In that area it is my opinion that you are running from the truth; a truth that you know in your head, your heart and your gut, but are unwilling (for whatever reason) to face. Is that "brave"? Not by my standards.

David, I know you're in a difficult position. To publicly acknowledge the truth about US tax law would almost certainly jeopardize your job at the New York Times, and your "reputation" in the circles in which you travel. I understand all of that. Unfortunately David, the situation is a bit more complex than what works or doesn't work for you.

But even if we keep the spotlight on what's good for David Kay Johnston, in the end you will most likely end up without the job you currently hold and you will still have a tarnished reputation. How is that going to happen? Quite simply David; when the truth finally hits critical mass, the fraudulent misapplication of the income tax will end. When that happens, your job is toast and your reputation will be forever tarnished as the "tax expert" who either knew the truth and was too cowardly to present it, or was too stupid to figure it out. Either way you slice it David, when the truth becomes commonly understood you're not going to look very good. I don't mean to paint a bleak picture for you David, but that's how I see it.

David, while I believe you're taking the path of a moral coward in this matter, I do not believe for one second that you're stupid. On September 16, 2003, you asked a question at a Treasury Department press conference. You referenced the protesters outside and asked if Americans are "required to file". The big story that day David was that Mark Everson couldn't answer the question (merely telling anecdotal stories and saying that it's "understood"); Dale Hart couldn't answer the question (merely telling people to read-up on

"tax protesters" at the IRS' website); Pam Olsen didn't even attempt to answer your question. Those three people are (arguably) the top people in the federal tax system and not one of them was willing to come out and say that Americans are required to file income tax returns, or provide the statute to support the contention that Americans are required to file an income tax return. The biggest story of this century, or the past century, had just been dropped in your lap but you never reported a word of it. Of course you and I know why.

David, because you're a smart guy I know that you see a problem with a government that won't answer any reasonable and thoughtful questions about tax law. Not only do I know you see a problem with that, I also know that you are well aware of why they cannot answer the questions. You see David, I have every confidence that you know that the current application of the tax code is fraudulent as applied to most Americans. If I did not believe that, I'd have to believe that you're a fool. And even if you'd prefer me to brand you a fool, can I do that when I don't believe it to be the case?

Given that you know the truth, but choose to remain silent, what shall I say of you? That you are courageous?

Of course it is worse than merely remaining silent. Now you're actually making public statements that paint the people who are telling the truth as "nutty". And of course the implication of painting the truth-tellers as "nutty", is that the liars are the credible ones. That was my reason for castigating you publicly.

If you wish to shrink from the truth and scamper about in the darkness, that is your choice, and I have never taken you to task for that. [As a matter of fact, several months back I told my audience that I believed you knew the truth (at least in part), but you were simply unwilling to pay the personal cost for standing upon it publicly.] However, your *Forbes.com* interview was something entirely different. In your Forbes interview you didn't simply remain silent about the truth; you attempted to flip the truth on its head. For that you were chastised publicly on American Radio, and deservedly so.

Time constraints only permits me to briefly address a few more points from your email. You state, "I choose not to appear on your show because, in my opinion, you have demonstrated an utter disregard for facts." Tell it to someone who'll believe you. If I'm wrong and you could prove it, you'd come on my show in a heartbeat and make a fool out of me on my own show. What could be better for you!

You refuse to come on my show for the same reason that Everson won't come on, Hart won't come on, Olsen won't come on, Snow won't come on, etc.; that reason being that the facts would devastate your position and make you appear ignorant. Let's face it David; if guys like you (or IRS executives) would debate guys like me publicly, it would only hasten the inevitable collapse of the misapplication of tax law. That's why no one in or out of government dares to say a word in public about the issues that the Tax Honesty Movement has raised. When I used to fight full-contact martial arts, sometimes guys would say this silly sentence: "I'd beat you if I wanted to fight you, but I don't want to fight you". You merely offer the same ridiculous ploy in a different arena. And by the way David, no one believes you. Everyone with an IQ over 60 knows that if you could prevail, you'd be please-as-punch to come on the show and prove that I'm a dolt.

No David, I do not believe the United States government is a criminal enterprise. However, I do believe that the misapplication of the IRC to the average American workingman, by the IRS, is conducted with full knowledge (by senior tax executives) that such application does not follow the written law or the Constitutional constraints upon federal taxation. Not only do I believe this, you (and others like Everson, Hart, Olsen, etc) prove it every day by hiding in the shadows and being unable (and unwilling) to come to a public debate and clear the air. The People are not stupid David; they know that when one side in a controversy cannot come out and publicly debate the facts, there's something to hide and something stinks. The truth is going to come out David. The only question is which side will you have been on.

You are right David; America is the greatest nation yet conceived by man. Of that there is no doubt. Having said that, the system is always prone to criminal conduct. Remember the Tea Pot Dome Scandal; Watergate; the Iran arms deal; to name just a few? My grandfather used to always say "America: Love It or Leave It". I loved and respected my grandfather more than I can tell you, but he was wrong. It has been said that the price of liberty is eternal vigilance. It is our job as citizens to address and correct wrongful conduct by the government. Your trite comments cannot change that duty. I do my part every day to bring to heel the theft that's taking place every day by the United States government through the wrongful and unlawful application of certain tax laws to millions of Americans who have no true income tax liability under the law. You oppose me in this effort. Then why not "do your part" for your country; come on my show and demonstrate to my audience how ridiculous my views are?

In closing, you comment that, "An honest man would acknowledge that we do not share the same views – and that holding different views is the hallmark of a free society." That's a nice effort to dodge the issue David, but it won't fly here. You do indeed have the right to hold a different view. I respect that; but in a free society that also comes with the right (or possibly "the duty") to defend your position when it deals with matters or proper legal governance of a free people. If you're going to be a part of "the press" and address matters of the most sensitive public concern (which certainly taxes are) you have made yourself fair game. Furthermore David it is you who threw the first stone by calling people in the Tax Honesty Movement, "nutty". Shall I presume that you think it acceptable for you to besmirch my reputation, and that of millions of other good Americans, but then to consider yourself off limits? And David, you have gotten from me what you have never given any member of the Tax Honesty Movement - an open and unedited opportunity to debate your position before the American people.

David, I understand how it much it must bother you to be called out publicly on your cowardly conduct on this issue. You may be surprised to know that I empathize with how it must make you feel. However, I do not sympathize with you because your discomfort is of your own making. Do the right thing David and I will sing your praises from the rooftops tomorrow.

Dave Champion
Host of American Radio