

## I. INTRODUCTION

If you have been injured by an agent of the corporate government, such as the IRS, there is a remedy by filing a lien against the individual. Here are the steps that you take.

- 1) Send the individual(s) who injure [sic] you a confession/admission form. Example: "I, John Doe [Internal Revenue Service agent] did knowingly and intentionally commit the following acts against \_\_\_\_\_ in violation of Article Four . . . and that I understand that if I do not sign and return this form within 10 days without objecting to the above, with substantial evidence that by my silence I admit my guilt . . . ."
- 2) Fill out the lien form, specifying who the debtor is and the creditor and how much the lien is for (whatever you feel your freedom is worth). Send them a copy. Give them 15 days for response objecting to the lien.
- 3) File in clerk and recorder's office for your county after time limit has expired in No. 2.
- 4) After 24 hours of filing lien, file foreclosure form in clerk and recorder's office.<sup>1</sup>

The preceding is an excerpt from the newsletter of a Montana extremist group describing the use of liens against public officials and employees. In Idaho, extremist groups use nonconsensual, non-possessory liens to harass landowners, typically public officials, by placing clouds upon the title to their land and forcing the landowners to initiate lawsuits to have the liens removed.<sup>2</sup> This procedure is available through a little-known statutory provision in the Idaho Code entitled "Nonconsensual Common Law Liens."<sup>3</sup>

This comment analyzes Idaho's Nonconsensual Common Law Lien statute in five parts. Part I provides a comprehensive overview of a current situation faced by a judge from the Third District of Idaho. Part II gives a brief overview of nonconsensual common law liens, addressing the source, effect, components, and purpose of such liens. In order to provide some context, Part II also presents an overview of the American extremist activity called "paper terrorism," with a particular focus on the use of false liens by these groups against government officials. With the historical background in mind, Part III examines and critiques Idaho's Nonconsensual Common Law Lien statute and outlines the current response by the Idaho courts to the filing of such liens. In order to provide a broader context, Part IV analyzes the response by other states to the filing of nonconsensual common law liens. Lastly, Part V calls for the Idaho Legislature to amend the Nonconsensual Common Law Lien statute in order to safeguard against the filing of fraudulent and frivolous nonconsensual common law liens.

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1. GREG DEGIERE, CAL. SENATE OFFICE OF RESEARCH, TACTICS OF CALIFORNIA'S ANTI-GOVERNMENT EXTREMISTS (Sept. 1997), available at <http://www.sen.ca.gov/ftp/sen/sor/archive/crime/970929cr.txt>.

2. Lawrence G. Wasden, *Constitutionalist Groups Misrepresent Both Fact and Law*, THE ADVOCATE, May 1996, at 11-12.

3. IDAHO CODE ANN. §§ 45-1701 to 1705 (2003 & Supp. 2008).