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A Lien, Mean Intimidation Tool

By LIZABETH HALL

The Hartford Courant

Apr 8 2001 12:00AM

From prison, it took all of \$75 plus postage for Kenneth E. Speight to retaliate against the federal officials he blames for sending him there.

That was the fee Speight, a convicted drug dealer, paid the Connecticut secretary of the state's office to file more than \$12 billion in liens against two federal judges and the man who prosecuted him.

Though legally invalid, slapping a lien - which is a claim of unpaid debt - can cause a lot of trouble at relatively little expense and bother to the filer.

Because liens are public records, they cloud a person's credit, making it difficult to obtain a loan or sell a home. To clear a lien often requires court action, which can cost hundreds and sometimes thousands of dollars in attorney and court fees.

"I call it plain old bullying," said Ohio Chief Justice Thomas J. Moyer, who headed a committee of the national Conference of Chief Justices formed specifically to deal with "vigilante" liens. Former U.S. Attorney General Janet Reno and the FBI, no strangers to such filings, assisted the committee.

"They're attempting to discourage judges and other decision makers from saying 'no' to them, and if you say 'no', they're going to make it very difficult for you," Moyer said. "Every time personnel in court have to work on something like that, it's time taken away from legitimate matters."

Speight's lien against U.S. District Judge Alvin W. Thompson, who heard Speight's case in Hartford, is \$10 billion and change. The liens against Christopher F. Droney, who was U.S. attorney when Speight was brought to trial and is now a federal judge, and David A. Ring, who prosecuted Speight, are about \$1 million apiece.

If Thompson, Droney and Ring lived in Rhode Island or Virginia, they could file a counter notice to clear the lien.

But Connecticut is not one of the 30 states with laws to eviscerate nuisance creditor liens that tax protesters, self-styled patriot groups and other extremists have used for more than 30 years to ambush and intimidate public officials and others. Protest liens have been used on Internal Revenue Service agents, judges and prosecutors, neighbors and local building officials.

A bill that would make it easier and less costly to remove bogus liens is being reviewed in the General Assembly's judiciary committee. But for now, legal action is the only recourse to resolving nuisance liens.

Consequently, taxpayers are bearing the expense of a civil lawsuit the U.S. attorney's office in New Haven has filed in U.S. District Court against Speight. The U.S. attorney's office is asking for the liens to be dropped and for an injunction that would prevent Speight from filing further claims against the three officials.

Speight, 51, was a convicted drug dealer and purveyor of bad checks with a sleeve-length rap sheet who was living in Bloomfield when federal agents in 1996 caught him and a friend buying handguns off the street. He was convicted of illegal possession of a handgun by a felon and possession of a gun with a defaced serial

number.

Although it is not commenting publicly, the U.S. attorney's office has noted its displeasure to the secretary of the state's office for accepting a lien that should have set off alarm bells, sources said.

Some states have passed laws empowering state and county clerks to reject nuisance liens, and clerks in other states have refused to file them on their own. Claims within the lien of "sovereign citizenship" or "common law court" are usually a reliable tipoff of a nuisance lien.

But officials with the Connecticut secretary of the state's office say that until Connecticut law says otherwise, they are bound by the Uniform Commercial Code to file all liens that enter their office with the proper fee of \$25 per lien.

"The secretary of the state's office is a place of general notice," said Deputy Secretary Maria Greenslade. "It gives notice of liens placed against individuals or businesses. We do not have the authority to act as judge and jury towards liens coming into our office."

Federal and state officials say Speight's are probably the biggest nuisance liens filed in Connecticut. Compared with other sections of the country, Connecticut's anti-government agitators have shown typical Yankee restraint in the filing of fraudulent liens.

But disgruntled extremists often conduct their business across state lines. How-to information is as easy as a trip to the Internet, with Web pages such as Terra Libra's "Commercial Liens: A Most Potent Weapon," or Massachusetts lawyer David Grossack's Internet Law School for patriots. For those without a computer, anti-government protesters have seminars and talk shows dedicated to insurrection by lien.

Practitioners of spurious liens now have a whole new audience to reach. Anti-government convicts have turned their prison cells into paralegal branch offices, giving advice on how to turn debts to society into debts society should pay to them.

Speight, for example, does not match the ideological profile of bogus lien traffickers, who often share white supremacist views, along with their repudiation of the federal government and its laws, experts with the Anti-Defamation League and the U.S. Department of Justice say. Thompson sentenced Speight to 105 months at a federal prison in upstate New York. On appeal, Speight accused Ring and Thompson of compounding his sentence because he was aligned with the Black African Movement and engaged in paramilitary training. The movement encompasses the Nation of Islam, the New Black Panther Party and other radical groups.

Coincidentally, federal officials trace Speight's endeavors to an unidentified prisoner associated with the Montana Freemen.

An armed and radical anti-government group, the Freemen espouse a racist, right-wing doctrine claiming that Jews are the offspring of Satan and non-whites are subhuman. They ranked among the most prolific users of phony liens and money orders. In 1995, about two dozen members held FBI agents to an 81-day standoff at their Montana homestead.

According to court sources, the U.S. attorney's office for the Northern District of New York has indicted Speight on charges of mail fraud for his lien filings and threats of liens to warden officials and a Glastonbury police officer involved in Speight's arrest. Prison authorities found blank lien forms in Speight's cell.

The U.S. attorney in Syracuse, N.Y., also is investigating some of Speight's fellow inmates for related activities. The Freemen member, whose name officials did not disclose, has been moved to another prison.

"The United States takes it very seriously when members of the judiciary, prosecutors or members of the public have fraudulent liens filed against them," said Assistant U.S. Attorney Craig A. Benedict, a prosecutor based in Syracuse. "This is a standard scam going on around the country."

As far as Connecticut goes, coercive liens have been episodic. The Anti-Defamation League tracks the height of these acts of defiance to a period from 1995 to 1997. During that time, an Oxford man filed a \$200,000 lien against the property of a state Department of Public Utility Control commissioner and a similar one against a New Haven lawyer, an Anti-Defamation researcher said.

The Golden Hill Paugussett tribe, which is seeking federal recognition, attempted to expand its land holdings by filing liens against thousands of property owners in the Bridgeport area, tying up their land for months.

In state court, the attorney general's office succeeded in having the claims dismissed, officials said.

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