

FOR IMMEDIATE RELEASE

**Yuba County D.A. Prosecutes Brothers
For Protesting Tax Policy**

On Tuesday November 29, Wheatland residents Benjamin and Russell Bartholomew will finally have their day in court to respond to charges stemming from their tax protest last Spring. On April 28 the brothers were arrested by Yuba County Sheriffs deputies and charged with “wearing masks”. The brothers were wearing Guy Fawkes masks while standing near a sign that read “TAXES = THEFT”. The masks, popularized in the movie *V for Vendetta*, are internationally recognized symbols of protest.

The District Attorney dropped the “mask wearing” charge but the brothers are still being charged with violating Penal Code section 602(f) (illegally posting a sign) and Penal Code section 148(a)(1) (obstructing a police officer while attempting to discharge his or her official duties). The brothers are each facing a possible \$2,000 fine and 2 years in jail.

“We are being punished for exercising our First Amendment rights to protest government tax policy,” said Benjamin Bartholomew. Benjamin and Russell are liberty activists. They are co-founders of *Good Men Do Something* and members of the *Free State Project*. “The police said it was illegal for us to wear masks and asked to see our faces, and we complied. We weren’t arrested until one of the officers argued that taxes are not theft. They didn’t really care about the masks. They dropped that charge. But they didn’t like our message.”

The DA offered a plea bargain, but the brothers refused the offer.

“The D.A. also offered to drop the whole case if we would just plead guilty to littering, like admitting that we dropped a paper clip or something,” said Russell Bartholomew. “But we didn’t litter. They wanted us to plead guilty to something we didn’t do, and that just doesn’t seem right,” Russell added.

“I am amazed this is happening at all,” said attorney Paul Nicholas Boylan, who agreed to represent the brothers. Attorney Boylan is also a professor of law and specializes in free speech issues.

“It simply makes no sense. If an American citizen can be punished with a fine and face jail time for expressing their displeasure with official tax policy, then freedom of speech is meaningless and every member of the Tea Party should be in jail,” said Boylan. “If the District Attorney plans on arguing that the California Penal Code prevents this kind of protest, then I am reasonably confident that any jury standing judgment over my client’s actions will agree that any provision of the Penal Code that limits the right to protest tax policy is unconstitutional,” Boylan concluded.

The Bartholomew Brothers’ trial is scheduled to begin on November 29, 2011, at 8:30 AM in Department 1 of the Yuba County Superior Court located at 215 Fifth Street, Marysville, CA 95901. The court telephone number is (530) 749-7600.

For further information or comment, please contact:

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Supplemental References:

Masked men protest Marysville red-light cameras, <http://www.appeal-democrat.com/news/marysville-103421-protest-masked.html>

Good Men Do Something, www.Facebook.com/GoodMenDoSomething

The Free State Project, www.FreeStateProject.org

Benjamin and Russell had their cell phones seized as “evidence” at the time of their arrest, and the phones have not been returned, but thanks to the smart phone app Qik, the encounter was streamed live directly to the internet and can be seen at goo.gl/q4NfE.