

**FULL AND UNCONDITIONAL  
PARDON REQUEST  
FOR  
MATTHEW D. HUTCHESON**

INMATE #14620-023  
FCI ENGLEWOOD  
9595 W. QUINCY AVE.  
LITTLETON, CO 80123

## SUMMARY OF CONTENTS

### Cover Letter Written By Matthew D. Hutcheson

Letters Of Support By Matthew's Family

Annette (wife of 26 years),

██████ (15), ██████ (17), Ryan (21) (children)

*\*Letters of support from Matthew's underaged children have been removed from this document to ensure their privacy.*

Donald and Carol Hutcheson (parents)

### Pardon Application

### Supporting Documents

**Declaration of Matthew Hutcheson** from his 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence By A Person In Federal Custody.

**July 31, 2013 DOJ Press Release.** This press release is misleading and false. It also states that Matthew was imprisoned for 17 years for "theft" from two pension plans. The statutory maximum sentence for theft is **5 years** (18 USC § 3553(a)). Matthew should be home by now under the pretext of the DOJ's own press release!

**Letter from alleged "victim" of Matthew to trial judge** recognizing that, "*our best interests are (and always have been) in the hands of Mr. Hutcheson.*" He also states, "*{Matthew's} continued incarceration is only hindering the process of our monies lost...to be restored to us.*"

**Letter from Judge to above Investor**, ignoring his concerns and refusing to acknowledge that he may have been misled by the prosecution by frauds upon the court. Also refusing to acknowledge that there is a different investment (Save America™) that he completely missed during trial and refused to be allowed as evidence.

**Myth v. Truth.** Rebuttal of False Allegations made about Matthew D. Hutcheson.

### Highlights of the Obama Administration's Determination to Imprison Matthew Hutcheson

**Articles written in 2013 by Barry Sussman** laying out how Matthew came to be considered a whistle-blower by the DOL, how David Plouffe and David Axelrod extorted \$15,000 from Matthew, and how the Obama Administration targeted Matthew.

**Letters of Support of Matthew Hutcheson** Receiving a Full and Unconditional Presidential Pardon. *\*Letters of support have been removed from this document to ensure the privacy of those who wrote them.*

**Letter and Documents** sent to **Jared Kushner** by Matthew's wife, Annette

*\*Please see this document in it's entirety in the additional link in this email.*

**Matthew D. Hutcheson**

Inmate #14620-023

FCI Englewood

9595 W. Quincy Ave.

Littleton, CO 80123

June 22, 2018

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Larry Kupers  
Office of the Pardon Attorney  
145 N Street N.E.  
Room 5E 508  
Washington, DC 20530  
202-616-6070

Re: **PRESIDENTIAL PARDON REQUEST FOR MATTHEW D. HUTCHESON**  
INMATE #14620-023

Criminal Case: <i>USA v. Matthew Hutcheson</i>	1:12-CR-00093-WFN
9 <sup>th</sup> Circuit Court of Appeals:	13-30218
Sister Civil Case: <i>DOL v. Matthew Hutcheson et. al.</i>	1:12-CV-00236-EJL
9 <sup>th</sup> Circuit Court of Appeals:	17-35076
Collateral Attack - §2255: <i>Matthew Hutcheson v. USA</i>	1:16-CV-00442-WFN
9 <sup>th</sup> Circuit Court of Appeals:	18-35436

Dear President Trump:

My name is Matthew Donald Hutcheson. I am currently incarcerated at FCI Englewood as a political prisoner for a crime that the Obama administration fabricated against me, which I DID NOT COMMIT. I have been incarcerated for 5 years this July 31. I was accused and convicted of 17 counts of wire fraud. I have followed the process of the courts to no avail.

The odds have been stacked against me from the start. My *constitutional rights* have been denied me at every turn. I was targeted by the Obama Administration, chased by an over-zealous Assistant U.S. Attorney prosecutor who secured a cheap win at trial by participating in a fraud upon the court, assigned a biased judge from a Federal District that was not my own, and most abhorrently I have been denied the 'innocent' monies that are *legally, rightfully and constitutionally mine to*

*obtain my own counsel of choice.* I was forced to have a public defender who had no idea how Washington DC politics, or the economic or financial systems work. My jury was not a jury of my peers, but of local laymen who understood nothing of the complex nature of the financial transactions in question, and were predisposed to a guilty verdict because of the prosecution's use of a false narrative about a defunct ski resort that the people of southwestern Idaho were already emotional and angry about due to a previous scandal that happened there.

As you will see in the continuation of this letter, and the supporting documents in this package, I HAVE NEVER COMMITTED A CRIME IN MY LIFE – THE ONE I AM CURRENTLY CONVICTED OF, OR OTHERWISE. Mr. President, I ask with everything I have to please grant me a **Full Presidential Pardon**.

My entire life I have served those around me. I have applied my education and professional training to the good of society. My efforts to bring transparency to Wall Street opened doors with the then Democrat House and Senate (even though I have been a life-long registered Republican). For years, 2007-2011 I worked closely with them on policy development and testified multiple times in Congressional hearings.

During the time working with Congress, I discovered two important things that caused me to be a target of the Obama administration, and ultimately to be where I am now:

**First**, working with the United States Senate and House of Representatives was one of the great honors of my life. When five powerful lawmakers asked me to find a way to create jobs during the great recession, I felt the weight of that responsibility fall upon me. The two public priorities at the time were jobs and health care, and I felt that one could not be solved without the other. They were inextricably connected. I learned first-hand from these five powerful lawmakers that they would attempt to permanently convert the private health care system into one controlled by the government. I could not, and did not, support a government coup over private industry, no matter what seemingly noble reason was given. I was the sole discretionary decision maker for the funds invested and had the right and the responsibility to invest how I saw fit given the economic uncertainty that existed at the time. I chose to invest them in Save America™, a direct and private alternative to ObamaCare. The displeasure my friends on Capitol Hill felt about my having invested in Save America™ instead of some other socially meaningless investment was palpable, even if the socially meaningless investment did end up creating some jobs.

I believe Americans should have access to affordable health care. To afford health care, Americans must be able to pay for it through work. So, I applied my years of professional expertise in investments/economics and actuarial science to solve both challenges. When I succeeded in creating a working model, my friends on Capitol Hill felt I betrayed them, and I began to feel the heavy hand of the Obama Administration upon me.

The model I created utilized a Clinton-era regulation (29 CFR § 2509.94-1; commonly referred to as "94-1") to create economic activity in local communities. I had been studying this regulation for quite a few years, and knew that although it had long since been abandoned by the Democrats, it was quite prescient and relevant in 1994, and still is today. The regulation paves the way for



professional pension investors (i.e., pension plan trustees) to invest in job creation, infrastructure, fledgling businesses, technology, health care, and more.

Utilizing the 94-1 regulation, my model was deployed in 2010. Several hundred jobs were created or supported that year, and those individuals were on their way towards access to the innovative private sector health care solution I created called "Save America™." It is not health insurance, but rather works symbiotically with insurance companies and health care providers alike through its unique method of bridging the wide access gap. There truly is nothing else like Save America™ and the plan was starting to work when the Obama Administration shut it down by force and attempted to destroy my reputation so Save America™ would never out-perform or overshadow ObamaCare.

As the Obama Administration eventually moved in on me, threatening prison if I did not do what they demanded, I was left with two impossible decisions, each politically engineered to stop me from succeeding.

*Choice A* was to abandon Save America™ and lose the investment I had been entrusted by my clients to make. This would keep me out of prison, but my reputation would be destroyed. I desperately needed to be with my family. My children need me. My wife needs me. But I could not do that to the investors who trusted me. *Choice B* - to double down and protect Save America™ as though it were a national treasure, because that is precisely what it was and is. Investments take time to mature, and 5-10 years is not an unreasonable investment time horizon. To protect the investment, I would proclaim my innocence, go to trial, while ensuring Save America™ and its trade secrets remained protected. By protecting Save America™'s trade secrets from exposure to the jury and the public, I could be convicted and go to prison, yet the investment would survive for liquidation at a later date. Conviction and prison were precisely what happened, but the investment has survived!

Either way the Obama Administration would win, at least temporarily.

**Second**, starting about 2008, I began to work closely with the DOL to help tie-up loose pensions of companies that had either gone bankrupt or gone out of business during the recession at that time. I developed a great working relationship with the DOL and I was their go-to on these matters, their golden-boy. In one particular case, DOL v. Air Transport, the DOL was determined to unnecessarily hurt the business owner at any cost. I gave them my analysis which did not agree with what they wanted. They forced my hand and made me fly to California for a deposition, a day after I had undergone a surgical procedure. When I refused to sign an untrue and unlawful affidavit that they insisted I sign, and would unfairly cause great unnecessary harm to the business owner, my relationship with them instantly went sour. At that same time (which was the same time that I was working on making Save America™ a reality), I was asked by some powerful friends in NYC to help them counter accusations made against them by Obama's DOL. While investigating their case, I learned that within Obama's DOL there were high ranking officials who knew of *real* pension fraud/theft, and other financial crimes that were being committed, but were being buried *in trade for* extremely high paying jobs and positions of power within Wall Street once their stint in the DOL was finished. I called the DOL and confronted them. And so seemingly

overnight, I went from golden-boy to being considered a whistle-blower, and walked around with a target on my back.

The story the Obama Administration told the public and the media was based on fragments of theories it pieced together to inflame the Idaho jury pool against me. Those fragments were organized in such a way as to paint a seemingly coherent story, which virtually everyone bought. The Obama Administration issued press releases to further anchor the media's story against me. The entire story the Obama DOJ manufactured was, and is, a lie and I have spent five years in prison because of that lie. It went to great lengths to ensure that their dirty little secrets in Obama's DOL, and Save America™, and I never rose from the ashes.

The attack by the Obama government because of the two aforementioned reasons led to the surprise and totally unnecessary FBI SWAT-style arrest. After my dramatic and totally unnecessary FBI arrest, Annette and I called our family together. My parents, her parents, our children, and her sister met. We counseled together about what to do. The government had offered me a plea bargain, but I WAS NOT GUILTY, and pleading guilty would destroy Save America™, and so that was not an option. My family, and especially my wife, Annette, refused to let me plead guilty to a crime that I did not commit. We had faith in the judicial system, and I was hopeful and optimistic that the truth would prevail at trial. *After all, in the great United States of America aren't you innocent until proven guilty? Not in Obama's USA!*

So, we proceeded to trial. The Obama Administration's prosecutor used tricks and tactics, outwitting and out maneuvering the federal defenders, obtaining orders that prevented me, and my counsel, from communicating with witnesses or using unrelated assets to hire competent counsel of my choice. That restriction was not lifted until 30 days before trial. By then it was too late. No potential witnesses would speak to me. So I went to trial with no witnesses in my behalf. And my trial attorneys failed to retain subject matter experts, rendering the trial an utter sham.

During trial, I hoped to introduce just enough information about Save America™ to the Jury to hopefully help them see that there was more to this matter than they were being told; just enough to create reasonable doubt and an acquittal. Save America™ is an asset of NRSP® Management, Inc., an Idaho Corporation. An element of the investment under 94-1 is to ensure the investment's eventual outcome is equal to or greater than other available investments. In other words, the NRSP® stock acquired by the investors needed some minimum floor for which the stock would be sold in the future. In 2010, a financial instrument called an "Irrevocable Trust Receipt" was used by me to establish and secure that future sale price. In 2012, after I had been removed as trustee, acting on behalf of the NRSP® corporation, I engaged an independent trustee to reissue the irrevocable trust receipts in its name, which was the only change made. The mathematical formula securing the future sale price remained unchanged.

In their feeble attempt to defend me, my public defenders failed to present the NRSP® corporation and the associated investment transactions to the court and jury. The only way to force the NRSP® stock issue and right the course of the trial was to have the trust receipts admitted into evidence. Those trust receipts would then lead the jury to the NRSP®. The NRSP® would lead the jury to Save America™. Save America™, without divulging trade secrets, could be explained in context of every dollar invested. When the trust receipts were presented to the court, the judge denied their

admittance into evidence on grounds that they were insurance to indemnify my actions in the event of a loss. Not only was that an unfair ruling, it was entirely unfounded in law and fact. This particular judge has been overturned by the 9th Circuit U.S. Court of Appeals for having made that same mistake in at least one other case.

Over the past few years, Save America™ and the associated corporation, NRSP® Management, Inc., has risen from the ashes. New investors have taken notice of its potential. With a Presidential Pardon granted to me, Save America™ will yet fulfill the objective for which it was created.

Either I invested in Save America™ as is evident by its existence; every single dollar being deployed to further that common enterprise, OR, Save America™ does not exist and never has. If it exists, I am innocent and have been treated so wrongfully as to shock the conscience of an increasing number of both casual onlookers and interested investors. If it does not, then why do the DOJ's own trial exhibits show proceeds invested and paid to companies whose sole involvement with me was advancing the mission of job creation and affordable health care access? The DOJ cannot have it both ways.

In my motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence By A Person In Federal Custody, the judge was informed of no less than three intentional frauds upon the court perpetuated by the Obama DOJ's prosecutor. Instead of having the courage to fix the problem and release me, the judge tried to conceal the egg-on-face embarrassment by kicking the issue up to the appellate court. The appellate court noticed there were in fact "issues" the trial court tried to avoid and ordered the trial court to specifically identify those issues, which it grudgingly did, but not without obvious embarrassment for the continuing unjust and unfair mess it presided over.

Please, Mr. President, do not let the Save America™ solution and innovation die on the vine because the former President felt it threatened the legacy of ObamaCare. A threatened legacy is no reason to imprison a law-abiding citizen. That thought is abhorrent, but it is precisely what happened to me.

Protecting Save America™ has come at a great cost to my family, to the investors, and to me. Most nights I go to bed with tears in my eyes and deep sorrow in my heart for my wife and children. Sometimes the tears become wailing sobs. I've been utterly heartbroken for the past six years for all involved. Early on I reached out to certain investors to explain and was met with deafening silence, even though their investment is still intact. Those investors never want to speak to me again, and even after their NRSP®/Save America™ shares are liquidated, I doubt they will ever forgive me, even though they do not know the whole story because of the false narrative given by Obama's DOJ. They do not even know that certain members of Congress asked me to help create jobs in America through the methods I deployed; it all started with the Congressmen. In the end, I have behaved honorably. I have protected the investment, and I have protected my relationships with my family, and have created many new friends.

Over the past 5 years I have received desperate letters from my children that have cut me to the center. They need me home with them. My wife needs me. They are able to see me only a few times each year. As of right now, I have not seen them for three months, and likely will not for three more. Letters are slow. Phone calls are limited to 300 minutes per month no matter how many



children an inmate has. Every important event in the life of my children has been missed since July 31, 2013 – birthdays, my now 21 year old son's high school graduation, religious advancements, ball games and more. My now 17 year old daughter played football for 3 years and I was never able to see her play. This year she received the MVP award on her softball team. She is an all-conference catcher – again, I have never been able to see her play. My now 15 year old son has been class president for 3 years and will be again next year. I have never been able to see him give a speech, or win any of the many citizen and leadership awards he has earned. I have only seen my oldest daughter one day in the last 5 years. When I was taken to prison my children were 10, 12, 16 & 18. They are now 15, 17, 21 & 23. My oldest two kids are both ready to graduate from college and are planning to get married soon – am I to miss their weddings too? The time that has been taken from me can never be given back. The things I've missed are gone forever. The talks and experiences that should be shared between a father and son and/or a father and daughter have been taken from not only me, but my children. They are the ones who suffer most because of what the Obama Administration has done to my family. The entirety of what has happened is utterly unfair to everyone involved, especially my wife, children and the investors. You will notice that there is no letter of support from my oldest daughter. She is afraid of retaliation. She is afraid that the outward support of her father will bring more hardship down on her. *No 23 year-old in the United States of America should be afraid of our government.* But, because of the terrible experiences she has had to endure, caused by the Obama Administration, she is afraid of government retaliation both locally and federally.

My case is not the first example of government over-reach and unfounded conviction by the Obama Administration. Save America™ can provide the answers to America's most difficult issues; jobs and health care. I need to be released to implement this plan for the good of America. The investors need me to be released so I can sell Save America™ to those who can make it what it was intended to be. Sending me to prison caused all to lose. It is senseless suffering and loss and could have been so easily avoided under any other circumstances. But in my case, politics were at play, and the former President's legacy was on the line.

Humbly, I ask for your **official unconditional pardon** so I may return to my family and advance Save America™ for the benefit of society.

Respectfully,



Matthew D. Hutcheson



Annette Hutcheson  
Attorney-In-Fact

State of Idaho       )  
                              ) ss.  
Valley County       )

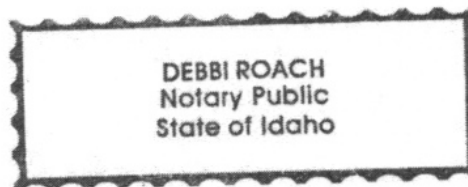
### ACKNOWLEDGMENT

On July 3, 2018, before me Debbi Roach, personally appeared ANNETTE HUTCHESON, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Idaho that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Debbi Roach  
Notary Public  
COM. EXP.  
8/31/2019





Hutcheson Family 2006



Matthew Hutcheson Testifying Before  
The Committee on Education and Labor,  
U.S. House of Representatives, March 6, 2007



Matthew Hutcheson 2008  
Photo for Bloomberg TV Special




Matthew & Annette Hutcheson 2010



Matthew Hutcheson Testifying before  
the H.E.L.P. Committee, July 10, 2011



Annette Hutcheson

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208-315-0084

June 22, 2018

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue  
Washington, DC

Larry Kupers  
Office of the Pardon Attorney  
145 N Street N.E.  
Room 5E 508  
Washington D.C. 20530  
202-616-6070

Re: Full Presidential Pardon Requested for Federal Prisoner Matthew D. Hutcheson #14620-023

Dear President Trump:

When a loved one goes to prison - especially a loving and involved father and husband - you grieve as if they had died. You go through the stages of grief (Shock, Denial, Anger, Bargaining, Depression, Testing) - except they aren't dead. There's no closure. There's never Acceptance.

At some point your new reality will hit you like a building collapsing on you. Mine hit on the Sunday morning after he was taken. Matt always made sure the boys' white shirts were ironed and starched for church on Sunday. That first Sunday my youngest son - then 10 years old - came up to me with his wrinkled shirt and said, "who will iron my shirt now?" At that moment reality hit. My sweet, kind, loving husband of then, 22 years, and loving father of our 4 children was gone. Gone! For 17 years! At that moment I felt like it would have been better - easier - if he had died. Death you can make sense of. Everybody dies at some point. How could *my husband* now be in prison? And considered a felon!? I took the shirt from my sweet son and went to my room and cried. And prayed. I eventually gathered my emotions together enough to get the shirt ironed, and we made it to church.

I don't remember the rest of that day. Until that night when my sister called. "I can't do this!" I cried to her. Her next words to me that night have kept me going these past 5 years "Yes you can! You have to - what is the alternative?"

*What is the alternative?*

That question has plagued my mind every day since that night! The alternative is I fight! I fight for my husband's freedom! I fight all the way to the Supreme Court or the White House! And that's what I have done!

Mr. President, my husband IS NOT GUILTY of the crimes he's been convicted of. He should not have spent ONE DAY in prison, but the biased judge sentenced him to 210 months! This sentence is overly harsh and excessive! The judicial system has failed us at every turn - from the unconstitutional indictment, overly dramatic and unnecessary FBI arrest, the rogue and dishonest prosecutor, and the assignment of an old and biased judge - not even from our Federal District! We have been denied counsel of choice as the District Court has gone against rulings of the U.S. Supreme Court, and has refused us use of - and has CONFISCATED - our own money (unrelated to the case) that we NEEDED and could have used to retain attorneys of our choice. The government's unlawful trial and excessive sentence imposed upon my husband has impacted (even punished) myself, our children, and extended family. Overnight we found ourselves homeless, no money, and facing continued scams by government agencies. Our families have had to step in and almost completely support us for the past 6 years.

*Why?* My husband was a threat to the Obama Administration in two ways:

1. He accidentally discovered that certain high ranking officials within Obama's Department of Labor were selling to certain individuals and organizations, influence and a blind eye, to *actual* labor/pension violations in exchange for high-paying jobs on Wall Street and/or in the financial industry once their tenure in the federal government ended.
2. He had created a direct competitor (Save America™) to Obama's 'beloved' Affordable Care Act (iconically called ObamaCare). And because my husband's influence was growing in Washington D.C. due to his work with Congress, Obama and his inner circle were genuinely concerned. That is why David Plouffe and David Axelrod got involved, ultimately extorting \$15,000 from my husband (see attached article entitled "The Wider War on Whistleblowers" by Barry Scott Sussman).

Please, Mr. President - my husband - Matthew D. Hutcheson, inmate #14620-023 deserves a **Full Presidential Pardon!** He is an innocent, incarcerated man.

Obama made my husband literally a prisoner of war within our own country by declaring war on white-collar workers on November 17, 2009 when he created the Financial Fraud Task Force. This task force was created under the guise of protecting the innocent, when in reality it was used to 'hush' anyone who Obama or his administration deemed a threat. A true example of power at any cost. In this instance - my husband was the cost.

Although this experience has been horrible, we have seen the hand of the Almighty in our lives at every turn. The uplifting and ever positive attitude of Matt has been (and still is) contagious in whatever facility he has been forced to endure. He is constantly helping those around him and at least once week is known to say to me, "So-and-so has it so bad! Could you call his wife (or daughter or niece or mother) and give her some encouragement?" And so I do, and the experience helps me continue on.

I no longer feel that it would be easier if Matt had died. I celebrate every minute of our short, but cherished phone calls, every email that I receive, every visit that I am blessed to have with him. He is my rock, and **HE DESERVES TO BE HOME.**

Obama took our families' "*blessings of liberty.*" I am asking that you give them back by issuing a **Full Presidential Pardon** for my husband – Matthew Donald Hutcheson #14620-023.

Most Sincerely,

*Annette Hutcheson*

Annette Hutcheson

State of Idaho            )  
                                      ) ss.  
Valley County            )

#### ACKNOWLEDGMENT

On June 25<sup>th</sup>, 2018, before me Ashley Jensen, personally appeared ANNETTE HUTCHESON, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Idaho that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Ashley Jensen*  
Notary Public

ASHLEY A JENSEN  
Notary Public  
State of Idaho

My Commission Expires  
May 15, 2024

**RYAN M. HUTCHESON**

  
rmhutch97@gmail.com

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June 26, 2018

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue  
Washington, DC

Larry Kupers  
Office of the Pardon Attorney  
145 N Street N.E.  
Room 5E 508  
Washington D.C. 20530  
202-616-6070

Re: Full Presidential Pardon Requested for Federal Prisoner Matthew D. Hutcheson  
Inmate #14620-023

Dear President Trump:

My name is Ryan Hutcheson. I am Matthew Hutcheson's son. I am 21 years old. In the fall of this year, I will start my Senior year at Boise State University, majoring in Business Economics.

I have spent almost a quarter of my life with my father in prison. I have been able to see him only once in the last two years. My fiancé has only been able to meet him once. Many children and young adults in America are without one or both parents, and it is a huge detriment to our emotional, mental and physical health and well-being. The United States of America is only 5% of the world's population, yet we have 25% of the world's incarcerated. My dad should not be one of them.

Since my dad was put in prison, he has missed 16 of my varsity football games, dozens of track meets, two All-State choir performances, two All-District Choir performances, eight choir concerts, five birthdays, and my high-school graduation. Unless granted this Presidential Pardon, he will also miss my college graduation, my up-coming wedding, and the births of his future grandchildren. This is what he has missed from only one of his children.

My dad was accused of acting against the interests of those in Valley County, Idaho. I disagree completely with that accusation. I know that the allegations against him relating to the local ski resort that caused his conviction in court are lies! I have experienced the suffering and hardship that my Dad's wrongful conviction/incarceration have unnecessarily caused my family and myself. I know that he was incarcerated by the Obama Administration on false accusations to prevent the implementation of Save America™ (an alternative health care system to ObamaCare). I have read and studied about Save America™ since his incarceration and I know that this would have

[REDACTED] Derr

March 16, 2018

Wm. Fremming Nielson  
Federal Judge, District of Idaho  
550 W. Fort Street, Suite 400  
Boise, ID 83724

U.S. COURTS

MAR 22 2018

Rcvd \_\_\_\_\_ Filed \_\_\_\_\_ Time \_\_\_\_\_  
STEPHEN W. KENYON  
CLERK, DISTRICT OF IDAHO

RE: Matthew D. Hutcheson v. United States of America  
Case No. 1:16-CV-00442-WFN  
Case No. 1:12-CR-00093-WFN

Honorable Wm. Fremming Nielson:

I am writing you regarding Matthew D. Hutcheson currently incarcerated at FCI Englewood. My name is [REDACTED] Derr. During the time when Mr. Hutcheson was charged with the crimes in the referenced cases above I was the Program Manager for a group of about 45 employees who were affected by these cases, including myself. As you may be aware some of the employees had their entire life savings in the accounts that were subsequently frozen as a result of these charges. I have served these employees for the duration of the case and the liquidation of the funds. This process took 6 years or more.

I can't speak for all of the victims, but I can speak for myself and my team, and I think that it is important for you to understand just how these people were affected from their point of view. When we were first notified by the DOJ of the charges we were shocked, as you can imagine. We did not understand how something like this could happen. We were all notified that we could sign up for a notification system by the DOJ. We were told by the temporary fiduciary that the accounts would be frozen until the case could be resolved.

After several months we were notified that Mr. Hutcheson was found guilty and the DOJ passed the liquidation of the accounts off, and closed its management of the case. As a team there was a bit of relief. We assumed that we wouldn't recover all of our funds, but at the same time, through a bit of research we became aware of the assets that were to be liquidated, and were confident that we would at least recover some of the funds. We



March 18, 2018

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knew that there was a large piece of property, the golf course, Tamarack specifically. We expected that this piece of property would be promptly auctioned off to provide us with funds. After a year with no notification of any recovery of funds we started to become skeptical of Receivership Management and Ms. Bryant's ability or willingness to do what was best for the plan participants. We began to contact Receivership and Ms. Bryant regarding our accounts and were greeted with disdain, and what seemed like a premeditated talking point. It seemed as though questions were always answered with the same confusing explanation that never really made sense. We were also provided with a professionally prepared report by a 3<sup>rd</sup> party as to why the golf course could not be sold. It never made sense to us. Most of us gave up and wrote the accounts off. I myself made it a point to contact Receivership on a regular basis to inquire as to the progress on the recovery. Like I said, they always seemed to be aggravated to provide information. I even created a Facebook page to help share what information I was able to gather with my team. This went on for several years. Keep in mind, we were never given Mr. Hutcheson's side of the story.

About a year ago when I contacted Receivership, Ms. Bryant began to imply that our accounts would soon be "zeroed" out. When I asked why she kept dancing around the topic, and as always, never really provided me with an answer. Coincidentally, it was around this time that Receivership Management posted all of the monthly invoices for the accounts for the last several years. It was at this time we finally realized what this firm was doing. They were dragging out the liquidation process to try to capitalize on as much of the available funds as possible, or so it seemed. By this time it was too late to do anything. A month after that I received a copy of my latest statement - my account went from around \$20k from the previous quarter to 1 penny! A few days later I received a letter from Receivership basically stating that they were closing the case. Their liquidation attempt over the last several years netted zero for the plan participants, and cost them everything. I was so furious. I wrote several letters to the DOJ, and to local and federal representatives, to no avail. As I sit here today it is my opinion that the representation of Receivership Management to 'look out' for the plan participants is a far greater injustice than any other infraction played upon us throughout this ordeal.

I felt as though I needed answers so I reached out to Mr. Hutcheson. He replied to my initial communication, but explained that he was not sure that he was allowed to communicate with me. I told him I had some questions for him. Although I am no longer in contact with him, I did want his side of the story and was made aware of some of the facts that were not made available to us, facts that seem to reinforce the fact that Receivership had no intention to do what was right for the plan participants. I have stayed in contact with Mr. Hutcheson's wife from time to time to get copies of court



March 18, 2018

Page 3

filings and other documents to stay informed as to what may be done to regain our hard earned money. This is why I felt compelled to write this letter to you. I can speak on behalf of my team when I say that we believe that our best interests are (and always have been) in the hands of Mr. Hutcheson. We believe that he should be given the chance to redeem himself. His continued incarceration is only hindering the process of our monies lost by Receivership to be restored to us. The plan participants have been robbed, and the system that was put into place to protect us and to 'recover' our money has failed. We have nothing left to lose. We want to give Mr. Hutcheson the chance to make this matter whole with the people who have lost the most. I ask, that since the plan participants have not been given the opportunity to have any say in this matter for almost a decade, that they finally be given the chance to be heard and allow Mr. Hutcheson to be released and allowed to liquidate the real assets.

On a personal note, I want you to know that throughout this ordeal my family has had to deal with more than most families will ever have to deal with, especially at such a young age. Two months after our son was born I was diagnosed with thyroid cancer, 3 years after that my wife was diagnosed with stage 4 breast cancer and pancreatic cancer. As my wife and I continue to battle each day to stay alive so that we may provide a fruitful home for our son to grow up in, we have learned a great deal about faith and the forgiveness that comes with it.

Sincerely,



 Derr

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

MATTHEW D. HUTCHESON,

Defendant.

No. 1:12-CR-0093-WFN-1

ORDER DENYING  
REQUEST AS MOOT

Before the Court is Mr. Derr's letter requesting permission to contact the Defendant. Dkt. No. 241. As explained in more depth in the attached letter, the request is **DENIED AS MOOT**.

The Clerk of Court is directed to file this Order and provide copies to counsel and to Bryan Derr.

**DATED** this 29th day of May, 2018.

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN

SENIOR UNITED STATES DISTRICT JUDGE

05-23-18

TRUTH: The investment made in the Save America™ enterprise consists of 70,841 shares of NRSP® Management, Inc. stock, with an original stated value of \$5.3M at \$75 per share. In 2017, an NRSP® Management, Inc. stock transaction occurred based on an appreciated stock value of \$198 per share. That new valuation brings the 70,841 shares of stock owned by the two plans to \$14M at \$198 per share; over an \$8.7M unrealized appreciation gain.

6. MYTH: Matthew D. Hutcheson's investors don't have the money because it is lost.

TRUTH: The investors don't have their money because a federal court issued an order forbidding the sale of their shares. If the investors are allowed to sell their shares then that would show that no money was ever lost or taken. It is in the prosecutions best interest to ensure that doesn't happen.

7. MYTH: Matthew D. Hutcheson had good lawyers and a fair trial.

TRUTH: His lawyers were grossly incompetent. They admitted to the court they would not be ready for trial and went into trial lacking subject matter expertise. They admit they could not find an expert in Idaho who possessed enough knowledge to testify on Matthew's behalf and failed to find an expert in another state. His trial attorneys intentionally brought a defense that could not be won when an affirmative defense existed, and failed to call over 30 potential witnesses. His trial attorneys failed to object to a court ordered restriction preventing Matthew from contacting witnesses for his defense. His trial attorneys failed to discover a massive fraud on the court by the prosecutor and another law firm. His appellate attorney had a conflict of interest and was threatened by the US Attorney's office to not defend him as he ought which resulted in multiple Idaho Bar Association complaints against his attorney. And the list goes on.

8. MYTH: The transactions were done in secret and therefore Mr. Hutcheson must have been trying to conceal his actions.

TRUTH: Matthew D. Hutcheson was the ONLY person with authority to invest. However, at least five members of Congress knew exactly what Matthew was doing, as it was at their request. Dozens of regional fiduciaries learned first-hand from Matthew through national training meetings that a socio-economic innovation was being deployed to create jobs and bridge the health care gap. Articles were written in 2010 about the innovation and disseminated publicly over the Internet. It was done in the light of day and many, many people knew what Matthew was trying to accomplish for the good of society.

9. MYTH: Everyone believes Matthew D. Hutcheson is guilty.

TRUTH: Very few people believe he is guilty and the number is shrinking. A growing number of Matthew's investors discovered through their own investigation that he is *not* guilty.

Testimony given by individuals during trial did not say he was guilty of fraud. None of the government's witnesses were involved with the investment transactions, and they were not part of the discussions with United States Congressmen in Washington D.C. about the jobs-creating initiative. Therefore, not one of the witnesses knew the truth. On the other hand, witness testimony did include that he was trying to create jobs and that his reputation was pristine; that the NRSP® would eventually be part of an IPO and that the investment was Save America™. A fraud upon the court perpetuated by the prosecutor and another law firm was discovered by an attorney from California and brought to the court's attention. The court then concealed the fraud upon the court in a subsequent ruling, which is now under appeal. It appears the actions of the court and prosecutor are calculated more to prevent the public from becoming aware of their actions and the frauds upon the court than admitting the travesty of justice that has occurred.

10. MYTH: Matthew D. Hutcheson put pension plan assets in his personal accounts and used those assets for his personal use and a "lavish lifestyle."

TRUTH: Investment proceeds following the securitization of pension plan assets were deployed through accounts established by Matthew in his capacity as trustee. Once the assets were securitized, plan assets consisted of NRSP® stock (Save America™) and the accompanying irrevocable trust receipt. The reinvested cash placed in those accounts played a specific purpose and role in advancing the socio-economic enterprise known as Save America™. For example, the reinvested cash paid for Save America™ propriety software programming, training of NRSP® fiduciaries, experts, attorneys, advisers, accountants, local economic activity (putting people to work), and more. Every dollar played a role in the enterprise to create jobs and bridge the health care coverage gap. Even the government's own trial exhibits show NRSP® and Save America™ investment expenditures and nothing in the defunct ski resort. Had Matthew intended to steal from his clients, he could have taken much more than just \$5 million (he could have taken billions) and hidden it for future use. Instead, it was invested and the existence of the increasingly valuable Save America™ proves that fact.

11. MYTH: Matthew D. Hutcheson acted outside of the law and there is nothing in the law that supports his actions.

TRUTH: When Matthew met with members of Congress about finding a solution to the job and health care crisis, he was reminded by them that federal regulation 29 CFR § 2509.94-1 (or "94-1") was issued by the Clinton Administration for the very purpose existing during the great recession. Investment of pension funds into local projects intended to create jobs or further social objectives (such as expanding health care coverage) are *expressly* permitted by this federal regulation. It is a United States Department of Labor regulation. And ironically it was through Department of Labor that the Department of Justice was **directed** to prosecute him.

12. MYTH: Matthew D. Hutcheson fabricated irrevocable trust receipts after-the-fact to deceive the court into thinking the transaction occurred in 2010 as claimed.

TRUTH: As trustee, Matthew D. Hutcheson issued two irrevocable trust receipts, one in January 2010, and one in December 2010, marking the date of securitization and irrevocably securing the plans' ownership of the NRSP® and Save America™ investment. The receipts also set a baseline minimum future sale price for the NRSP® Save America™ stock through the mathematical formula stated on the instruments. After Matthew was removed as trustee in 2012, a third party trustee reissued the receipts. The Supreme Court has ruled that *when* a receipt for stock is issued does not matter; a receipt can be issued at time *after* investment ownership is acquired. All receipts are issued coincidental with or *after* the transaction. A receipt for stock is also a statutory investment security in and of itself. 15 USC § 77b(1)(a).

13. MYTH: Matthew D. Hutcheson issued the receipts as *insurance* to indemnify the plan against his fraudulent actions and is proof he intended to repay what he stole.

TRUTH: If Matthew D. Hutcheson was a thief, as the government alleges, he wouldn't care about indemnifying anyone or anything because it would be his intent to deprive his victim of property. Regulation (94-1) referenced in paragraph 11 above requires an "all things equal" built into the investment, meaning that when a trustee invests in socio-economic projects, the return must be no less than what could have been earned by investing elsewhere. The irrevocable trust receipts include a mathematical formula that establishes the future sale value of the NRSP® Save America™ stock be equal to or greater than a return derived from 60% of the S&P 500 Index and 40% of the iShares Aggregate Bond Index, which is what the terms of the plans require. This is a matter of court record. This methodology has the potential for revolutionizing how economy-changing investments are made in small communities in the United States.

14. MYTH: Matthew D. Hutcheson caused one of the plans to become mired in extensive, complex, and ongoing legal problems.

TRUTH: The court appointed trustee who replaced Matthew is not a pension expert, but rather a bankruptcy receiver. None of the assets were in bankruptcy then or now. She and her attorney foolishly plunged the plan into a legal quagmire from which they cannot escape. The successor trustee and her counsel never sought advice from Matthew to help them avoid all of the pitfalls they straightaway fell into and now cannot escape. This is a matter of court record.

15. MYTH: Matthew D. Hutcheson wanted to live a lavish lifestyle so he stole money to buy a large house.

TRUTH: He had already purchased the house before the investments. He was already wealthy. He owned then and still owns now significant holdings in multiple valuable businesses and

other intellectual property. In 2010 he was awarded, coincident with the RSPT/NRSP® Save America™ transaction, a large contract with the State of California. This is a matter of court record. If Matthew really intended to steal and conceal, he could have simply and easily stolen substantial sums, hidden it for future use, and then disappeared. Instead, he invested in an enterprise that is expected to become, and may already be, a multi-billion dollar project. Those are not the actions of a man trying to defraud his clients.

16. MYTH: There is no contemporaneous evidence that an investment was made.

TRUTH: The RSPT transaction occurred contemporaneously with the formation of the NRSP® Idaho corporation that derives its value from the Save America™ innovation. The two transactions occurred, together, on December 28, 2010, for the purpose of advancing the common enterprise. Stock was issued to both plans on December 28, 2010. This is a matter of court record and that of the State of Idaho.

17. MYTH: The Save America™ investment doesn't exist or the prosecution would have seized it through a forfeiture action like it did with Matthew's other assets.

TRUTH: The logical fallacy is that to acknowledge the value in the NRSP® Save America™ would clearly and irrefutably make clear that no funds were ever misappropriated but rather invested. Despite the DOJ's efforts to nullify this lucrative investment, savvy, patriotic, and forward-thinking investors continue to buy additional shares today. The prosecution would rather continue the lie and deny investors their rightful property than admit they incarcerated and innocent man.

18. MYTH: The FBI must have performed a thorough investigation and found all of the evidence.

TRUTH: The FBI *never* interviewed Matthew D. Hutcheson or even examined his business and computer files. It only interviewed those who Matthew had stopped paying on the 94-1 project for cause. They were disaffected and said anything they could, whether true or not, to undermine him. One of the prosecution's key witnesses was under investigation by the State of Idaho at the time of Matthew's trial and it never came up. The lead FBI agent committed suicide shortly after Matthew was sentenced preventing the opportunity to depose her to discover what she knew and who gave her marching orders and why did not examine all of the evidence available.

19. MYTH: The court must have admitted all relevant evidence into the trial proceedings for the jury to evaluate.

TRUTH: The court denied the jury's access to exonerating evidence found in thousands of documents pertaining to the NRSP®, Save America, the securitization, the "all things equal" mathematical formula, the health care coverage model, the jobs creation model, the number of jobs



created by the Save America™ enterprise from 2010 to 2012, direct communications with members of the United States Senate and House of Representatives, and more. In total, the jury saw perhaps 3% of the picture and the rest was deliberately concealed from them, despite the protests of Matthew and his family. Even as recently as March 2018, an investor notified the judge that he and 45 others had discovered for themselves that Matthew was not guilty. Instead of logging the letter to the docket, the judge once again concealed it, and only posted his misleading response letter to the investor making it sound as though the investor's letter was complaining about Matthew. The judge who presided over Matthew's proceedings is so defensive, self-conscious and suspicious of his own rulings that he is terrified of the scrutiny of lay-persons to the degree that he is willing to jeopardize everything he has built over a long career in an attempt to cover and conceal his egregious errors.

20. MYTH: The United States Probation Office performed a pre-sentence investigation and report. The report is called the "PSR." If Matthew D. Hutcheson was innocent as he claims, could have easily shared all of this with the investigator, who may have recommended a retrial, acquittal, or a lesser sentence. But he refused to even meet with the investigator.

TRUTH: In the last meeting Mr. and Mrs. Hutcheson attended with his trial attorneys, they explicitly told him that meeting with the investigator would be as waste of his time because the investigator is an [explicative.] Mr. Hutcheson called his Probation Officer and told him what his attorney said. His wife and his probation officer could and would so attest. No one explained to Mr. Hutcheson that any of these TRUTHS could be explained in his defense after the trial and he did not understand that the investigator was the one who recommended the sentence. If so he most certainly would have met with the investigator. That bad advice from his inept trial counsel injured Matthew and his family terribly.

## **Highlights of the Obama Administration's Determination to Imprison Matthew Hutcheson**

- When certain Democrat members of Congress, with whom my husband had worked very close, learned he had created a competitor to ObamaCare in late 2009/2010, the relationship with Democrat-led Congress and the United States Department of Labor soured overnight.
- A Bloomberg Television reporter (to whom my husband provided the expert advice for its documentary that won an Emmy for excellent investigative television on hidden 401k fees) told my husband that the Obama Administration Department of Labor had launched a "whisper campaign" to destroy his influence in Washington D.C.
- In early 2011, my husband met with a Republican who would run for the Presidency in 2012. Things only got worse after that.
- From 2011 to 2012, somehow, Save America™ was being sabotaged from within. Everything started to go wrong and it seemed as though someone was making it happen. We did not know precisely who it was, but later learned that several of our once trusted associates were speaking regularly with the Obama Administration DOJ.
- In early 2012, my husband's computer was hacked twice, destroying his hard drive each time. A computer security expert's analysis confirmed it was likely the work of a "political operative." The second hack immediately followed a flurry of Obama Administration visits to my husband's business website verified by SiteMeter.com.
- A political operative by the name of Alan Rubin (former Deputy Secretary of Defense under Clinton) then, and possibly still, of Cozen O'Connor in Manhattan, under the instruction of Obama's David Axelrod and David Plouffe, extorted \$15,000 in cash from us with the promise they would call off Obama's bogus "investigation."
- We hesitated at first, because we couldn't believe Obama and his thugs were doing this to us. So we didn't pay the extortion for a week or so.
- Then, becoming impatient, Alan Rubin told my husband that if he didn't pay the \$15,000 immediately, he would have Eric Holder indict him. We kept text messages of these conversations.
- We paid the \$15,000 by depositing it into Rubin's personal Chase Bank checking account, as instructed. Less than a month later, my husband was indicted and arrested anyway.
- The Obama Administration contacted all of my husband's clients and dozens of known colleagues, frightened them to death with threats of being charged as co-conspirators if they didn't cooperate.
- The Obama Administration spread rumors in the news media, stating that my husband had stolen money to fund a "lavish lifestyle" and to acquire a defunct ski resort "all for himself."

The truth is, the money was invested in economic building endeavors – mainly the NRSP™ Management, Inc./Save America™; a private sector alternative to ObamaCare. There have been subsequent stock acquisitions of NRSP™/Save America™ at \$198 per share, up from the initial valuation price of \$75.

- The Obama Administration DOJ asked the court to prevent my husband from being able to contact witnesses for his defense. A year later that restriction was lifted, leaving a mere month to prepare for trial. The judge would not give him a continuance to bring witnesses. Accordingly, no substantial witnesses testified in court on behalf of Matthew.
- The Obama Administration restricted our assets so we could not hire an attorney of our choice and were left to the mercy of inept and incompetent federal defenders who knew nothing of the complex financial and socio-economic issues (and political) at hand.
- The FBI never interviewed me, or my husband. They never examined any of our files. They never interviewed any of the Congressmen who knew about Save America™. A few months after the trial, the FBI agent committed suicide.
- The judge rushed Matthew's case to trial even when his attorneys told the court they would not be ready.
- During trial, the judge suppressed evidence about Save America™ so the jury could not make a fully informed decision.
- Matthew's appellate attorney was threatened by the DOJ not to fully defend him, which he admitted to in an email to Matthew. A complaint was filed with the Idaho Bar against him for not reporting the threat and for not being a loyal advocate. He failed to perfect easy and obvious arguments and refused to file a rebuttal brief, causing Matthew to lose his appeal.
- Matthew's appellate attorney refused to send his legal file to Matthew after the appeal was over. He received it 3 YEARS after sentencing - which prevented him from filing an appeal with the Supreme Court and to fight his case in general.
- During an important filing period, Matthew was placed in solitary so he could not work on his legal briefs.
- Once in prison, the Bureau of Prisons, at someone's request, kept transferring Matthew every time he had an important court deadline to try to make him miss it. While in transit, he never had access to his legal files. This was a game the DOJ was playing with him. He has been in 12 prisons in 5 years.
- The court refuses to let the investors sell the Save America™ stock because if it is acknowledged, the court and the DOJ will have to let Matthew go. Any acknowledgement of Save America™ will exonerate him.

JULY 16, 2013 8:58AM

## INTERVIEW WITH A WHISTLEBLOWER: THE SPIRIT OF RESISTANCE

Matthew Hutcheson, famed 401(k) fiduciary expert, was convicted at trial of federal wire fraud charges in April, 2013. Many believe, and evidence strongly suggests, that Hutcheson's federal charges were brought about as a direct result of his whistleblowing activities regarding a "skim machine" at the Department of Labor (DOL). Previous articles examined in depth Hutcheson's whistleblowing and subsequent retributive prosecution at the hands of Obama's Department of Justice (DOJ).



### 2013-05-28 OBAMA'S ONGOING JUSTICE SCANDAL

As the Obama administration is facing multiple growing scandals, both real and imagined, enemies of the administration are investigating various alleged misdeeds.

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Hutcheson's prosecution is just one example of the administration's merciless war on whistleblowers. It is unfortunately part of a wider pattern of extreme measures being directed by Attorney General Eric Holder against whistleblowers and others deemed to be enemies of the Obama White House. Hutcheson recently agreed to be interviewed in an effort to fully explain the events surrounding his whistleblowing and subsequent prosecution.



**Matthew Hutcheson was a renowned 401(k) expert prior to his whistleblowing and ensuing federal conviction**

Q. You have been referred to as a “famed” 401(k) fiduciary advocate, yet found yourself facing serious federal charges after calling attention to wrongdoing at the Department of Labor. What evidence do you have that your prosecution was related to your whistleblowing?

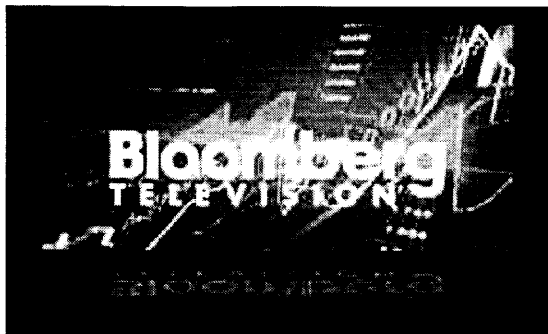
A. In 2007 I was asked to testify before Congress about the economics of 401(k) and pension plan investments. A few months later, an investigative reporter from Bloomberg Television contacted me about participating in the creation of a documentary. The documentary would cover my research and testimony before Congress, along with the stories of real people impacted by Wall Street’s skimming machine. The finished documentary, which won an Emmy for award winning investigative television, can be watched here:

Part 1: <https://www.youtube.com/watch?v=5zWKph0G2qU>

Part 2: <https://www.youtube.com/watch?v=MPIa0CFVj2U>

Part 3: <https://www.youtube.com/watch?v=oxwYkD4xYLI>

After a few months of research by the Bloomberg reporter, he called me to convey certain findings. The first was that several lobbying organizations in the investment and 401(k) industry had engaged in what he called a “whisper campaign” against me to neutralize my influence with Congress on the media.



**A reporter from Bloomberg Television first alerted Hutcheson that he was being targeted by elements within the Department of Labor**

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He also conveyed the previously unthinkable, that the Department of Labor was resisting Congress' full transparency initiative due to its loyalty to Wall Street. He further conveyed that he suspected that the 401(k) industry was more closely "associated" with the Department of Labor than was appropriate. At the time, I could not contemplate what that might mean.

I later learned that the Department of Labor was complicit in a scam that permitted certain lobbying groups to skim (steal) money from pension plans and use that money to buy influence with the Department of Labor. It becomes clear why the Department of Labor was engaged in a "whisper campaign" against me a year ago; I was threatening future private sector opportunities for Labor's leadership. That is the scandal I blew the whistle on.

I did not feel right about what the Department of Labor was doing. I objected to it in the most fundamental terms and at my most basic visceral level of conscience. After nine months of resisting the Department of Labor's misguided demands that I participate in its abuse of the businessman who sponsored the Employee Stock Ownership Plan (ESOP), a "final straw" moment occurred. That moment occurred in 2010. The Department went too far by asking me to file a false declaration to the judge in case number 2:2010cv09662 with the intent to falsely preserve the case from being dismissed.

The Department of Labor sent a threatening letter and then began legal proceedings against me in retaliation. The letter stated that the Department had launched an "official" investigation against me; its only cause was because I would not capitulate. Later, in 2011, the Department of Labor told the press that it had only launched the investigation at that time, nearly two years later, to coordinate its story with an unrelated matter that it intended to use as leverage against me, and to raise a smoke screen to cloak the 2010 matter. The unrelated matter is discussed in greater detail in the PBS Frontline documentary notes.



**PBS Television's Frontline was preparing to air a documentary supporting Hutcheson, but appears to have been dissuaded from doing so**

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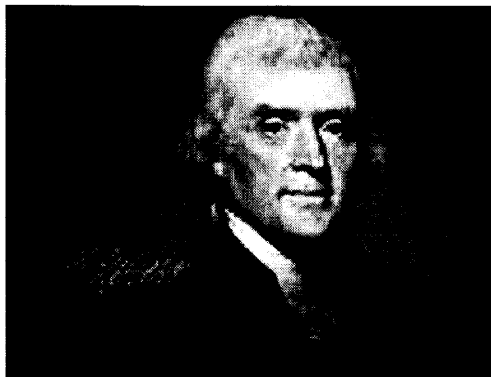
Q. At the time you identified the misconduct at the DOL, did it ever occur to you that you would be facing retribution?



A. Never. My relationship with the Department of Labor had been very good until 2009, and I believed the matter could be worked out without me going to the media; without me making a public statement, or seeking to humiliate the Department of Labor. I was wrong. In hindsight I should have gone public in the biggest possible way. I advise all other whistleblowers to not give the federal government any credit. The government is no longer trustworthy. If someone discovers the government's involvement in something improper, shout it from the rooftops as loudly as you can.

Q. How did you feel about America's system of justice prior to your charges and how have your feelings changed as a result of your experience in federal court?

A. Until recently, I have always respected the government. I love the United States of America and the ideal it beacons to the world is worth protecting. The indictment process was disturbing. A person should be notified if they are being investigated so they can at least tell his or her side of the story. Federal prosecutors are notorious for targeting a person, and then engineering charges tailor made specifically for that person. If that person does not know what the prosecutor is telling the grand jury, whether it is true or not, there is nothing that person can do. Once the indictment is made, his or her reputation is forever destroyed. I've learned that is the point. If the government can just bring an indictment, it will exact enough damage in most cases to take the whistleblower out. But the federal government does not quite grasp that the spirit of resistance (Thomas Jefferson) is alive and well in the United States. The U.S. Attorney's office has become the enemy of "We the People." No one respects the Department of Justice anymore. It has brought it upon itself. It is so sad, and disappointing.



**Hutcheson's experience with the federal criminal justice systems leads him to believe that Jefferson's "spirit of resistance" is very much alive**

Q. How has your experience changed the way you view other federal prosecutions?

A. When I hear of a federal indictment, I immediately think of injustice. Prior to my indictment, I used to think, "oh, that person must have done something; that person must be guilty. Why else would the government spend all of those resources pursuing that person?" But today, I think there is something nefarious going on; something dark, politically motivated, a vendetta by someone in power, silencing someone the federal government fears. That is proving to be true more often than not.



**The FBI, on orders from the DOJ, routinely contrives loosely defined “crimes,” allowing targeted individuals to be mercilessly prosecuted**

I truly believe all Americans, especially those who are engaged in sophisticated, innovative economic engineering, are in grave danger of being indicted and prosecuted for reasons that have nothing to do with the concocted charges. Prosecutors know that if private sector innovation cannot be easily comprehended by governmental employees, a jury will not likely understand, making the chance of conviction very high. So prosecutors pursue its enemies who are engaged in very technical, sophisticated transactions and projects. It is a convenient way to cloak fake charges behind a complex fact set. That posture against the American people is more like cold war Russia than it is our beloved United States of America.

Q. How do others perceive your legal problems? Do you believe they understand what has gone on behind the scenes, or do they simply assume you “must have done something?”

A. Many presume I have done something wrong. However, many know my character and know my heart, and know that I would never do something I knew was wrong. In fact, I was trying to do something noble and honorable. Those who think I did something wrong do not understand all of the other sub-texts; the motives of the government if you will, to neutralize my voice. That is the problem whistleblowers have. Those on the outside do not understand what is really going on behind the scenes. All they see or hear is the accusation and the government’s carefully crafted narrative. It is never, ever, that simple. There is always so much more to the story, and often the story is tangled in twists, turns, complexities, nuances, etc. Those are the very scenarios the prosecutor will pursue, because truth is stranger than fiction, and it is difficult for outsiders, and sometimes even family members, to grasp what is really driving the prosecution. I will say this, I’ve learned that most of the time, the motive driving the prosecution is not what the prosecution says it is. My true friends have stood by me through thick and thin, and I cannot say how thankful I am for that.

Q. Recent news stories have revealed a wider war on whistleblowers. When did it first occur to you that your case was part of a larger pattern and how has this shaped your view of your prosecution?

A. I published five animated PowerPoint presentations on YouTube in 2012; long before the IRS targeting scandal broke; long before the AP news scandal; long before Benghazi. However, there was the Fast and Furious Scandal, the Secret Service prostitution scandal and others, but I still felt alone. In the introductory PowerPoint presentation to the five presentations previously mentioned, I refer to myself as a whistleblower. That’s exactly what I was. But I did not have any idea how malignant the epidemic had become until April of this year (2013).

Now I know I am almost a statistic, as sad as that sounds. There are not hundreds of others like me, but thousands. Where is the Department of Justice getting all of its funding to attack honorable citizens who simply call out improper behavior by their own government? The Department of Justice needs to have its funding adjusted downward in a significant way. What is going to happen when every American is in prison? Only a revolution awaits. We will not tolerate this abuse anymore. Enough is enough.



### **Victims of the war on whistleblowers recognize the Department of Justice to be the administration's main weapon against dissent**

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Q. Were you confident that you would prevail at trial, or did you feel as the process went on that the result was all but a foregone conclusion?

A. I begged my court appointed attorneys to have the judge let me line up witnesses who could help me. He waited until a few weeks prior to trial, and by then it was too late because the judge would not grant a continuance despite my counsel admitting they were not ready for trial (on the record).

More importantly, one of the prosecution's key witnesses was somehow able to illegally sell my home out from under me without due process. That is another sub-text that introduces other complexities into the narrative that are beyond the scope of this interview. However, because my home was illegally sold to another party, my family and I were forced out under a 24 hour eviction order of the sheriff. My documents and records were scattered to several different storage units, garages of friends; my work papers were basically lost. I repeatedly explained this reality to my court appointed legal counsel. Since I could not speak to witnesses who may have duplicate copies of my exonerating work papers, the government had hog-tied me and was holding my head underwater. There was nothing I could do to defend myself. So I was forced into trial essentially naked, and I was crucified. Only recently, after the conviction, did my wife locate the exonerating documents (in a box marked "kitchen" of all things).

Q. How do you assess your chances of obtaining post-conviction relief?

A. It is hard to say. I have been granted a new attorney, who I am told is very good, and will fight like a warrior for me. That provides some comfort. We will just have to let it play out, but I do still believe in the justice system, believe it or not. Yes, there was a failure, but I believe the failure will be corrected. The judge is an honorable man, and he is smart, and I believe with competent counsel the true narrative can now be properly conveyed to him.

Q. Have any steps been taken to address the wrongdoing your whistleblowing initially identified?

A. Not a thing. The Department of Labor buried it, and clearly intends to keep it buried.



**Evidence of wrongdoing exposed by whistleblowers is quickly sent down a modern day version of Orwell's memory hole**

Q. It is assumed that you now see how easy it is for the federal government to convict an intended target. What else have you learned about the federal criminal process?

A. The first thing is the secretive dialogue between court appointed counsel and the prosecutor. Things I “purportedly” said to my counsel; i.e. representations, etc., ended up in motions to the judge without my prior review. Those representations were against my interest and lead me to believe court appointed counsel were working behind the scenes with the prosecutor. There is no other logical explanation, other than pure incompetence. The other thing I learned was that my court appointed counsel could not understand the truth. The truth was complex, sophisticated and multi-layered with concepts in actuarial science, advanced finance and economics, pension law and investment mathematics. Therefore, instead of telling the correct narrative to the jury, legal counsel concocted an even more difficult to understand defense based on a “theory.” It was an embarrassing mess. I probably would have fared better had I defended myself.

The other thing that really bothers me is that at no time did the federal government ever ask to sit down with me to discuss why they feel I broke the law. It was all cloak and dagger, hush-hush, tip-toe around me, all the while carefully crafting a narrative with the news media that I could not rebut because all actions against me were being taken secretly. The whole thing was a star-chamber trial.

Q. Do you believe that cases like yours have had a chilling effect upon prospective whistleblowers? What steps would you like to see taken to protect whistleblowers?

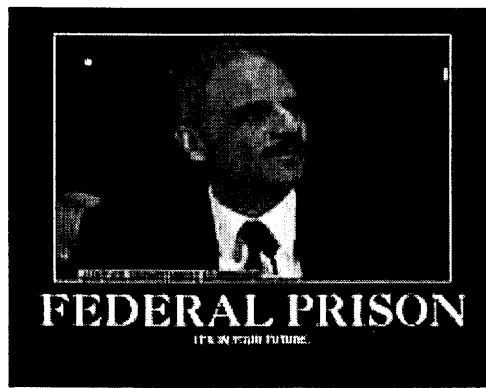
A. Yes, I do. It is clear to me that aggressive, hostile, and malicious prosecutions are the government's method for scaring would-be whistleblowers into silence. As a society, we are just a hair's width away from becoming a full blown police state; the evidence is how the government is treating citizens of the United States of America.



**Despite numerous promises to the contrary, Obama has displayed an avidity to savagely crush dissent**

It is difficult to know what can be done to protect whistleblowers. At a minimum, I think grand juries should be required to interview the person the government is trying to indict. Secret grand juries, where only the prosecution's side is heard, seems outrageous to the average person. That needs to change. Also, there needs to be an easier way for whistleblowers to make their voices and stories heard. Most agencies have Inspectors General. However, in my case, the Department of Labor has not had an Inspector General for years, which explains why my pleas for help went unanswered. Perhaps a one page disclosure statement should be given to grand juries explaining that there are always two sides to every story (or even three or four sides!), and that they are going to be asked to make a decision based on one side; the prosecution's side, and that the likelihood the prosecution will manipulate them into issuing an indictment is very high. Accordingly, statistically, many innocent people will be falsely indicted. The grand jury should also be told what the effects of an indictment are upon families, children, neighbors, etc. An indictment is devastating and causes so much devastation by itself, whether the person ends up being convicted or not. Grand juries must understand the devastating impact of their decision.

Hutcheson has now joined the swelling ranks of administration enemies who have seen the DOJ loosed upon them by what may very well be the most vindictive regime to ever occupy Washington. Prosecuting people like Hutcheson serves a dual effect. It dissuades other would-be whistleblowers and dissenters by serving notice that Eric Holder and his legion of lackeys stand ready to perniciously punish those targeted by the administration. But perhaps more important, it transforms these targets into convicted felons, thus delegitimizing their claims and deflecting attention away from the wrongdoing that whistleblowers like Hutcheson first identified. The DOJ's ability to control how the story is reported all but assures that a convicted person's whistleblowing will be sent down the memory hole, while their "crimes" will remain front and center.



**Attorney General Eric Holder is overseeing what many consider to be the most vindictive and pernicious DOJ in U.S. history**

Hutcheson's interview reveals deep insight into exactly how the system of justice in the U.S. has been hijacked and used as a weapon of political oppression. He understands that the tactics employed against him are hardly unique and that his case is simply one of many such travesties playing out in federal court on a daily basis. The idiom "don't make a federal case out of it" is rapidly losing its meaning as even the most innocuous, well-intentioned conduct can cause one to be hauled into federal court on serious charges. The government's ubiquitous use of federal prosecution may be working against it, however, as a growing number of people begin to recognize federal trials for the scripted theater they have become. Meanwhile, the disgraceful war on whistleblowers continues and citizens like Hutcheson face tremendous peril in return for their laudatory acts of courage.

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## THE WIDER WAR ON WHISTLEBLOWERS BY BARRY SCOTT SUSSMAN

<http://tinyurl.com/nsagfso>



2013-07-02 14:00:00

## **Criminal justice advocate Harvey Silvergate claims that the average American unknowingly commits multiple federal crimes on a daily basis**

While not nearly as well-known as Edward Snowden, Matthew Hutcheson was similarly targeted and prosecuted by Obama's DOJ as a result of whistleblowing activities. Until his recent problems brought on by the Obama administration, Hutcheson was a highly regarded and nationally renowned 401(k) fiduciary advocate. He may have been the single most respected expert in his field, repeatedly sought out by various branches of the federal government for his insight and opinions. Hutcheson's problems began in 2009 when he gave explosive testimony to the House Ways and Means Committee that revealed a Wall Street "skim machine." In response to these revelations, industry lobbyists were



dispatched to pressure the Department of Labor (DOL) into silencing Hutcheson so that the profitable skim and corresponding unjust enrichment could continue unabated.



**Renowned 401(k) advisor Matthew Hutcheson's exposure of corruption within the Obama administration was met with swift federal prosecution**

Hutcheson was soon thereafter asked to file a false declaration in federal court that would have had the effect of negating the allegations made through his whistleblowing. Unlike so many others who readily relent to pressure from the administration, Hutcheson held firm to his principles and refused to make the requested false statement. His defiance in the face of government tyranny caused him to be labeled as a political dissenter and enemy of the Obama administration.

It is interesting to note that shortly before assuming office, President Barak Obama explicitly promised that "Transparency and rule of law will be the touchstones of this presidency." Yet despite this lofty promise, Obama's reign has been that of a lawless regime. The outrageous transgressions of his predecessor, which were largely responsible for Obama's historic election, have long been eclipsed by the current regime despite endless empty assurances to the contrary.



**Barak Obama campaigned on the slogan of "hope and change" while mendaciously pledging an adherence to transparency and the rule of law**

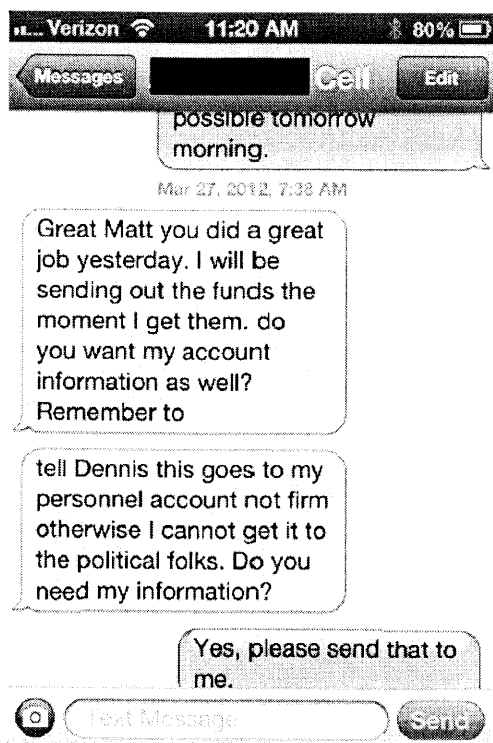
This administration that pledges adherence to the rule of law reserves special retributive action for truth tellers who dare to defy the regime. Opportunistic flip-flopers who change like the weather and

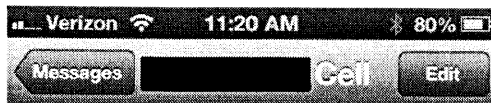
dance to whatever tune the administration plays are rewarded while principled citizens like Hutcheson are viciously attacked for the courage of their convictions. Obedience and capitulation are the characteristics that Washington's current regime seeks to instill in its citizens.

The administration's assault on Hutcheson began on August 25, 2011 when the DOL announced the initiation of a criminal investigation into Hutcheson's activities. As is the case in so many other criminal matters, neither Hutcheson nor his attorneys were advised of the investigation prior to its pronouncement in the media. Despite the DOL's purported fact finding objective to the investigation, Hutcheson and his attorneys were not asked in any way to cooperate with the DOL's largely predetermined inquiry.

The investigation may have had an outward appearance of legitimacy, but its impetus was Hutcheson's recalcitrance. Soon after Hutcheson's initial revelations of wrongdoing at the DOL, a lawyer disclosed to him that the aforementioned skim machine was being used to curry favor within the department. One specific case involved a skim of \$10M, most of which was used to buy influence (the skimmer was a lobbying organization) with DOL leadership. The DOL attempted sidestep Hutcheson's allegations and ignore the entire matter. When Hutcheson threatened to move forward and expose details of the crime, the DOL basically accused him of the exact criminal behavior in which the DOL was engaged. Hutcheson's enemies within the Obama administration were further angered by his meeting with presidential candidate Mitt Romney and by his making further disclosures to Congress about the DOL skimming scandal.

The government's vindictive investigation into Hutcheson expanded. In March of 2012, Hutcheson's computer hard drive was remotely hacked and copied through sophisticated means, strongly suggesting government culpability. Soon thereafter, he was advised by a political operative to make a large contribution to an Obama PAC with the assurance that his problems with the DOL would in turn be favorably resolved. A threat was communicated to Hutcheson that Eric Holder would throw him in jail if the requested contribution was not made. Fearing further retribution, Hutcheson succumbed to the extortion and made the contribution.





Ryan will contact me at 2:30 mountain. Doing everything I can.

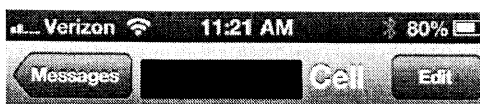
Get something to me Matt we cannot miss this opportunity even if it small amount there is an expectation and it could really help. Otherwise we are going

to have serious problems

Mar 26, 2012, 2:11 PM

Are you alone? Can I call?

Dennis and I are standing by ready to strike

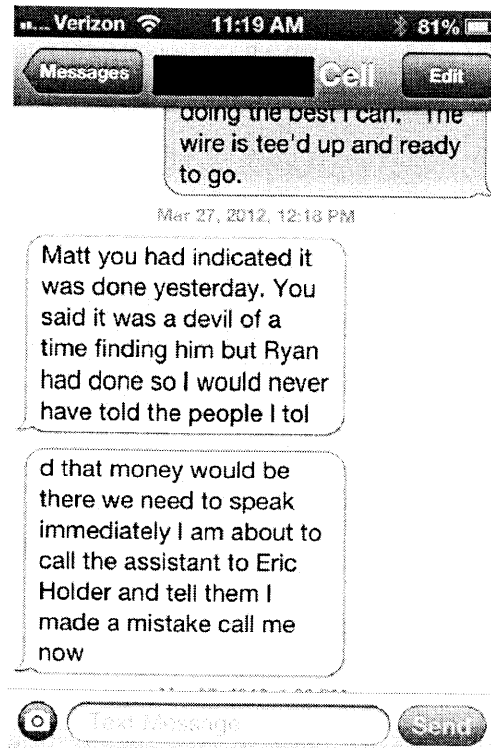


do not believe we can solve the issues that we do not have the ability to do so and cannot solve it voluntarily. We have not

shown we can solve the problem that is why the investigation continues. That is why they continue to pursue our other partners and DOJ continues it pursu

it. This is a problem for us that is only going to blow up in our face. We are running out of time without intervention we will be





**Screen shot of text messages to Hutcheson evidencing the Obama official's extortionate demand**

As is so often the case, the government's promise of resolution was empty and on April 12, 2012, Hutcheson was arrested at his home and charged with theft of pension funds and wire fraud. The arrest was all show as Hutcheson could have easily been summoned through counsel to appear voluntarily. It was also completely unnecessary as Hutcheson maintains that had the government ever made a meaningful effort to learn the true nature of the transactions in question, they "could have been explained in 15 minutes."

## Political extortion deposit receipt

**From** Annette Hutcheson <liberty-justice6@ [REDACTED].com>  
**To** Jennifer Beier (Crapo) <jennifer\_beier@crapo.senate.gov>, bob\_ford <bob\_ford@crapo.senate.gov>  
**Bcc**  
**Sent** Wednesday, May 29, 2013 at 2:33 PM  
**Encrypted** No  
**Signed** No

Jennifer/Bob,

This is Annette's husband, Matt. It was very nice meeting you yesterday.

Annette and I spoke moments ago and we felt that you should have the attached file for starters.

It is the Chase bank receipt for the \$15,000 that was deposited to the *personal* account of a former assistant cabinet secretary under President Clinton. His role was a political operative to get close to me so where my loyalties were - and obviously extort campaign contributions from me for the various reasons we discussed yesterday.

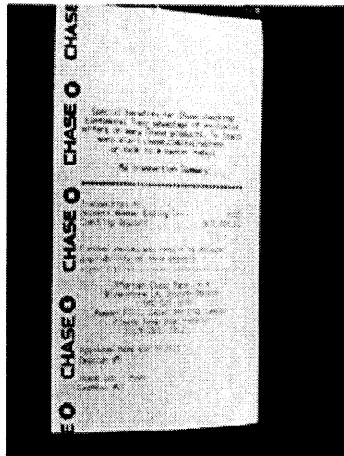
His reason for depositing to his personal account is quoted from the text messages as follows.

*"This goes to my personal account not firm (law firm) otherwise I cannot get it to political folks."* The political folks were named in a separate email as being David Prioul and David Axelrod. The two Davids would then go to Eric Holder to call off the attack. If no deposit was made, he said he would have Eric Holder "come down on [you] hard."

We have organized all of the text messages and can produce them at the appropriate time. Until then, this deposit receipt proves, without any doubt, that the extorted deposit was in fact made as demanded with the threat of "or else." As you know, the "or else" happened anyway.

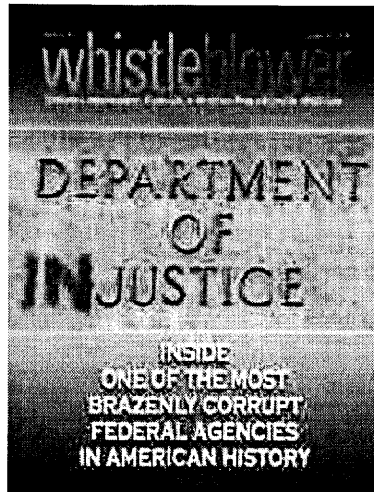
We hope to hear from you on how these facts can be used to correct a wayward Justice Department and begin the healing process for the United States.

Matt & Annette



## Letter and receipt detailing extortionate payment to Obama operatives

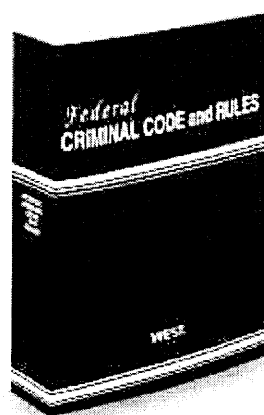
Hutcheson's arrest and prosecution had already been thoroughly scripted and nothing was going to alter an outcome that was largely predetermined. His subsequent trial in federal court followed a familiar path. A jury of laypersons sat in judgment of a series of extremely complex financial transactions. Unable to grasp the intricacies or determine the requisite intent, the jury chose the path of least resistance and endorsed the government's allegations. This tactic of presenting an extremely complex fact pattern to relatively unsophisticated jurors has been a winning strategy for government prosecutors. Present a complex scenario that by design cannot be easily followed, and jurors will settle on the idea that the defendant "must have done something." Utilizing these proven tactics, all the DOJ has to do is select a target like Hutcheson and let what passes for justice in federal court to run its course.



## **Eric Holder's DOJ is one of the most brazenly corrupt federal agencies in America's history**

Despite the fact that Hutcheson's trial was a complex affair playing out over eight days, his jurors reached a guilty finding on all 17 counts after only three hours of deliberation. Assistant U.S. attorney Ray Patricco was predictably "pleased" with the jurors' rubberstamp. Conversely, defense counsel Robert Schwartz honed in on the issue of requisite intent and said, "No matter how the government wants to spin it, they cannot tell you what his intent is, what was going on in his mind. People are not infallible, but what's important in this case is Mr. Hutcheson was trying to do the right thing."

Because the government succeeded in bringing completely unrelated charges against Hutcheson, his conviction, at least officially, has nothing to do with whistleblowing. His documented whistleblowing and the retributive nature of his charges could not even be introduced by the defense. Hutcheson's defense counsel was specifically asked to explore this avenue at trial but demurred for political reasons, citing a political loyalty to the puppeteers of their legal adversaries. In reality, even if counsel had attempted to explore this avenue of defense, the government's likely objection would have almost certainly been sustained by the court. The rules in federal court are cleverly designed to obstruct such defenses while bolstering the claims of the prosecution. As the current 99% conviction rate in federal court attests, it is anything but a level playing field.





## **The ever-expanding Federal Criminal Code offers prosecutors numerous choices in bringing meritless charges against desired targets**

Hutcheson's conviction on charges that seemingly have no connection to his whistleblowing beg the question of how many other such cases have been prosecuted in federal court. Americans are indoctrinated with the notion that there is no such thing as political prisoners in their country, but the blatantly political nature of Hutcheson's case belies this canard. Nevertheless, the administration has sent an important message through Hutcheson's prosecution that whistleblowing and other forms of dissent will not be tolerated. While the government paints Hutcheson as nothing more than a criminal who breached his fiduciary duty, it plays a duplicitous game of signaling with a wink and a nod to other would be whistleblowers that this is how disloyalty to the administration will be met.

LETTERS in SUPPORT  
of a  
FULL PRESIDENTIAL PARDON  
for  
MATTHEW D. HUTCHESON  
INMATE #14620-023

*Letters of support have been removed from this  
document to ensure the privacy of those who wrote them.*