



# Liberty Tree

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## LET'S PRETEND —

## A CHILD'S GAME?

By John Baptist Kotmair, Jr.

Once, when I tried to talk to my late sister-in-law – God Rest her soul – about the serious political and financial troubles our Constitutional Republic is in, she told me that she paints a beautiful picture in her mind of the way she wants things to be, and then she exists within it. It was a blessing for her that the Lord took her before that existence could no longer be financially and physically supported.

I could not help thinking about this after I received an e-mail from a "conservative" organization asking me to lobby Congress to pass a bill (S.2118) co-sponsored by Senator Rand Paul (R-KY), and its companion bill (H.R. 4138), co-sponsored by Rep. Ted Poe (R-TX) in the House, to restore the system of checks and balances between the three branches of the federal government.

When the same e-mail asked me for a donation for the purpose of getting other American citizens to do the same thing, I had to sadly chuckle to myself, because I know there have been no changes to the United States Constitution affecting said *checks and balances*, nor any amendments changing Article 6, clauses 2 or 3. And yet, even though these legislators are grown men, and supposedly astute in the law governing our political system, here they are playing the child's game of *let's pretend*.

Still, there is a remote possibility that these Solons actually believe that such legislative action is needed to save our Republic. After all, they had to confer about the bills, and Representative Poe, at least, has been trained in law-school, being a lawyer

and a judge. But on the other hand, maybe they do lack the necessary foundation for informed decisions on such matters, seeing as how the average law school reportedly instructs their students only about four hours on the United States Constitution. What's more, evidently not trusting them to understand what they read within it for themselves, they limit their instruction instead to what "learned" jurists claim the



Senator Rand Paul

Constitution says. But of course, this is not a contemporary condition. It has been going on (as I covered in my booklet, *Do Courts Have Law Making Powers?*, and book, *Piercing the Illusion*), since 1803, when pro-elitist, anti-States Rights Supreme Court Chief

Justice John Marshall declared it to be so in his opinion for the majority in the case of *Marbury v. Madison*.

At that time, two political beliefs were being advanced. The first, which was the prevailing belief, was that of Thomas Jefferson, and was laid out in the Declaration of Independence, and reflected within the verbiage of the Constitution – that governments exist only to secure citizens' unalienable Rights given them by the Creator. The other belief was that of Alexander Hamilton – that the average man was not capable of ruling himself, and needed to be taken care of by the cultural elitists of American society. The struggle between these two political theories

*Continued on Page 2.*

(Continued from page 1)

continued up through the election of Abraham Lincoln, with his seditious activities in violation of the Constitution to *save the Union* at the expense of destroying citizen's unalienable Rights. Those Americans who believed in *States Rights* lost that second struggle for Liberty, and the elitists have advanced their Hamiltonian policies in every administration since.

## PRACTICES BECOME BELIEFS

Since the disastrous defeat of the States Rights proponents in 1865, there has been no public challenge to this unauthorized power of the courts, and the elitists have used that to their advantage. As a result, *We the People* have a Constitutional Republic in name only, devoid of law, operating more and more as a police state.

The elitists are right in one respect. People are more apt to believe a lie rather than the truth, and once immersed in the lie for a period of time, they are very reluctant to open their minds to accept an obvious truth, no matter how strong the evidence. For instance, try telling an American that he is not required to have a social security number, or if he already has one, to use it. Yet no such requirement exists, and even though it takes very little effort to verify it (it can even be done on the Internet), most people will not bother to check it out for themselves. Seventy-nine years of American citizens' voluntary participation has caused them to believe without question that this imaginary requirement is real.

Just about all of the financial and political problems we Americans face can be connected to this same psychological malfunction, in both the public and political arenas. The case of the bills sponsored in Congress by Paul and Poe is a prime example.

Let's examine what these Solons are trying to do. They claim that the *checks and balances* between the three branches of the federal government no longer exist, and their bill, if passed by Congress, will restore them. But is this so? Does the dog wag his tail? Or does his tail wag him? The answer to these



**Rep. Ted Poe**

questions is obvious, but considering the ramifications of their bill — Paul and Poe must believe the latter to be true.

It is very simple to prove their effort is a waste of time and Patriot's money. We simply go to the source of the authority in question, the law that the elitists say only they can read and understand.

Every public official, elected and appointed must take an Oath to uphold and defend the Constitution of the United States of America. This is not a meaningless tradition. It is a necessary requirement to hold that office. This requirement makes sense when it is understood what a “constitution” actually is.

*Noah Webster's 1828 - American Dictionary of the English Language* reflects the standard for the language in use at the time of the adoption of the *U. S. Constitution*, and it defines the word as:

*The established form of government in a state, kingdom or country; a system of fundamental rules, principles and ordinances for the government of a state or nation. In free states, the constitution is paramount to the statutes or laws enacted by the legislature, limiting and controlling its power; and in the United States, the legislature is created, and its powers designated, by the constitution*

In other words, the United States Constitution created the federal government, gave it certain enumerated powers, and restricted it to those powers ONLY. The security for this principle of government is found in Article 6 at:

*Clause 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding*

*Clause 3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but*

(Continued on page3)

(Continued from page 2)

*no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States*

In a free society it is simply logical that to maintain freedom, the rules lived by – that is, the law – must be written so that every man of average intelligence can understand them. If it were otherwise, the result would be chaos, anarchy and tyranny. This legal doctrine is defined in *Black's Law Dictionary 5<sup>th</sup> Edition*:

*Vagueness doctrine. Under this principle, a law which does not fairly inform a person of what is commanded or prohibited is unconstitutional as violative of due process.*

Clause 2 and clause 3 Article 6, above, in my mind do not appear to be *violative* of this *doctrine*. But the whole premise of the Paul and Poe Bills, is to combat the changes in the *checks and balances* within the federal government. Let's examine their claim.

We are constantly being told by the "experts" that the Supreme Court's rulings are the *Law of the Land*, but we just saw in Article 6, clause 2 that *This Constitution... shall be the supreme Law of the Land*. If the Constitution created the federal government, and gave it certain powers, including the power for the Supreme Court, then obviously the Court is not the master to it, but rather the servant, and as such, subject to its provisions, and therefore, its rulings cannot be the law of the land. So the *checks and balances* cannot be removed by any court.

In Article 5 we find that:

*The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One*

*thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.*

So the Constitution is the *supreme Law of the Land*, and can only be changed as prescribed in Article 5. Then how were the *checks and balances* lost, as Paul and Poe believe? The answer is very simple, THEY WEREN'T.

Since the Constitution is the Supreme Law, and can only be changed by the Article 5 process, why do Paul and Poe believe this obviously unnecessary act is necessary? Because the fallacy of John Marshall's case-law doctrine, being taught in all of the law schools instead of the written Constitution, has become a mindset.

Holding the rulings of the Supreme Court above the written words of the U.S. Constitution is not only wrong, it is actually the crime of sedition:

*Title 18, United States Code, § 2384. Seditious conspiracy:*

*If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.*

When a public officeholder takes his/her Oath to God to uphold the United States Constitution, and then upholds an act of the legislature, executive or judiciary that is contrary to the Constitution, that officeholder is actually overthrowing the Constitution, and this violation is punishable pursuant to Section 2384 above.

***Treason doth never prosper, what's the reason? For if it prosper, none dare call it Treason. Sir John Harington (1560-1612)***

(Continued on page4)

(Continued from page 3)

It does not matter if Rand Paul, Ted Poe, or any other "conservative" politician or organization have this knowledge or not. They are asking the cooperation of well-meaning American citizens to assist them politically and financially, thereby misusing their hard-earned funds in doing so. Their oaths of office require them to be responsible enough to know the United States Constitution, and to obey those oaths to God they must protect and defend it, and put it foremost before ALL political actions. After all, they are educated men and women of above average intelligence, and are responsible for their actions.

There is no easy way back to the enjoyment and security of our *life, liberty and the pursuit of happiness*. It cannot be done piecemeal or in stages, for who decides what constitutes an act of treason or sedition committed along the road to recovery? We are in a very difficult political and financial position, and God Forbid we continue in it.

Eleven years after the beginning of the *Constitutional Republic*, on February 26, 1800, Thomas Jefferson wrote to Samuel Adams, the father of the American Revolution, the following tribute:

*A letter from you, my respectable friend, after three and twenty years of separation, has given me a pleasure I cannot express. It recalls to my mind the anxious days we then passed in struggling for the cause of mankind. Your principles have been tested in the crucible of time, and have come out pure. You have proved that it was monarchy, and not merely British monarchy, you opposed.*

Samuel Adams and Thomas Jefferson were the leading champions establishing God's governmental plan through a Constitutional Republic, to give us enjoyment of unfettered unalienable rights. Alexander Hamilton, John Adams and John Marshall did not believe in that ideal, and did everything in their power to prevent it from functioning. It is our duty to oppose this court supremacy sedition they established, through exposure and nullification, and this includes those so-called "**Conservative Leaders**" **PLAYING THE CHILD'S GAME OF "LET'S PRETEND!!!"**



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**WHY CONNECTICUT?**

*John Baptist Kotmair, Jr.*

**A MUST READ!!!** This booklet does not only talk about the attempted Gun Confiscation in Connecticut, it explains in detail the failure of the federal government to protect Connecticut citizens' right to a representative republican form of government. As a bonus the complete authority of the office of Sheriff is explained, and the history of the unlawful formation of non-representative police forces is revealed. To order the booklet, please send a donation of 10 frns to:

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