

LIBERTY TREE

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The Fellowship Needs Your **Immediate** Help

As all our members know, for the past 19 years the IRS has been trying to shut down the Fellowship. First came the raid in 1993, after which we scored a victory: following three years of argument, the federal court ruled against the IRS in 1996.

After a lull of seven years, however, the IRS came back in 2003 with a phony claim that the Fellowship was operating an abusive tax shelter. Nothing could be further from the truth, but after five years and a civil suit for injunction against us, a tyrannical court ruling took away much of the Fellowship's ability to exist financially by severely limiting its services for members. Even so, many loyal members of both the SAPF and LWRN Fellowships have continued to further advance the radio network effort financially, allowing us to continue the fight for freedom.

Keeping this fight alive is becoming more difficult in these hard financial times and amid competing interests, such as the need to fund Ron Paul's presidential campaign.

While it's not unusual for incoming funds to slow down around Christmas and New Year, it's now the end of January, and we do not have the means to pay the bills needed just to keep the doors open. **Therefore, we are in need of your IMMEDIATE HELP!!** Whatever you can send, PLEASE SEND IT **NOW!!** A LOT IS RIDING ON YOU DOING SO!!

We recently enabled the Constitutional message of Liberty Works Radio Network to be heard on-the-go everywhere in these States united, by way of an Android app for smart phones; we are at work on a similar app for iPhones. We are also working on an opportunity for LWRN hosts to stream commentary over Internet TV. Please do all you can to ensure that these projects to advance LWRN's reach do not have to end. **YOU HAVE ALWAYS COME THROUGH IN THE PAST. PLEASE DO NOT LET THE FELLOWSHIP DOWN IN ITS EXTREME HOUR OF NEED!!**

Ignorance of the Law

By Dick Greb

Ignorantia juris non excusat [ignorance of the law excuses not] — Every man must be taken to be cognizant of the law; otherwise there is no saying to what extent the excuse of ignorance may not be carried. —Black's Law Dictionary, 6th Edition.

Legal maxims like the one above develop over the centuries as a shorthand way to dispose of arguments made in the course of judicial decisions, without having to go into the reasoning behind that development. It is enough to simply repeat the maxim and move on to the next argument. Undoubtedly, such

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reasoning was deemed sufficient in earlier times to uphold the result, but that doesn't mean it still does. Over time, the underlying assumptions or principles may change to such an extent that a maxim should become, as Hamlet said, "more honor'd in the breach than the observance." Certainly, changes in the legislative landscape in our country raise serious issues with respect to ignorance of the law today.

Notice that the explanation from *Black's* above is outcome-based. Everyone must be presumed to know the law, because if not, injustice might result by everyone feigning ignorance as an excuse to violate any law. Supreme Court Justice Joseph Story remarks, in *Barlow v. U.S.*, 32 U.S. 404, 411 (1833), that this maxim "results from the extreme difficulty of ascertaining what is, *bonâ fide*, the interpretation of the party; and the extreme danger of allowing such excuses to be set up for illegal acts, to the detriment of the public. There is scarcely any law, which does not admit of some ingenious doubt; and there would be perpetual temptations to violations of the laws, if men were not put upon extreme vigilance to avoid them." Since it is relatively difficult to determine the extent of someone's knowledge, ignorance is simply too easy (and tempting) to fake, and would result in effective immunity for all manner of crimes and torts. And so there is certainly a place for the principle that ignorance of the law doesn't excuse, but there are limits to it as well.

Intermingled with this issue of knowledge is the issue of notice, which is an essential part of the due process guaranteed by the 5th Amendment. You must be given advance warning as to what acts are prescribed or proscribed by law, and enforced under penalties of life, liberty or property. Yet individual notice is impossible in the case of legislation, and so public notice is deemed sufficient. Thus, laws enacted by Congress are published in the

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Statutes at Large (and regulations are published in the Federal Register) and made available to the public. Such publication allows the people who are to be held to these laws the opportunity to discover the requirements thereof. According to the maxim then, if you fail to do so, it is your own fault and you will not be immune from the consequences of your failure. There is a rather large hole in this concept, however, that being the limit of knowledge that any one person could possibly possess.

If there were 10 laws, or 100, or possibly even 1,000, then it might be reasonable to presume that everyone knows them. But what happens when there are hundreds of thousands of laws? Is it still reasonable to presume that *everyone* knows what they prescribe or proscribe? Indeed, would it be reasonable to presume that *anyone* can know them? It's plainly evident that such a volume goes well beyond anyone's capability to know, and this is where the maxim breaks down.

More laws, more ignorance

In the first 100 years of the federal government under the Constitution, 50 Congresses enacted just more than 14,000 pages of laws.¹ Many of these laws surely superseded earlier acts, and the scope of most of them were probably also limited, but that doesn't change the fact that you couldn't *know* whether or not they applied to you unless you had read them all. Yet, even at the average rate of 140 pages of laws per year, that task might still be within the ability of the common man.

Now consider some of the later Congresses: the 65th, which enacted 1,953 pages; the 94th, which produced another 2,963 pages; or the 104th, which managed to enact a whopping 5,798 pages!² A couple thousand pages here, and a couple thousand there, and you're starting to get into some serious required reading. One law, the 104th Congress' *National Defense Authorization Act for Fiscal Year 1996* (P.L. 104-106) — at 518 pages — takes up as much space as *all* the laws of the 13th, 14th, and 15th Congresses combined.³ Even so, those legislators were pikers compared to the 111th Congress, which tipped the scales at just over 8,000 pages of new laws! And of course, this is really only the tip of the iceberg, because many new laws are modifications of the laws already codified in the United States Code. So to really understand the impact of each new law, they must be read in conjunction with those 50 Titles of prior legislation.⁴ But even that is not the end of your adventure, because behind that impossible stack of reading lies a mountain of regulations implementing and clarifying those laws.⁵

In his article, "America's Ruling Class — And the Perils of Revolution,"⁶ Angelo M. Codevilla provides some insight into why modern bills are so voluminous:

Laws and regulations nowadays are longer than ever because length is needed to specify how people will be treated unequally. For example, the health care bill of 2010 takes more than 2,700 pages to make sure not just that some states will be treated differently from others because their senators offered key political support, but more importantly to codify bargains between the government and various parts of the health care

1. These public laws are found in Volumes I through XXV of the Statutes at Large.
2. Not only did these three Congresses generate nearly 75 percent as much volume as the first 50 Congresses *combined*, they did it *after* all those prior laws had already been written. It's hard to believe that so many avenues could still be left for additional legislation, given that the Constitutional powers of Congress were relatively unchanged in that time.
3. This law has in turn been dwarfed by behemoths like the 906-page "Patient Protection and Affordable Care Act" of the 111th Congress.
4. To give you an idea of that chore, Title 42 of the U.S. Code, dealing with Public Health and Welfare, is nearly 8,200 pages long.
5. This doesn't take into account the state legislatures, which are also amassing rules for you to live by.
6. See July – August 2010 issue of *The American Spectator*: <http://spectator.org/archives/2010/07/16/americas-ruling-class-and-the>

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Liberty Works Radio Network is excited to welcome two great shows to its lineup promoting liberty and the Constitution: **Free Radical Orlando** and **The Unsolicited Opinion**.

Is Individual Liberty MORE SACRED THAN LIFE to you?



Or are you choosing leaders that will force you to follow them?

Th[e] philosophy of Patrick Henry — his belief that individual liberty is more sacred than life itself — seems to be forgotten in America today. Now our leaders seem to direct their energies primarily to acquiring power over their fellow men through government office. And once such political power has been obtained, the possessors of it seem to say to the rest of us: “We do not know what course you would follow if government were to leave you free to pursue it, but we strongly sus-

pect that you would act in ignorance of your own best interests. Therefore, we will take no chances — we will pass a law that will force you to follow the course that we have decided is best for you. But as for us — give us more power to impose controls, rules, and regulations upon you for your benefit, and for our glory.”

That philosophy is a far cry from the ideas that prevailed when Americans were demanding freedom from government dictation over their daily lives and business. And I believe that if we do not return to our original concept of a government of strictly limited functions, freedom in America will eventually be as dead as it now is in Russia and other totalitarian countries.

— Ben Moreell, “Patrick Henry’s Choice,” *Essays On Liberty*, Vol. II, pg. 278.

Free Radical Orlando with John Kurtz and Whitcomb Kincaid airs 7-8 PM EST, Monday through Friday. John Kurtz is a nationally known liberty activist known for high-profile civil disobedience campaigns; Kurtz founded the City Hall Sandwich Club in 2010, which gave sandwiches to the homeless in front of Orlando City Hall in deliberate violation of a controversial ordinance. He has held positions with the Florida Campaign for Liberty, Orange County Republican Executive Committee and the Fully Informed Jury Association, and founded OrlandoCopWatch.com as a proponent of filming the police to curtail their abuse. Kurtz was a regular guest on the People Power Revolution on 810AM, and has been a regular guest and freelance reporter for the nationally syndicated radio talk show, Free Talk Live, since 2009.

Whitcomb Kincaid, lifelong student of history, recognizes the serious problems with the way our country is governed; Whit has anticipated and studied the ongoing collapse of the West, and brings his experience in running a business and trading commodities to the air.

The Unsolicited Opinion with Maggie Roddin airs 11 AM-12 NOON EST, Monday through Friday. Listen to Maggie “Redistributing the truth one word at a time ...” to be fully educated and informed on the UN’s Agenda 21 and its environmental con game, how local and state governments are involved, and what we need to do to get our liberty back. Maggie interviews the movers and shakers of the modern day property rights movement. Check out her website at theunsolicitedopinion.com.

Please direct new listeners to Liberty Works Radio Network streaming on their Android smartphone. The free app can be downloaded at <https://market.android.com>. Just search for “LWRN.” Feedback concerning shows and any suggestions on future hosts should be directed to 410-857-5444. Thanks for listening and learning about Liberty!



John Kurtz and Whitcomb Kincaid of *Free Radical Orlando*; Maggie Roddin of *The Unsolicited Opinion*.



