

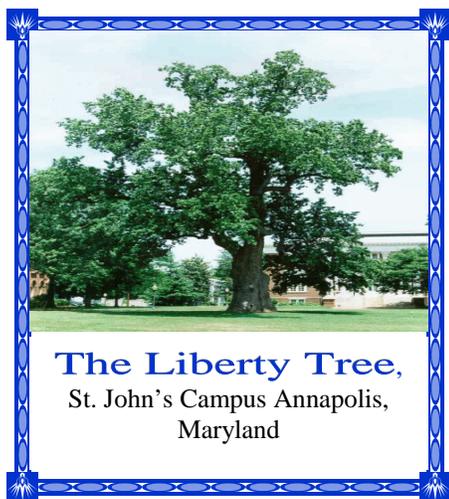
LIBERTY TREE

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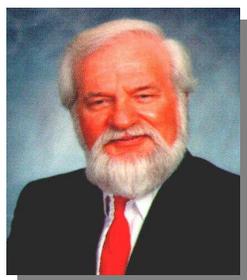
THEY SHOWED THEIR HAND

The cards are now on the table ...
and a radio network is still the trump

By John B. Kotmair, Jr.



The Liberty Tree,
St. John's Campus Annapolis,
Maryland



Write July 26th down as a day of infamy. On that day, Judges Wilkinson, Traxler, and Duncan of the Fourth Circuit Court of Appeals set aside all pretense and openly declared they intend to shut down the educational efforts of

the Constitutional Revivalist Movement. The three rubber-stamped the DOJ and IRS' wishes by affirming the lower court's injunction order against the Fellowship, and their one-paragraph decision contained neither explanation nor excuse. While SAPF will continue with the next step of its appeal, we must proceed full speed ahead with the only plan which can expose these frauds to the masses: a talk radio network.

As SAPF members know, the DOJ filed a complaint for a permanent injunction against John Baptist Kotmair, Jr. d.b.a. Save-A-Patriot Fellowship (SAPF) and National Workers Rights Committee (NWRC), and SAPF, an unincorporated association, on May 13, 2005. Announcing the complaint in the Liberty Tree, I said at the time: *If the court declared the Fellowship's operation legal in 1996, it must certainly be legal in 2005. If the IRS could not find any criminal activity in 1993, and 1994, while they had all of our computers and paper files, surely they would not find any in 2005.*

The first thing the Fellowship noticed was that the complaint was based in part on the postings of two websites which did *not* belong to SAPF. As the suit progressed, the evidence of this was overwhelming, and the DOJ had to admit it. That was the first and last time they admitted to a

falsehood, yet many more were to follow.

The DOJ accused us of violating 26 USC § 6700, *Promoting abusive tax shelters*, and § 6701, *Penalties for aiding and abetting understatement of tax liability*. Since neither defendant is or was involved in such activity, we asked the DOJ what evidence or witnesses they had. Their response: Kotmair had knowledge of the violations, and it would be forthcoming in his deposition. However, since neither defendant violates these statutes, the evidence could not and did not surface during deposition. This is why the DOJ creatively invented claims, such as that the membership assistance program incites individuals to commit tax crimes, and why it has invented false statements to put in SAPF's mouth, such as the claim that SAPF tells members that letters written on their behalf can remove a legal obligation to file.

In a pretrial phone conference, District Court Judge Nickerson told us a trial on the merits was unlikely; the case would probably be decided on motions for summary judgment. We filed said motions: I requested dismissal because a previous court decision had already settled that I did *not* do business as SAPF, and SAPF argued that no evidence existed of § 6700 and § 6701 violations, or



Wilkinson, Traxler, and Duncan, infamous judges of the Fourth Circuit who affirmed the lower court's injunction order so as to shut SAPF's mouth. They won't succeed in preventing the truth from being known, however.

of impeding the IRS. The DOJ argued there was evidence, and introduced affidavits from witnesses SAPF was never allowed to depose. All such testimony was rebutted by counter-affidavit, and in such a controversy of material facts, court rules require a trial. (At trial, both parties can introduce and cross-examine witnesses, so that the facts — the truth — can come out.) Summary judgment, on the other hand, is only a device for *deciding issues of law* when no disputes exist regarding the facts. It is a violation of due process to use summary judgment, as Nickerson did in our case, to decide on the facts. Nickerson's disregard of the rules resulted in a permanent injunction order so vague that SAPF and I cannot even determine which activities are considered violations of the law and so enjoined (forbidden). Motions for a trial and modification of the order were made, but Nickerson denied everything except a stay pending appeal. The appeal brief to the Fourth Circuit detailed Nickerson's erroneous findings, challenged the subject matter jurisdiction for the injunction, and requested, at the very least, an actual trial.

Caught between exposing the DOJ's lies or totally disregarding the Constitution, the court made a clear choice for the latter. In fact, the one-paragraph, unpublished decision is sad evidence that our Republic is indistinguishable from 1930s-era Nazi Germany. The complete dockets are posted at SAPF's website; examine the court papers carefully, and I am positive you will come to the same conclusion.

From the beginning, we suspected the July 26th betrayal, surmising the DOJ would not bring such a frivolous suit without the cooperation of the federal courts. But hope springs eternal, and we thought the appellate court *might* remand for a trial. Of course, if that happened, the DOJ would have no evidence to present, and there would be a chance for the First Amendment to be upheld. Instead, the decision to affirm the lower court tells every educational Patriot organization that the fix is in, they too *will* be shut down in their time.

Other Patriot organizations were attacked at the same time as SAPF, but it appears the design was to put SAPF on the fast track to this decision. Why? Quite possibly because, due to the 1996

district court ruling that the Fellowship has the right to exist as an unincorporated association, the Fellowship has the potential of continuing the educational effort through over-the-airwaves FM talk radio. Mass education of the public is the trump card the government wants to avoid. By taking SAPF out ahead of the curve, the expected result would be SAPF members jumping ship because some Fellowship "services" are no longer available. Suspecting this, I already forwarded a letter on July 13th asking members to pledge at least 20 FRNs per month to keep the Fellowship afloat while working towards re-starting the radio network. Initial responses have been very positive; if you have not yet returned your pledge, please consider doing so immediately.

Because the judiciary's intention is now abundantly clear, SAPF, along with Truth Attack, is accelerating the completion of the DVD to promote the talk radio network, and urging all Patriot organizations to join the effort. Organizations that join will have air time for their organization free of charge, so long as their shows are factual and the information offered can be documented.

It strikes me that the Christian community had better think hard about the court's actions against SAPF, and seriously consider joining the radio effort to educate Americans on their fast-vanishing liberty and form of government. For when it comes down to it, WHOSE SIDE ARE YOU ON? The side of those who are desperately trying to keep the Constitutional Republic given to us by the Founding Fathers and Constitutional Framers — a republic based on God's plan for government — or the side of the satanically-driven global elitists working to bring about (however inadvertently) the prophecies of Revelation?

For the reasons above, the establishment of the talk radio network and the preservation of Save-A-Patriot Fellowship are the most important contemporary Patriot actions to be taken. Therefore, I request that you take the following actions:

- if you have not forwarded your pledge, please do so now;

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IRS LOSES

Louisiana lawyer **ACQUITTED** of “willful failure to file”

In early July, Attorney Tom Cryer of Shreveport, Louisiana, was found not guilty of willful failure to file by a federal jury. He's taking that win to another level, making the call to Patriot groups to stand together to get the truth about taxes and our Constitutional form of government to the people. As part of that effort, he is now working with SAPF on the promotional DVD for the radio network.

The jury's decision has received some favorable press; below is a partial reprint of an article published by *World Net Daily*.

IRS loses challenge to prove tax liability

The Internal Revenue Service has lost a lawyer's challenge in front of a jury to prove a constitutional foundation for the nation's income tax, and the victorious attorney now is setting his sights higher.

“I think now people are beginning to realize that this has got to be the largest fraud, backed up by intimidation and extortion and by the sheer force of taking peoples property and hard-earned money without any lawful authorization whatsoever,” lawyer Tom Cryer told WND just days after a jury in Louisiana acquitted him of two criminal tax counts.

And before you consign him to the legions of “tin foil hat brigades” who argue against paying taxes, and then want payment to explain how to do that, he addresses the issue up front.

“These snake oil peddlers have conned millions of dollars out of many well-intended patriots and left a trail of broken lives in their wake. ... These charlatans should be avoided, not only because they will lead you to bankruptcy and prison, but because by association they discredit those who are telling the truth,” he said.

The truth, he said, is where he comes in, with the launch of a new Truth Attack website that is intended to build on his victory, and create a coalition of resources to defeat – ultimately – the income tax in the United States. ...



The “Truth Attack” logo.

A note from Tommy Cryer

In order to raise money to buy the trial transcript so we can all read it free of charge, we are offering a free CD for each \$50 contribution toward the cost of the transcript. The CD will contain the entire contents of Tom's “notorious notebook,” his testimony outline and his “templates” showing the scope of regulatory authority, taxing authority and the income tax (all matching up perfectly). If you would like a copy of the “notorious notebook,” help us pay for the transcript and we'll send you one. Send donation to:

Truth Attack
4348 Youree Drive
Shreveport, LA 71105

[Cryer] said the free exchange of labor for compensation has been upheld as a right by the Supreme Court, but that doesn't necessarily make the compensation income.

If ever such an argument were to be presented widely, Cryer said, the income to the federal government would plummet. But ... expenses could be reduced equally by eliminating programs, departments and agencies that also have no foundation in the Constitution. ...

For example, he said, the Constitution does not empower the federal government to regulate education, or employment, and agriculture, yet it does so.

The jury in U.S. District Court in Louisiana voted 12-0 to find Cryer, of Shreveport, not guilty of failure to file income taxes for two years. He had been indicted in 2006 on charges of failing to pay \$73,000 to the IRS in 2000 and 2001. The next step in his personal case will be up to the IRS and prosecutors, if they choose to continue the issue, he said.

But for the rest of the nation, he's working with **Save-a-Patriot**, the Free Enterprise Society, Live Free Now and his own Lie Free Zone to spread the message of the truth.

“There are three points that are important,” he told WND. “There's no law making the average working man liable [for income taxes], there's no law or regulation that allows the IRS to contend that earnings are 100 percent profit received in exchange for nothing, and the right to earn a living through any lawful occupation is a constitutionally protected fundamental right, and it is exempt from taxation.”

Spokesman Robert Marvin in Washing-

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- please forward the name of any Patriot organization, and the head thereof, that you believe will be receptive to joining this project and distributing the promotional DVD;
- pray to the Lord, that if it be His Will, the talk radio network project will be successful.

Their cards are now on the table —
but how will you play yours?



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ton's IRS office told WND the Internal Revenue Code provides for taxation on salaries or wages, but when pressed for a specific citation, or constitutional provision, he said, "I can't comment." ...

[Cryer] said throughout his battle, he's offered at every turn to pay taxes if the IRS could show him the authorization, and that never has happened.

"The Criminal Investigation Division and Department of Justice both responded only with 'your position is frivolous.' I had never stated a position, so

how could they know whether it was frivolous?" he said. "Imagine my sending you a bill for \$1,000 and when you call me and ask what the bill was for I simply said, 'that position is frivolous, just write the check and send it in.'"

His acquittal, he said, was a precedent because it means "people can see and recognize the truth."

He said multiple Supreme Court opinions have affirmed an individual's ownership of his or her own labor, and "exercising your fundamental rights" is not taxable. ... "[Working] is a God-given fundamental right that is protected under the Constitution and can't be taxed any more than exercising freedom of speech."

While he waits to see what, if anything, the IRS and Justice Department will do next in his case, he's working to coordinate the groups that are battling taxation as unconstitutional.

"I have started a campaign to unify [the work] and we've got a number of organizations that are sponsoring and supporting this campaign," he said. The goal is to get everyone "who is aware of the truth" organized so they can spread the word.

He warned without a restoration of constitutional basics, the nation is lost.

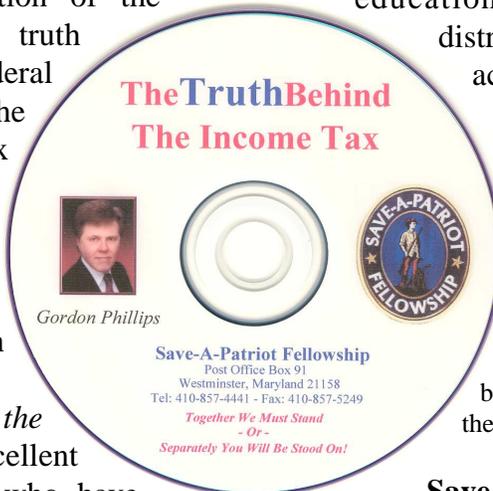


Truth Behind the Income Tax

With government socialists stepping up their attacks on Patriot organizations in an effort to stop the education of the American public to the truth about the fraudulent Federal Reserve system and the misapplication of the tax laws, Save-A-Patriot Fellowship has decided to make *Truth Behind the Income Tax* DVDs available for an unbelievably low price.

The *Truth Behind the Income Tax* is an excellent followup DVD for those who have viewed Aaron Russo's film, *America—Freedom to Fascism*.

For just 5 FRNs plus 2 FRNs for shipping and handling, this DVD is an excellent educational tool for widespread distribution to family, friends and acquaintances. Don't pass up this great opportunity to spread the word. Order some today.



Orders: Send 5 FRNS + 2 FRNS postage. Please write how many copies you want, your mailing address, and send your order with a blank postal money order or FRNs in the correct amount to:

Save-A-Patriot Fellowship
P. O. Box 91
Westminster, Md. 21158

