



# Liberty Tree

Vol. 16, No. 7 — July 2014

## WE SHOULD NOT THROW THE BABY OUT WITH THE WASH WATER!!!

By John Baptist Kotmair, Jr.

Last month we introduced the *League of Informed Voters*, and laid out our plan to give it a trial run using the Carroll County, Maryland primary Sheriff's election.

The primary election was held on June 24th, and generally the results did not favor Patriot candidates. No offices were gained, and some were actually lost. Of the five current County Commissioners, two were Patriots, but that has now been reduced to one. And the Patriot, as well as the conservative Sheriff candidates were defeated by a narcissistic, authoritarian-minded, retired State Police trooper who, it is rumored, has privately declared his intention to drastically expand the Sheriff's Office with personnel, and even additional satellite district offices to better the effects of his law enforcement effort. The County States Attorney, who publicly declared his intention to nullify any effort to enforce the recently passed Maryland gun "law," was defeated by an establishment-type candidate who will enforce it. There are other examples as well, but for our purposes, they need not be mentioned here.

However, none of this has any bearing on the influence, or lack of influence, of the newly formed *League of Informed Voters*, and before we throw the baby out with the wash water, it behooves us to consider the causes for this tragic setback for our Constitutional Cause.

The candidate's questionnaire was mailed to the four prospective Sheriff candidates by U.S. Postal Service certified mail. The questionnaire consisted of twelve questions relating to the lawful duties and authorities of that office. Only one candidate – Chris Fiora – responded, and he scored excellent. The other three were contacted by a few League members, and through their conversations, it was determined that two

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### Which candidates for Sheriff of Carroll County have demonstrated they are qualified to perform the *lawful functions* of that office?

The League of Informed Voters mailed questionnaires\* asking the four candidates for Carroll County Sheriff if they understand the constitutional functions and limitations of that office. The Candidates responded as follows:

 Chris Fiora <b>RESPONDED AND IS QUALIFIED</b>	 Phil Kasten <b>NO RESPONSE</b>	 Jim DeWees <b>NO RESPONSE</b>	 Vincent Pacelli <b>NO RESPONSE</b>
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**Are Sheriffs duty bound by law to take orders from the Governor of the State?**

LIV: NO. Even though the Sheriff is a State constitutional office holder, his authority comes from Art. 4, Sec. 4, of the U.S. Constitution, and he is ONLY answerable to the county citizens that elected him.

FIORA: NO. In the State of Maryland under Art. IV, Sec. 44, the Sheriff is constitutionally authorized and elected by the citizens of each county. Sheriffs are duty bound to uphold their oath of office, support and defend the U.S. Constitution and their State constitution.

**Do laws passed by Congress supercede laws passed by State legislatures?**

LIV: NO. Art. 1, Sec. 8 of the U.S. Constitution enumerates the powers of the federal government, and none of those powers overlap any State laws.

FIORA: NO. The 10th Amendment clearly states that the powers not delegated to the U.S. by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**What is the main element needed to charge a citizen with a crime?**

LIV: There must be a victim of the crime, and there must be sufficient *probable cause* to investigate, that is, evidence that the arrestee intended to commit the crime with malice and forethought.

FIORA: The main element needed to charge a citizen with a crime is a victim. In addition, witnesses are required as well as evidence.

**Are the opinions of the United States Supreme Court the Law of the Land?**

LIV: NO court opinion or ruling is law. As Art. 1, Sec. 1, of the U.S. Constitution states: All legislative powers ... shall be vested in a Congress of the United States. Except for the Common Law (which is State law only), courts ONLY enforce the written statutes from legislatures.

FIORA: NO. Art. 6 of the U.S. Constitution clearly states that the Constitution is the Supreme Law of the Land.

**Cite the authority for *malum prohibitum*\* statutes?**

LIV: NONE. Under the U.S. Constitution, the federal and state governments have no authority to arbitrarily prohibit the citizens' acts, violating their unalienable Rights.

FIORA: There is no real authority, unless you consider the legislature an authority. *Malum Prohibitum* statutes are man-made and considered by some to be pretended legislation.

\*That is, victimless "crimes" made up by legislatures: "It's wrong-because-we-say-so" type laws.

\* All candidates received 12 questions by certified mail and had equal opportunity to respond. For all questions and extended answers, visit our website!

Become an informed voter and keep candidates accountable! To join or participate, visit our website or call 410-857-4441.

*The League of Informed Voters*  
www.leagueofinformedvoters.org

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of them had no clue as to the obligations of the job. The remaining candidate, the current highest-ranking deputy in the Sheriff's Office, stated that he was working on the questionnaire, and would return it soon; but, it never arrived. Of the other two non-respondents, one was a retired Maryland State Police Trooper, and the other, a retiree from the Baltimore City Police Department, admitted that he had practically no knowledge of either the federal or State Constitutions. The questionnaire results were posted on the League's website and on FaceBook. In addition, the ad shown on page 1 of this Liberty Tree was published in the Carroll County Times newspaper, which is the paper of record for the county.

The results of this primary election cannot be judged for certain by its outcome. There are extenuating circumstances that are not reflected in vote outcome. For instance, in 2001 the Maryland General Assembly enacted a law requiring computerized voting machines to be used in elections throughout the State. Predictably, immediately after the first election using those computers, there was outcries of voter fraud. The computerized voting machine I personally used changed some of my candidate selections in the vote verification process at the end. I went through the process twice, and finally got the election judge who had to shut down the machine, and I repeated the process at another machine, which did confirm my selection. I know of two other Carroll County voters that this happened to, and Carroll County was not the only problem area. There were outcries of fraud from Counties throughout the State.

In 2007, the Maryland General Assembly, under much pressure from the public, passed a law for the computers to be replaced with paper ballots in county elections throughout the State. But in so doing, as scheming politicians always will, they concealed a loophole in it. According to the law, the Administrator of the State Board of Elections, Ms. Linda H. Lamone, was to evaluate the financial feasibility of the use of paper ballots before they were to be used in the 2010 elections. By then, the issue of voter fraud had faded from the public view, and of course, you know what her financial evaluations turned out to be, of which the establishment news media did not see fit that they should remind anyone.

The computers just used in the instant primary election, are the same original outdated computers, by law required to be replaced. But surprise, surprise, that does not bother Linda, she used them anyway. Probably because, being the darling of the socialists, the cost of replacing the computers far exceeds the cost of the use of paper ballots. Rebecca Wilson of the organization SAVE our Votes quotes Linda as saying, "Maryland would have a paper trail over my dead body." She is truly, as Richard Yardley – the Baltimore Sun's famous political cartoonist – would say, one of the "b'hoys in the smoke-filled backroom." And as Joe Stalin is credited with saying, "What is extraordinarily important is this – who will count the votes, and how."

The other extenuating circumstance is the failure of the Patriot candidates to pool their resources by forming coalitions, and failing to excite the County's predominately conservative population enough to get them out to vote. This is something the big-government socialists did not fail to do. The various unions throughout the State, aided by other unions in bordering States, had their cronies out in full force, getting the left-wing voters to the polls.

For these reasons, I have concluded that this election does not reflect the success of the big-government candidates, but rather the failure of the Patriot candidates to properly do their jobs. But all is not lost, for *when the going gets tough, the tough get going!!!* And to be a Patriot today, you have to be tireless and tough!!

So, now is not the time to put our tail between our legs and whimper. Now is the time to organize for the coming backlash from the inevitable devastation from socialist taxation, oppressive land use regulations and Gestapo law enforcement. We must organize support groups for the Patriots who were not displaced by the low voter turnout, and the turnout of the dupes making up the membership of the communist-inspired *International Brotherhood* of whatever-anti-American-labor-clique-given-name. These support groups must work to pierce the establishment media's cover-up of all the wrong-doing of socialist officer holders, by disseminating information fed to them by the Patriot office holders, through letters to the editor, pamphleteering, FaceBook postings, and e-mails. Unless this happens, the next

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election will, in all probability, render the same results.

The League of Informed Voters should – and with your participation – will play a major role in local elections throughout all the States united, which are, in this writer’s opinion, the most important.

The League will be beneficial in two ways. First, through the use of its questionnaires, it will expose the knowledge, or lack thereof, of the candidates running for particular political offices. Second, by being confronted with the educational questions, the candidates will be more likely to understand his/her qualifications of, and obligations to, that office. At the same time, the voting public will also be exposed to the very same educational information, by means of the newspaper ads, Face-Book posting, e-mails, and website postings of the questionnaire results.

But without sufficient additional State and County League affiliates and members, this will not be possible for two apparent reasons. First, without substantial numbers of affiliates and members, there isn’t any pressure for the candidates to complete and return the League’s questionnaire. Second, without a suf-

ficient number of members, the State and county affiliates will not be able to afford the very expensive newspaper ads to inform the voting public of the candidates’ qualifications. Wherefore, like everything else associated with the public’s participation in the government process, its success depends on the Patriots themselves.

We The People are the conservators of our Unalienable Rights given to us by Almighty God, the Creator, and if we allow demagogues to gain office and strip us, and our posterity, of Liberty and the Pursuit of Happiness, by unlawfully feeding the contents of our treasury to a growing number of parasites, and by putting us, the citizens, and our descendants, into perpetual debt, in order to perpetuate themselves in a lavish lifestyle in that office, **SHAME ON US!!!**

**THE LEAGUE OF INFORMED VOTERS IS OBVIOUSLY A VIABLE TOOL FOR THE PATRIOT COMMUNITY — ITS SUCCESS IS UP TO YOU — JOIN NOW!!! DOWNLOAD AN APPLICATION FROM THE LEAGUE’S WEBSITE, OR JUST CALL: 410-857-4441!!!**



## ***Sheriff Candidate’s Responses to the League’s Questionnaire:***

There were four candidates in the Primary Elections, they are listed and pictured on the League’s website:

<http://www.leagueofinformedvoters.org/>

The candidate who answered was Chris Fiora. The following lists the **question**, the **correct answer**, and Fiora’s **response**:

**Q-1.** What is the significance of Article 4, section 4 of the United States Constitution as it relates to the Office of Sheriff that it has for no other law enforcement agency, State or federal?

**C-A-1.** Article 4, section 4 requires States to have a Republican form of government; that is, all officeholders having any authority over citizens are required to be elected by the citizens, and answerable only to the written law, and the citizens of that State, and County. In

law enforcement, this is ONLY the Sheriff. This makes the Sheriff the ONLY lawful law enforcement officer.

**R-1.** The Sheriff is a constitutionally authorized position in most states. The Sheriff is an elected official who is directly accountable and responsible to the citizens who elected him or her. No [other] Federal or State law enforcement officer or official is elected to their position.

**Q-2.** Do laws passed by Congress supercede laws passed by State legislatures?

**C-A-2.** No, Art. 1, sec. 8 enumerates the powers of the federal government, and none of these limited powers overlap ANY State laws.

**R-2.** No. The 10th Amendment clearly states that powers not delegated to the US by the constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people.

**Q-3.** Are Sheriffs duty bound by law to take orders from the Governor of the State?

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**C-A-3.** No. Even though the Sheriff is a State constitutional officeholder, his authority comes from Article 4, section 4, of the U.S. Constitution, and is ONLY answerable to the county citizens that elected him. The Maryland Constitution reflects this.

**R-3.** No. In the State of Maryland under Article IV, Section 44, the Sheriff is constitutionally authorized and is elected by the citizens of each county. Sheriffs are duty bound to uphold their oath of office, support and defend the US Constitution and their state constitution.

**Q-4.** Is the Sheriff subject to orders from the President of the United States?

**C-A-4.** No. The President has no Constitutional powers within the union of States, accept enumerated limited powers in times of War, and to put down a national armed insurrection.

**R-4.** No. As an elected official, the Sheriff answers to the citizens who elected him. He is duty bound to uphold his Oath of office and support and defend the Constitution of the United states and the constitution of his respective state.

**Q-5.** Are the Opinions of the United States Supreme Court the Law of the Land?

**C-A-5.** No court opinion or ruling is law, as Article 1, section 1, U.S. Constitution states: *All legislative Powers herein granted shall be vested in a Congress of the United States, which shall*

*consist of a Senate and House of Representatives.* Except for the Common Law, of which there is no federal, no court makes law, they ONLY enforce the written statutes from the legislatures, as that statute is self-defined.

**R-5.** No. Article 6 of the US Constitution clearly states that the Constitution is the Supreme Law of the Land.

**Q-6.** What significance, if any, does the *vagueness doctrine* have in the performance of the duties of the Office of Sheriff?

**C-A-6.** 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.* If in the Sheriff's discretion the law is *vague*, he is not to enforce it.

**R-6.** If a law is so vague that an ordinary person cannot understand it then the Sheriff may use his discretion and not enforce such a law or charge anyone with a violation of such a law.

**Note:**

The other 6 **questions, correct answers** and **responses** can be viewed on the *League's* website:

<http://www.leagueofinformedvoters.org/>

**WHILE YOU'RE THERE, DOWNLOAD YOUR APPLICATION AND JOIN TODAY!!!**

**GUN  
CONFISCATION**



**WHY CONNECTICUT?**

*John Baptist Kotmair, Jr.*

Recent events in the State of Connecticut involving the threat of firearms confiscation from citizens by the State's Police have more far-reaching ramifications than appear on the surface. Fourteen years ago, the Connecticut Legislature unlawfully successfully changed the State's Constitution to abolish the Office of Sheriff. Forty years before that, the county governments were abolished and a regional judicial system established, with all legislation coming from State government. In this booklet, I present what I believe to be prima facie evidence that these events are tied together, and expose the far reaching effects of strategies used by the globalists in their quest to set up a **World Government**.

**Save-A-Patriot Fellowship**

Post Office Box 91

Westminster, Maryland 21158

Call 410-857-4441 or e-mail [info@save-a-patriot.org](mailto:info@save-a-patriot.org) if you have any questions.