



Liberty Tree

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FEDERAL JUDICIARY — OLIGARCHY HIT MEN!!

By John Baptist Kotmair, Jr.

No greater political prophet has ever lived than Thomas Jefferson. He totally understood man's sinful nature, and its effect on governments. The failure to heed his warnings against the Federalists — and in particular, Supreme Court Chief Justice John Marshall's judicial power grab — has brought the Republic to the brink of destruction, which is now both inevitable and irreversible.

Marshall wrote the opinion for the unanimous decision in the 1819 case of *McCulloch v. Maryland*, declaring that there were **implied powers** within the Constitution. In that notorious and seditious opinion, he conceded that the Constitution does not explicitly grant Congress the **power** to establish a national bank, but declared that the **necessary and proper** clause in Article 1, section 8, clause 18, gives Congress the authority to do all that is **necessary** to exercise its enumerated powers, to wit:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

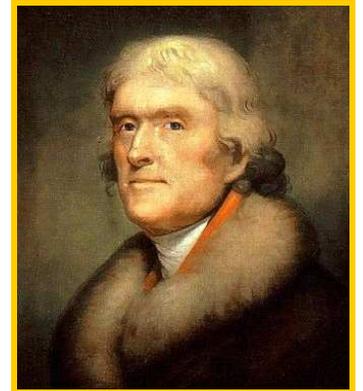
The problem, as Jefferson pointed out, is that creating a national bank is not listed among the enumerated pow-

ers within Article 1, section 8, nor for that matter, anywhere else within the Constitution. Thus, through his seditious pronouncement of implied powers, Marshall, with the willing collusion of the other eight Justices, destroyed one of the cornerstones of our Constitution — the principle of **enumerated powers**.

But for argument's sake, even if Congress could exercise **implied powers**, why would a national bank be **necessary**? The Constitution directed that there

You seem to consider the judges the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. ... [A]nd their power [is] the more dangerous as they are in office for life, and are not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves. ... When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know of no safe depository of the ultimate powers of the society, but the people themselves ...

— Thomas Jefferson, letter to William Jarvis, Sept. 28, 1820



Thomas Jefferson

would be a United States Treasury to store government revenues and pay its general operating expenses. Therefore, what lawful governmental function would a **national bank** serve? The normal lawful function of a bank is to store depositors' money, pay interest thereon, and then loan out those deposited funds at a greater rate of interest, with the difference being income to the bank. Yet, nothing within the Constitution even suggests

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John Marshall

that the government should be involved with any such business practices. So, unless you actually believe that creating money out of thin air and loaning that worthless money to the government — thereby creating not only an unpayable “national debt” in the trillions by means of those fraudulent obligations to the banks, but also the most infamous criminal conspiracy involving federal government officeholders in recorded history — is **necessary and**

proper, then Marshall's pernicious doctrine still wouldn't justify creation of a national bank.

Not surprisingly, traveling down the road of **implied powers** since 1819 has steadily increased the size and function of the federal government — particularly since Mr. Lincoln's victory in the War of Northern Aggression — to the point where the creature is now dictating to its creators, the States. Some of the States are now waking up to the error of making con-

cessions just to regain a portion of the revenues unlawfully taken from their citizens in the first place. Through **implied powers**, Congress has enacted laws and regulations to implement these concessions (e.g., social security, unemployment insurance, medicare, etc.) and so-called criminal laws for their violation — criminal acts not covered by the **powers** granted by the Constitution, but, as the courts say, **implied**.

We have gone from: monarchy to revolution; to recognition of God-given unalienable rights; to limited government; to pursuit of happiness and prosperity; to abuse through government intervention; to loss of unalienable rights; to total government; and on to poverty and social misery. Where will we be going from here? In just my short eighty years of life, I have watched and witnessed our relatively free society turn into a near total dictatorship. God help us!

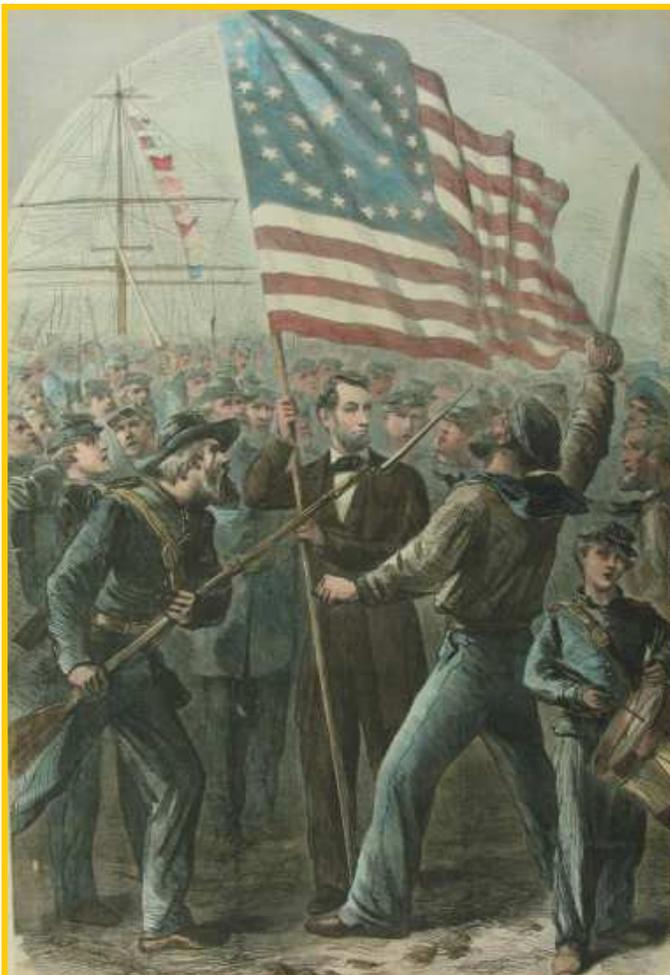
OLIGARCHY HIT-MEN!!

The oligarchy now in control of the United States government — the Bilderberg Group — maintains its control mainly through the Federal Reserve Bank system. The truth is that this control is extremely fragile, and the main means of keeping it in place is the Internal Revenue Service, through its MISAPPLICATION of the federal tax laws. For this reason, any meaningful widespread exposure of this illusion is viciously attacked, with those exposing it being publicly ridiculed and harassed, both civilly and criminally, in the federal courts. These conspirators realize that if they lose their stranglehold on America's marketplace, they will not be able to implement their plans for world government.

An example of their sensitivity to this exposure was revealed in 1998, when IRS criminal investigation special agents arrested my son Edward Kotmair off the street in Westminster, Maryland. While transporting him to Baltimore, Special Agent Michael R. O'Hanlon asked Edward, “This radio your father is planning, how far will it be heard?” The significance of his question is that *at that time* Liberty Works Radio Network did not yet exist. It was only in the planning stages, and no announcement had been made publicly about it. Edward (who actually did not know anything of the radio plans), replied to O'Hanlon, “Did you ever hear of the shot that was heard around the world?” O'Hanlon responded, “Yes,” and Edward replied, “That's it.”

No American is more of a Patriot than Irwin Schiff. As Paul declared of his Christianity in 2 Timothy 4:22, so Irwin is eligible to declare, in a Constitutional patriotic sense, that he has fought the good fight, he has finished the race, he has kept the faith. No American has done more to expose this “Biggest Con,” as Irwin aptly calls it.

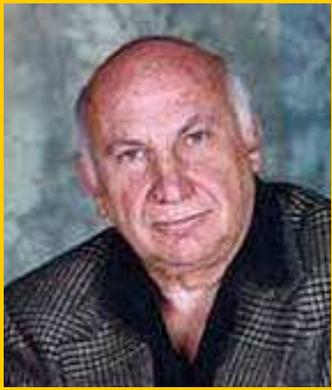
I first met Irwin at a meeting in Baltimore in 1976, where he was exposing this “Biggest Con.” At that time, I was the Chairman of a Patriot organization called the “Committee of Correspondence.” We became friends,



“Rally round the flag, boys!” This war propaganda in *Harper's Weekly* (“*Journal of Civilization*”), October 1864, depicts Lincoln as a color-bearer rallying Union troops.

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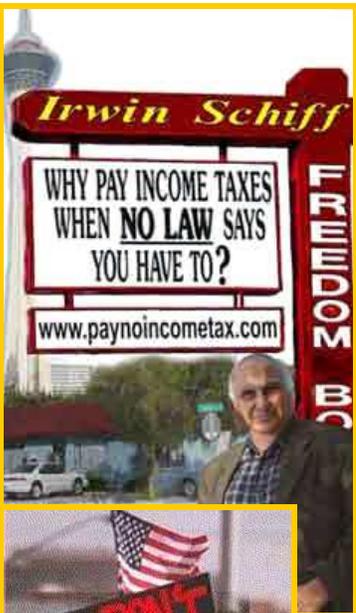


Patriot Irwin Schiff

and in 1981, upon his own request, he represented me at my arraignment for the criminal charge of two counts of willful failure to file 1040 tax returns for the years 1975 and 1976. Irwin recorded the account of that arraignment in his book *The Great Income Tax Hoax*.

Irwin, now 87 years old, has age-related health problems like others his age, but unlike them, he languishes in a federal prison in Fort Worth, Texas as a political prisoner. Essentially, his crime was exposing the government through his radio talk show out of Las Vegas, in which he constantly called the U.S. Attorney's Office, asking them on the air to reveal the Internal Revenue Code section that caused the U.S. citizen's income to be taxed, and their requirement to file a 1040 tax return. Naturally, this kind of exposure cannot be permitted by the oligarchy, and their solution was to persecute Irwin yet again, prosecuting him for a third time.

Irwin was very aggressive in spreading the truth about the IRS' misapplication of the law. In addition to writing and publishing books, he approached every radio and TV talk show host in hopes of being a guest on their shows, and was very successful at doing so. But as many of the frontline Patriots discovered, this did not escape the watchful eye of the IRS and the Department of Justice. On April 17, 1978, Schiff made his second appearance on NBC's *Tomorrow Show* with host Tom Snyder. Five days later, he was charged with willful failure to file tax returns for the years 1974 and 1975, and consequently tried and convicted. That conviction was overturned on appeal to the U.S. 2nd Circuit, and Irwin



"Government officials remain mum when asked about Schiff and his opinions."

was tried again. This time his conviction was upheld.

The next time I saw Irwin was in 1981. He had just recently been released on parole, and we were both giving lectures in Detroit, Michigan. He gave his in the afternoon, and then attended mine that evening. After my lecture, Irwin, Jan Galion, my wife Nancy, and I went to Greektown for gyros, and afterwards to Irwin's hotel room. There I asked him if he was going to eliminate any of his activities to help prevent any more illegal prosecutions and incarcerations. Yet, after just being tyrannically railroaded, his reply was that he was an American, and I let it go at that.

After his conviction in 1978, he was again persecuted by another prosecution in October 1985 for willful failure to file for the years 1980, 1981 and 1982. He was again convicted and incarcerated, and subsequently released from the federal prison system in June 1993. But being the Patriot he is, he never stopped exposing the wrongful acts of the IRS, DOJ and the courts, through his writing and guest appearances on TV and radio talk shows. Before his release, he even made guest appearances over the telephone from the federal prison. He eventually resettled in Las Vegas, Nevada, and opened a



Seditious Judge Kent Dawson

Patriot bookstore at 444 East Sahara Avenue, with a fair size marquee in front on which he displayed messages about incomes taxes. Later, he started his own drive-time radio show on KVEG, and as mentioned earlier, harassed the local U.S. Attorney's Office almost daily.

Finally, the feds got so embarrassed and agitated, that on March 24, 2004, they obtained an indictment from a rubber-stamp grand jury in Las Vegas. Irwin's trial started on September 12, 2005 in the U.S. District Court in Las Vegas, before Judge Kent Dawson, a Bill Clinton appointee. Forty-two days later, on October 24, Irwin was essentially convicted by Dawson, through his insistence that the jury do so.

In this third criminal prosecution, seditious Judge Dawson, seemingly devoid of morals and scruples, declared out of the hearing of the jury: "I will not allow the law in this courtroom." Not satisfied with just denying Irwin his defense in that manner, he also actively undermined any integrity in the judicial process. After three full days of deliberation, the jury sent a note to the judge asking to see the beat up, dog-eared, and well-read copy of co-defendant Cindy Neun's Internal Revenue Code, which had been shown to them during the trial along with a "clean" copy of the IRC. The judge absolutely denied their request, saying that allowing the jury to see the law would be "problematic."

Having thus sealed Irwin's fate, the despicable Judge

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Dawson, on February 24, 2006, sentenced Schiff to 12 years, and 7 months in prison, and ordered him to pay over \$4.2 million in restitution to the IRS. Since Irwin was 78, Dawson effectively gave him a life sentence.

Schiff suffers from a total naïve expectation of the possibility of receiving justice from the American judicial system. He continues to have an undying faith in the American dream of freedom and justice for all. He refuses to accept that America has descended into a tyrannical oligarchy that is nothing more than an illusion of the Constitutional Republic established by the Framers. Irwin is a true Son of Liberty extraordinaire. I pray that God blesses him and keeps him, and eases his long suffering at the hands of these despicable, seditious tyrants. His love for this Constitutional Republic, and the

principles for which it stands, is truly an example for any Patriot to emulate.

*Don't miss Part II of **Federal Judiciary — Oligarchy Hit-Men!!** coming in the June 2015 Liberty Tree newsletter!!*



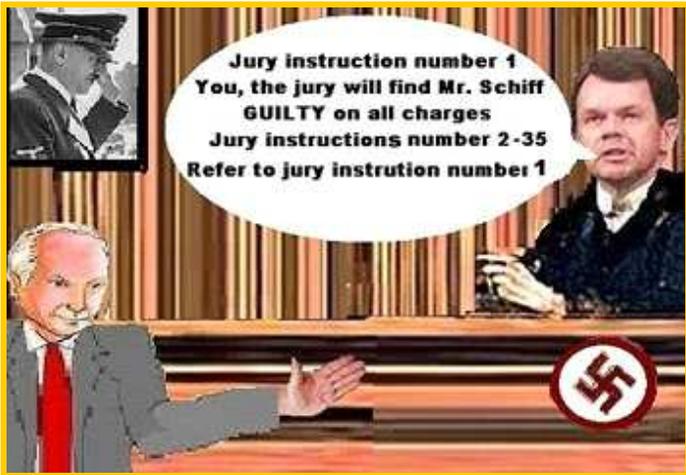
Liberty Works Radio Network



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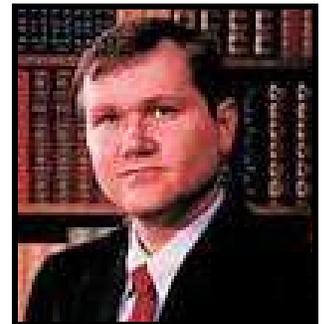
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Steve Hempfling is founder and director of the Free Enterprise Society, formed in 1979 by a small group of individuals who were concerned about the simultaneous expansion of bureaucracy, erosion of individual rights, and plunder of private wealth by slick government debt and taxing schemes. Its mission is to promote free enterprise worldwide and restore lost liberties and freedoms in America under the Constitution, and Steve informs his audience on those issues every Wednesday on LWRN.

Unlike groups that merely pay lip service to freedom, *Free Enterprise Society* has put its money where its mouth is. With their homes, jobs, and reputations at stake, *Free Enterprise Society* members have held official authority accountable under the Constitution. Many of these

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For more information or to join, Steve Hempfling invites you to contact *Free Enterprise Society* at (209) 966-7040 between 9 am and 5 pm Pacific time. Website: www.freeenterprisesociety.com, email: fes@freeenterprisesociety.com, address: 6083 N. Figarden Drive #208, Fresno, California 93722.



A True Son of Liberty!!