



Liberty Tree

Vol. 18, No. 5 — May 2016

Federal Judiciary — Oligarchy Hit-Men!!!

Part XIII

By John Baptist Kotmair, Jr.

In the last issue, we left off in our tale of the seized property in the 1993 raid on SAPF and my home at the point where George Harp, a Fellowship member and attorney from Shreveport, Louisiana, had agreed to represent the Fellowship, while I represented myself, in a suit for the return of the seized property in the Federal District Court for the District of Maryland in Baltimore. The suit's outcome is the subject of this issue of the *Liberty Tree*. The details were published in two 1997 issues of the Save-A-Patriot Fellowship newsletter *Reasonable Action*, and the first article is reprinted below, continuing the never-ending saga of our struggle, and SAPF's work exposing the violations of law by the **Evil Trio**.

From *Reasonable Action*, Issue #27, 1997:

Mom, Apple Pie and **NOW ...** **The Save-A-Patriot Fellowship!?**

What could be more quintessentially American than your local PTA? According to a December '96 ruling by Judge Marvin Garbis of the United States District Court in Baltimore, Maryland, it might just be the Save-A-Patriot Fellowship.

The closer we are to total victory, the more we can expect our successes to be measured in inches, not feet. Such is the case wherein United States District Court Judge Marvin J. Garbis ruled *in favor* of the Fellowship. The court has entered a judgment against Defendant United States of America in favor of the Plaintiff Save-A-Patriot Fellowship for \$634.00 plus interest as provided by law.

While we were trying to persuade the court that the government had to return an additional \$44,115 seized from John Kotmair's residence, we cannot imagine this

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

SAVE-A-PATRIOT FELLOWSHIP *
Plaintiff * Civil Action No. MJG-95-935
vs. *
UNITED STATES OF AMERICA *
Defendant *
*

JUDGMENT

This action came on for trial before the Court on September 20, 1996, Honorable Marvin J. Garbis, United States District Judge presiding. On this date, the Court has issued its Memorandum of Decision in this case.

In view of the foregoing, Judgment is hereby entered in favor of Plaintiff Save-A-Patriot Fellowship against Defendant United States of America in the total amount of \$634.00 plus interest as provided by law, the parties to bear their own costs.

SO ORDERED this 18th day of December, 1996.

Marvin J. Garbis
United States District Judge

case being settled in a more advantageous way for the future of the Fellowship. We believe Judge Garbis did everything he could do [pragmatically speaking — and judges are prone to be pragmatic, if not 100% *politically correct* at all times] for the Fellowship and to move the larger controversy toward lawful conclusions.

WHAT'S SO GOOD ABOUT LOSING \$44,115?

While it is true that Fellowship funds in the amount

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of \$44,115 were lost; and while we deeply regret losing any of our resources, we expect to make much greater capital of the fact the the Court recognized the Fellowship as a legal entity capable of owning and disposing of property and possessing certain rights under that law. It is no small gain to go from being a byword (in the minds of judiciary as well as other government agencies) to being compared, as in this case, with the Parents Teachers Association. We have been accorded true American apple-pie status in this decision.

WE'RE STILL NOT WITHHOLDING WAGE TAXES FROM ANYONE HERE AT THE FELLOWSHIP!!!

The advantages that will inevitably flow from this strategic coup are only beginning to be realized. Although Americans are only beginning to realize it, the law [written law] has been on our side from the beginning. Yet, the realization that the controversy has been drawn along this far and the government has yet to make the slightest attempt to prove there is a law requiring withholding, will go a long way toward changing the mind set we have been challenging. The cracks are widening daily. For those who do not recall, one of the prominent claims used by the IRS to excuse their outrageous and theatrical raid on Save-A-Patriot had been that we have "employees" from whom we were not withholding wage taxes. John's immediate response, which he has constantly repeated, and which has gone out over the media from that day to this: "Show us the law and we will begin withholding taxes from our employees!" This is surely a reasonable request for proper authority and jurisdiction when one lives in a free country, where all laws must be written in clear language that the common man can understand. When every American employer musters enough courage to say "show me the law," the numbers of those who would misrepresent and misapply the law will dwindle.

THE BANKS ARE SAFE — RIGHT!? *Just as sound as a dollar?*

The ruling alludes to the notion that Fellowship funds would have been safe and sound if the Fellowship had kept financial records and maintained its funds in a bank account. Judge Garbis notes that the Fellowship doesn't appear to trust banks. For any new readers, we want to emphasize the fact that not only do we not trust banks, we can easily prove they are not safe to any reasonable literate person.

The cliché "you can take that to the bank" seems to have gone the way of the original meaning of "the good faith and credit of the United States." Most Fellowship members understand that practically any third party, including and certainly not limited to banks, will turn over your property to the IRS in a heartbeat, without the slightest inference or knowledge that such an act is consistent with law or due process. The "irrational

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Mom, Apple Pie and NOW...

The Save-A-Patriot Fellowship!?

See APPLE PIE Page 4

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paranoid" attitude we have toward the trusted banks may be reflected in the fact that more than 90% of federal seizures do not result in prosecutions. If they can get it, they obviously are willing to take it. Once they have it, they are most reluctant to give it up *as this case proves*. Their friends in the federal judiciary have shown themselves more than willing to cooperate with plunder. In fact, it is most doubtful that Judge Garbis would be employed in his present capacity, if he had ruled 100% in favor of the Fellowship and returned everything. Our belief is that he may have gone too far in the eyes of his political superiors.

The reality is simple: the Class "A" Stockholders of the Federal Reserve Banks have been laughing all the way to the bank since 1913.

I would put one question to Judge Garbis: If the banks are so safe, why will they consistently refuse to open and maintain accounts without Social Security Numbers or other TINs [not required by law for citizens and domestic corporations]? Are there any PTA accounts without *Taxpayer* Identification Numbers? Obviously the banks don't even trust the PTA. It has been my experience in life that those who were instantly reluctant to trust others have often been less than ethical themselves.

Realize the only reason the IRS was able to seize Fellowship funds was that they were able to find them. If they had been in a bank under the name of the Fellowship, they would have been seized with lightning-fast

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electronic efficiency — there can be no doubt about that. The government would have been arguing more vociferously if it knew that the substantial \$44K+ amount was in jeopardy rather than the small amount it was forced to return. At any rate, the Judge's words about bank safety are comical when it is publicly known that law enforcement officials have been trying to arrest even "money" itself lately, whenever they locate it in sufficient quantities. When *you* have a large amount of money the government wants, the presumption is that you must have done something unlawful, but when the IRS misplaces \$4.3 billion, it becomes a mere book-keeping error. Most Americans can understand why this government might be surprised when anyone still has a large amount of money in his possession.

Is there truth in advertising?

If anyone doubts that a bank will turn over your assets without due process, just call and ask one of them what they routinely do when they receive Notices of Levy from the IRS. Note that, short of a court order, the bank cannot lawfully turn over your funds, Do you think they fear you or the IRS more?

Perhaps the people would get a handle on the significance of this if the banks were required to advertise: "Save here at your own risk. We routinely turn over assets without due process of law!"

S.A.P. PASSES THE TEST AND COMES UP SMELLING LIKE ROSES [not to be confused with the Rose law firm]

In this case, and up to this point, we have withstood the test of a frontal assault by heavily-armed government agents who seized Fellowship property without due process (as this case clearly shows). They have been subsequently ordered by a federal court to return all property that was found at the Fellowship's headquarters. All files and computers as well as all funds that were found here were ordered to be returned. And finally, we have been given the "Good Housekeeping Seal of Approval" by a federal court. This adds an overwhelming weight to the argument that the Fellowship is not only reasonable and lawful, but that it is on-point with the laws of the United States and of the State of Maryland. Some of the statements in this ruling will provide powerful ammunition for those of us who are satisfied to obtain only a fair hearing in any venue. That's why we call the video seminar — **JUST THE FACTS**.

To his credit, Judge Garbis lays out a litany of activities that go on here at the Fellowship as proof that we are in fact an unincorporated association that has a right under Maryland State law to own and dispose of property and to carry on any and all lawful activities. This is by no means an insignificant collection of facts from the former position of the IRS and the government's attorneys. They were asking the court to rule

that the Fellowship could not own property. Had they won the case, the Fellowship would be hard pressed to continue at our present level of effectiveness.

At one point in his footnotes, after listing many of the functions and activities performed at or by the Fellowship, the judge notes: "See the SAP Fellowship Agreement." We encourage our readers with additional questions about Fellowship activities to take the judge's advice in that one instance.

A FEDERAL JUDGE WITH A SENSE OF HUMOR?

Marvin Garbis does display a somewhat wry sense of humor at times and obviously enjoys John's colorful visitations to his courtroom. At one point in the hearing that led to this ruling, he very deliberately elicited a statement from the other side that none could question John Kotmair's character or sincerity. Perhaps this was his "gift" to John, since it would make interesting testimony in any other courtroom scene where John's intent or "willfulness" might be under consideration.

At another place, the judge, having related that a wedding recently took place at the Fellowship, notes: "Kotmair's role in the nuptials is not specified."

One thing is for certain: almost nothing in this ruling will tend toward developing the sense of humor of any IRS or government attorney involved. At one point a government attorney did express personal regret for the ill treatment and endangerment of Nancy Kotmair during the December '93 raid on the Kotmair residence and the Fellowship headquarters.

We hope this experience will encourage all government agents to inquire into the lawfulness of their acts, before they jeopardize the safety of presumed innocent citizens, who (in this case) turned out to be innocent in fact. No wonder, when you consider that the Affidavit of Probable Cause didn't list any unlawful acts in the first place.

Perhaps the government can at least realize that printing another \$44,115 in this case, would have been much more convenient.

FIRE VS. GASOLINE

Our belief, as well as those of many a patriot organization across the land, will ever be that the IRS' agenda was to terminate Fellowship activities permanently by the raid of December 10, 1993. In reality, the Fellowship used the opportunity to: upgrade computer systems [something the IRS seems entirely incapable of doing]; remodel the office for higher efficiency; restore case files from an encrypted back-up data tape; and within thirteen days, go back on-line at a higher capacity. This has been another example of our members responding to Fellowship needs in the nick of time. The overall effect of the raid has been 180 degrees removed from IRS expectations. We are stronger, wiser, and big-

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ger than ever before. Our effectiveness in exposing unlawful investigation, assessment, collection and enforcement activities has grown geometrically. The public respect we now have and our new-found acceptance with the major media has surpassed any valuable asset we may have been willing to purchase with the funds lost in the raid.

Any government agent or any other skeptic who takes the previous paragraph lightly, or supposes it is nothing more than rhetoric, is welcome to take the same invitation we have extended to high officials within the IRS for several years: Come, sit next to us in our office during our daily routines and show us anything we are doing wrongly or unlawfully and it will be corrected immediately.

DID JUDGE GARBIS GO AS FAR AS HE COULD WITHOUT OFFENDING HIS "SUPERIORS"?

We believe he may even have overstepped just this once. We remind our readers that the whole controversy is over whether the law means what it says (a position constantly maintained and restated by the supreme Court and selectively ignored by lower courts) or

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whether it can be twisted by bureaucrats, legislators, government attorneys, executive officers or judges. The stakes are high. This is the cutting edge of the battle between a government of law and one of men. What or whom the government can reach (jurisdiction) it can tax, and what or whom it can tax, it can destroy at will or caprice.



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