



# Liberty Tree

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## Federal Judiciary — Oligarchy Hit-Men!!!

Part V

By John Baptist Kotmair, Jr.

In the last four issues of the *Liberty Tree*, we have been covering the tyrannical treatment of Patriots at the hands of secessionists in the federal government — in particular the Internal Revenue Service, Department of the Treasury and the federal courts.

Last month we focused on my own entrance into the struggle for the Cause of Liberty and Justice, and the means I used to expand the exposure of the seditious wrong-doing that was destroying our Constitutional Republic. We covered the means and methods I used to bring the truth to the public's attention, and the ramifications of government blow-back.

We covered the effort to expand attendance at our educational meetings, by challenging the U.S. Attorney for the District of Maryland and the IRS District Director in Baltimore, Maryland to debate the application of the federal tax laws, and the notoriety they received by declining that invitation. We



**Irwin Schiff and John Kotmair  
Federal Courthouse Baltimore**

McIntire's Christian Admiral Hotel in Cape May, New Jersey. The purpose of this meeting was to establish a national coalition of Patriot groups. Dr. McIntire opened up the hotel for us, which had been closed for the winter, heated it and fed us free

then went on to cover their counterattack with a criminal investigation of me, and finished up with my lecturing the federal grand jury and the subsequent indictment. In this issue we will continue by telling about our weapon of choice — public media exhibitions.

In January of 1981, I received notice of my arraignment date from the Clerk of the Federal District Court in Baltimore, on two counts of Willful Failure to File Tax Returns, under §7203 of Title 26, U.S. Code, for the years 1975 and 1976. Around that same time, I also received another invitation. This one was to meet with leaders of other Patriot organizations at Dr. Carl

(Continued on page 2)

(Continued from page 1)

of charge. Out of the weekend meeting emerged the Patriot Network, of which I was elected as one of the four directors.

Two days before I was to appear for my arraignment, I received a call from my friend Irwin Schiff. He told me that he had some ideas about fighting these tax charges, and wondered if I'd be willing to have him represent me at the arraignment in order to try them out. For all practical purposes, the movement to expose the wrongful application of the federal tax laws was in its infancy, and like everything else, experimentation was necessary. I told him that I had no objections, and so Irwin came the following day, and stayed with Nancy and I that night.

### **Right to counsel**

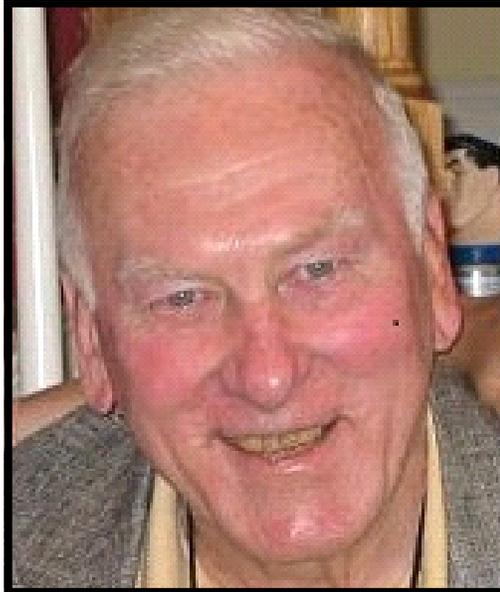
His plan was for me to give him a "power-of-attorney," making him my "attorney-in-fact." The 6th Amendment to the U.S. Constitution guarantees every person's right "to have the assistance of counsel for his defense," but contains no requirement that said "counsel" be a member of some exclusive association of lawyers. Since this was certainly in the spirit of our movement for *truth* and *justice*, I was all for it.

The next morning, Irwin, Nancy and I headed to the courthouse. On the way Irwin informed me that he could only take the judge so far, because he had a talk show appearance in New York the following morning, and so couldn't take the chance on being arrested. I told him that was fine with me, and that he should play his cards as he saw fit.

We stopped for breakfast along the way, and Irwin ordered bacon and eggs. Nancy just ordered eggs, and when Irwin saw that she had no meat, he asked her, "Nancy, you're not going to have any bacon or ham?" She replied, "No Irwin, I'm orthodox." It took him a long minute to pick up on her humor, before chuckling. Every once in a while Nancy is known to come up with a zinger.

When we arrived at the courthouse, the courtroom spectators' gallery was full of Patriots from all up and down the east coast. I went to the back of the gallery and took a seat with the assembled Patriots, and Irwin went up to the defendant's table.

When Judge James Miller entered, he inquired



**Judge James R. Miller**

who Irwin was, and if he was there to represent me. Irwin identified himself, and told Miller that he had my power-of-attorney, and was my attorney-in-fact. Miller asked Irwin if he was a member of the bar. Irwin replied that he was my counsel of choice pursuant to the provisions of the 6th Amendment. Miller asked Irwin if he was licensed to practice law,

and Irwin replied that the 6th Amendment authorized him to be my attorney-in-fact. This dialog went back and forth for the better part of a half-hour, with Miller ordering Irwin to leave the defendant's table, and Irwin telling him he had a constitutional right to be there. Finally, Miller had all he could stand of Irwin, and agitatedly barked at him, "If you do not leave that table, you will be held in contempt of court." That was Irwin's cue, so he came back and sat beside me, whispering, "I think he's shook up," and I replied, "You really got him there."

Miller then asked U.S. Attorney Steve Allen, "Kotmair is not here?," to which Allen replied, "He's here. He's in the back with the rest of them." Miller then called out "Kotmair," and I answered, "Here." He said, "Come up here," to which I replied that I had no intention of going to the front of the courtroom, because if I were to do so, it might be interpreted that I was conveying jurisdiction to the court, which I had no intention of doing. He replied, "If you don't come up here, I will have you brought up here." I replied, "Suit yourself."

### **The arraignment drags on**

Miller then ordered two U.S. Marshals to bring me to the front, and when they took me by the arms I went limp, causing them to have to drag me, and believe me, they were laboring to do so. As they were dragging me past the railing separating the spectator's gallery and the court, I shouted, "Let the record show that I am being dragged into this court

(Continued on page 3)

(Continued from page 2)

against my will, and that I am not voluntarily conveying jurisdiction on this court.” Miller lied, stating, “They’re not dragging him,” but the Patriot spectators loudly countered, “They’re dragging him.” Miller, apparently not being used to such goings-on and obviously shaken, pushed a button and 16 U.S. Marshals came rushing into the courtroom, and Miller shouted “Clear the court!”

My son, Edward, at that time a U.S. Marine home on leave from Parris Island, refused to be put out of the courtroom. Miller seeing this, averted a physical confrontation by telling the Marshals to let the family stay, and also gave several Patriot organization leaders permission to stay. The news media was banging on the door, and they were let in too.

I was being held at the defendant’s table, and Miller asked me how do I plead to the charges of two counts of failing to file tax returns. I replied that I had no intention of conveying jurisdiction on the court by participating in the process. Miller seemed befuddled and lost, not knowing what to do. He told me, “If you do not plead, I will place you under arrest.” I replied, “What do you think I’m doing here?” He then looked desperately towards U.S. Attorney Allen, who replied by shrugging his shoulders.

So, everything got quiet while Miller started fingering through a book. This went on for a good 20 to 25 minutes. Then Allen suggested that Miller should send for a public defender. I replied, “I will not accept such representation. Public defenders receive their pay from the government, and have a vested interest in my conviction. Accepting his appearance would be interpreted as conveying jurisdiction on this court.” Miller looked exasperated, and after a long minute, said, “Send for one anyway.” And with that, we all stood around waiting.

The public defender arrived about half an hour later. Miller instructed him to talk to me, and when he approached me, I stretched out my arm with my hand to his face, and informed him that he could not represent me, as he is paid by the federal government and has a vested interest in my conviction. Miller went back to fingering through his book.

After several more minutes Allen spook up, saying to Miller, “If you inform Kotmair, that his acceptance of the public defender will not convey ju-



Steve Allen

risdiction on the court, he will probably do so.” Miller then repeated that to me, and I asked him, “You guarantee that?” He replied, “I said it, and it is so.” I then made a snap decision, without really thinking it through. The act of accepting the public defender in itself does not convey jurisdiction on the court. It is what the public defender does af-

ter I accept his representation that does, or does not convey it. As you will see, it does not pay to make snap decisions. This one probably cost me two years of my life. So, I have to give Allen credit. He got me again, just like he did in the grand jury.

Miller instructed the Marshals to take me to get my picture taken, and get my fingerprints. Still thinking I had not conveyed jurisdiction, I went limp again, and six marshals picked me up bodily and took me to an elevator, with several others coming along. When the elevator doors closed, all the Marshals started roaring with laughter. I said, “What’s the matter with you guys. Are you crazy?” One of them replied, “Man, we hope you win. We hate that tax.” I continued my limp act, and they had to physically move my body for the photo and fingerprints, and once that was done, I was released.

### **Irwin adds the finishing touch**

As I left the building, Nancy and Irwin were waiting there, along with all the local TV network news reporters. Irwin whispered to me, “Let me handle the news reporters?” “Go ahead,” I said. He then approached the reporters loudly proclaiming, “Martial law was declared in Baltimore tonight.” He then proceeded on in a style that can only be considered classic Irwin Schiff. And thus concluded the longest arraignment in the history of the courts, having started in the afternoon and ending in the evening.

Irwin, Nancy and I then proceeded to a large Patriot gathering being held for the occasion, and informed all those in attendance of the day’s happen-

(Continued on page 4)

(Continued from page 3)

ings. Those were the days when it was fun to be a Patriot!!!

A discussion of my trial will be the subject of the next installment of *Federal Judiciary — Oligarchy Hit-Men!!!* I'm sure you will find it most interesting and enlightening, seeing just what extremes these tyrannical seditionists will go to in order to conceal their treachery against our God-Given, Constitutionally-secured Rights.

So, be sure to watch for the October 2015 issue of the Liberty Tree newsletter. Or better yet, join the Liberty Works Radio Network Fellowship, and have it delivered directly to your mailbox! At the same time, you'll be helping to keep LWRN in operation, so we can continue to educate others.



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**JoAnn Nicholls** is a well-known FaceBook pundit on Maryland and national political issues. Her love of God, life and liberty, and hatred of communists, has served her well in her spirited defense of our American principles — our Christian culture and the unalienable God-Given Rights. JoAnn has been a real estate broker for 25 years, and a paralegal for 10 years. She and husband Ron Nicholls have been married for 36 years, and have two children and three grandchildren.

**Bill Hale** was born in Washington, DC, and grew up in Silver Spring, Maryland. He studied political science at Duke University, graduating in 1974, and law at University of Maryland Law School, graduating in 1977. Bill served as Assistant State's Attorney for Prince George's County, Maryland from 1978 until 1983, when he left to enter into private practice. Bill met his wife Cindi while at Duke, and they married in 1976. Bill and Cindi have three children, who are themselves active in Patriot Causes.

They both are believers in, and defenders of, our Constitutional Republic established by the Founders and Framers. Their show is not only informative, but educational, delving deep into the *Whys* and *Wherefores* of all the founding documents, in an enjoyable educational way, as well as current political events. **The Call-In line: 410-848-9191**



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