



LIBERTY TREE

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How? Why? To What End? Only God Knows!!

By John B. Kotmair, Jr.

For the past 210 years America has marched steadily away from the Freedom plan of its founding towards totalitarianism.

How did we get to this tyrannical state of government? Early in July, I got embroiled in a very

LWRN & SAPF have moved!

Liberty Works Radio Network and the Save-A-Patriot Fellowship have moved to a new location in Westminster, Maryland.

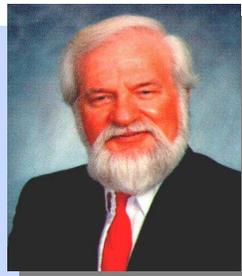
The telephone numbers remain the same: SAPF: (410) 857-4441, LWRN: (410) 857-5444, and the talk show call-in number: (410) 848-9191. However, the Carroll Street mailing address is no longer valid; **all mail should now be sent to P.O. Box 91, Westminster, Maryland, 21158.**

Along with the staff, I want to take this opportunity to express our sincere thanks to those local Fellowship members who labored hard to help us make this move. And labor it truly was, in times of extreme heat and humidity.

The move was necessitated by the bankster-created economic crisis, and its never-quite-materializing "recovery." Our new building is sufficient to serve our present functions, since so many of our Patriotic services had already been cut because of the seditious and tyrannical injunction order against SAPF.

This move enables us to cut down on LWRN's expenses, which will help us finish paying down our overdue bills, and ultimately to fund efforts to expand our reach. Therefore, **your continued moral and financial support is much needed and humbly requested.** It's important, too, for everyone to do all they can to recruit new members into the Liberty Works Radio Network Fellowship, because that is the best way to fund expansion. After all, many hands make for light work! Remember the Save-A-Patriot Fellowship's motto:

**Together We Stand—Or—Separately
You Will Be Stood On!**



A message from John B. Kotmair, Jr., Fiduciary.

spirited discussion with three Patriots who contended that the States of the Union were not subject to the Second Amendment to the United States Constitution. This discussion lasted for two days, and as hard as I tried, I could not convince them otherwise.

These men appear to be very well informed, above average intelligence, and have taken a leadership position within the Patriot community, one of them teaching the United States Constitution on a regular basis. Yet throughout this discussion it was revealed that they have scant knowledge of law, its operation, and **how** it is to be constructed. No matter how much I tried to give them my experience of 56 years involvement with the law, their indoctrination prevented their considering what I was offering. My efforts were rejected with snide remarks, such as: "you are right, and all these years everyone else has been wrong."

They are not alone in this anomaly, for this same malady has afflicted Americans — not excluding the legal community — for the last 210 years, and can be considered the main contributing factor to all of our political and economic woes. This should not be, for the founding documents were put into place, for one thing, to prevent any need for the average citizen to be a legal scholar just to enjoy his *Life, Liberty and the pursuit of Happiness*.

What happened those many years ago that caused all these woes? A seditious and pernicious doctrine that brought the purpose of the Revolution, as outlined in the Declaration of Independence, to naught. A doctrine against which Thomas Jefferson screamed in protest to the high heavens. A doctrine warned about — as recorded in Madison's Notes to the Constitutional Convention of 1787¹ — as one thing that would destroy the whole plan, and it almost has. I say "almost" because the plan does still exist; it simply is not observed by those who inhabit government offices. The legal community and the news media even go so far as to refer to this doctrine as "law." This Constitution-destroying doctrine is that of judges claiming the power to interpret what the "law" means, and how it is to be enforced. The truth of the matter is, the "law" is to be enforced according to what the "written law" — that is, Congress — says; not what some judge says. The judicial doctrine known as *stare decisis* — or more commonly, "case law" — has been accepted for 210 years, **BUT IS TOTALLY WRONG — FLYING IN THE FACE OF THE RULES OF LAW AND LOGIC!**

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1. James Madison, *Journal of the Federal Convention*, Vol. 1, pp. 121-123.

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This issue is so important that the Framers of the Constitution tried to prevent it by stating, right at the beginning of the document:

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.² (Emphasis added.)

Nowhere within the Constitution can it be found that federal courts, including the Supreme Court, have power to change any Act of Congress or create laws themselves. Understanding the law-making authority, I will now give you a working example of why the notion that courts make law through their decisions is also illogical.

Some 30 years ago, while a political guest in the federal prison camp at Maxwell Air Force Base in Montgomery, Alabama, I was conducting a camp-sanctioned course teaching the United States Constitution and federal tax law. This weekly event was set up by the Camp's recreational staff officer, a very Patriotic man named Charlie Hudson.

Some of the inmates were attending Troy State University Law School in Montgomery, and Charlie got the idea of inviting their law professor, who was, incidentally, also an Alabama State Circuit Court Judge in Montgomery, to speak to the camp inmates on the Constitution. The professor accepted, and it led to a very interesting evening.

Upon completing his rendition of the Constitution, (distorted by what he was taught in law school, and obviously believed without question), the professor opened the meeting up to questions.

I rose to my feet and asked: *Judge, is it true that the intent of the law is the force of the law?*

He answered: *We rather think of it as ... the spirit of the law?*

To which I replied: *Come now, Judge, isn't it true that what the legislators intended the law to do when they wrote it, is the way the law is to be enforced?*

After going through this exercise a couple of times, he admitted what it says in the written law is how it is to be enforced.

I then asked him: *Isn't it also true that any law that is written in such a way that an individual of average intelligence cannot understand what it commands, or requires, causes it to be void?*

Obviously referring to the legal community, he replied: *Everyone knows that.*

I then asked: *If the intent of the written law is the force of the law, and laws that are written in such a way that a person of average intelligence cannot understand them are void for vagueness, WHAT IS THE PURPOSE OF CASE LAW?*

His face got red, and after an awkward moment, he leaned down and whispered to Charlie Hudson, who was sitting next to where he was standing, "GET ME OUT OF HERE!" Charlie acted as though he did not hear him, but finally the lawyer who accompanied the judge stood up and terminated the meeting.

Before they left, the lawyer got me aside and asked me if I knew Bob Muncaster? I replied, *Yes*, and he said, *I thought so!* Bob Muncaster was a local Patriot that was well known at the time for his paralegal work.

The vagueness doctrine can be found in *Black's Law Dictionary*, 5th Edition, as follows:

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.

As outlined above, when the vagueness doctrine scenario was put to the Troy State Professor, he acknowledged that such a statute would be void. Do you think that judges are so naive that they cannot connect the dots?

I have had other experiences that may also be considered in evaluating this question.

On the front page of the *Baltimore Sun* newspaper on the morning of May 2, 1980, there was an article reporting on a State of Maryland tax case involving me. The article quoted presiding Judge Arthur as stating: *If we had ruled for Kotmair, the entire taxing structure of Maryland would be destroyed.*

A short time after that, I happened to be in the cafeteria in the courthouse when Judge Arthur came in. He walked over to the table where I was having lunch, and said: *Look Kotmair, we know you're right, but we have a system, and right or wrong, we are going to have to make that system work.* I replied that it will destroy the marketplace. As he walked away, he said: *That remains to be seen.*

Why is this obvious wrongful contradiction continuing? I personally believe that the godless society that I have witnessed evolve in my lifetime of 78 years, has made Americans so self-absorbed that they don't care about their culture, their Country, or anyone else.

A case in point: I was 23 years old, and had been in the Baltimore City Police Department for 1 year, when one Sunday afternoon I got a call to meet my Sergeant under the Russell Street viaduct. When I arrived he got out of his car and into mine. He said to me: *Well, Kotmair, you've been on a year now, and you seem like you're alright, so you should be getting your share, too.* I did not respond, but let him go on.

He then proceeded to tell me that there is no trouble with the mafia in Baltimore, because the police control the rackets. He further told me how it was structured from the Governor on down, and the connection between a man named Little Willie Adams, who was alleged to have run the rackets, and the police department. He went on giving me such information for about forty minutes or so, and when he paused, I asked him if I could ask a question.

He replied yes, and I asked: *Sergeant, how do these people expect to excel in a society that they are destroying —to what end?*

He looked at me for a very long moment, and then stated: *You're a nut.* Then he got in his car, and left.

Being struck in the face with reality, he chose to ignore the obvious end, in favor of his own selfish ends, even at the expense of our posterity. Considering this and other

like experiences, which I will not belabor you with here, I've concluded that the godless society America has turned into fosters this *me-first attitude* in all walks of American life.

Robert Welch, the founder of the *John Birch Society*, discusses this phenomenon in a booklet, published through that organization, entitled *Why People Become Communists*. In his booklet, he alludes to the power of such organizations as the Bilderbergers, and concludes that individuals joined the Communist Party to further their own interests in this powerful *New World Order* movement for a world socialist government.

For his efforts, Welch was attacked by the "main stream media," accusing him of calling President Eisenhower a communist in his book, *The Politician*. The fact is that he did no such thing. The book contained an editorialized compilation of historical facts, and news items about Eisenhower.

To What End? Destruction of the Republic, if we do not act. It is imperative that this doctrine of case law — or what I call *Hamilton's Curse* — be eliminated. If it isn't, judges will continue creating seditious legal fictions called "law," thereby destroying our *unalienable Rights*, and finally, forcing those who cannot be re-educated to the wonders of world socialism into the camps that the Department of Homeland Security appears to be preparing.

God forbid this will happen, and if per chance it does, I pray we will not see again an example of Hitler's Jewish solution!

The ultimate purpose of this 210-year-old seditious conspiracy has changed over the years, from the unlawful dominance of the federal government over the States, as favored in 1861, to the actual annihilation of the Constitutional Republic in order to usher in this *New World Order*. Karl Marx sowed his demonic seeds during the War Between The States, while covering it as a news correspondent. The Union Army actually contained Communist generals from Germany, and this ideology also infiltrated Lincoln's Republican Party.³

Yes, the government intended by the Founders, and created by the United States Constitution, never fully existed, due to the misuse of the federal courts from the earliest years of the Republic, usurping the authority of the Legislative and Executive Branches. Congress and the Executive branch are complicit in this usurpation, in that they never attempted to stop or correct this seditious abuse of power.

This malignancy is so misunderstood by most Americans, that even many Patriots are kept busy fighting brushfires set by the legal fictions of the courts, exacerbated by general ignorance of the facts about "case law," thus causing them to mistakenly play right into the hands of the socialist enemies of our Constitutional Republic.

In my discussion about the Second Amendment with the three Patriots, mentioned earlier, I tried conveying to them the legal principles of the *vagueness doctrine* and

the *rules of statutory construction*, but *Hamilton's Curse* was so ingrained in their beliefs that they kept replying with the historical intent of some of those who drafted the Bill of Rights, statements about it recorded from the State ratifying conventions, and the legal fiction established by the Supreme Court regarding its intended operation. I argued, to no avail, that nowhere within the Second Amendment does it say that its restriction does not apply to the States. But no matter how I tried to get them to understand these legal principles, I was rebuffed by their ingrained mindset.

In American jurisprudence, all written law has to be self-contained, and the legal terms therein have to be defined. This just makes sense, for there is a maxim that *ignorance of the law is no excuse*. Holding to this maxim prevents the law from being *void for vagueness*.

Cornell Law School online defines statutory construction as: *The process of determining what a particular statute means so that a court may apply it accurately*. Notice it says, *so that a court may apply it*. (Emphasis added.) This double standard has always boggled my mind. Here they say *apply* the law, and at the same time they say courts *interpret* the law. This misapplication is so obvious to me, that it is hard to believe the brainwashing process in law school could so dim the mind of lawyers.

An example of Congress holding to the *rules of statutory construction* is found in Title 26, United States Code, the Internal Revenue Code, at Subtitle F, Chapter 80, Subchapter A, Section 7806, *Construction of Title*, states in paragraph (b):

Arrangement and classification. No inference, implication, or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion of this title, nor shall any table of contents, table of cross references, or similar outline, analysis, or descriptive matter relating to the contents of this title be given any legal effect. The preceding sentence also applies to the sidenotes and ancillary tables contained in the various prints of this Act before its enactment into law.

This principle also holds true to *court opinions*, and comments made at *State ratifying conventions*.

Chapter 79 of Subtitle F of the Internal Revenue Code lists the general definitions of legal terms for all of Title 26, whenever a legal term is not defined within a particular code section. An example can be found in section 7701(a) (1) of this chapter defining the legal term *persons*:

(1) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

So, in order to obey a code section containing the word "person," to prevent the law from being void for vagueness, it would have to tell you, within that section, what type of person it is, an individual, corporation, *et cetera*.

Now let's examine the wording of the Second Amendment, to determine and verify its intent on how it's to be enforced, using the *rules of statutory construction*:

3. See George McDaniel's "The Lincoln Putsch: America's Bolshevik Revolution," codoh.com/library/document/610.4.



George Mason, founder, 1725-1792. (Above is a GMU memorial.) He is said to have argued in *Robin et al. v. Hardaway et al.* (*Virginia Reports: Jefferson—33 Grat-tan, 1730-1880, Volumes 1-2; Volume 21*): “Now all acts of legislature apparently contrary to natural right and justice, are, in our laws, and must be in the nature of things, considered as void. The laws of nature are the laws of God; whose authority can be superseded by no power on earth. A legislature must not obstruct our obedience to him from whose punishments they cannot protect us. All human constitutions which contradict his laws, we are in conscience bound to disobey.”

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A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The legal terms needing clarification are *Militia*, *people* and *infringed*.

State Militias existed before the creation of the Constitution, and when asked what the *Militia* was, George Mason, one of the Framers of the Constitution, replied, “Who are the militia? They consist now of the whole people, except a few public officers.”⁴

The Constitution gives Congress authority regarding the *Militia* in Article 1, Section 8.

Clause 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Clause 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Even though, as George Mason stated, the Framers recognized the *Militia* as the *whole people*, Congress, exercising its authority given in Article 1, Section 8, Clause 16 (to wit: *provide for organizing*), enacted a law on May 8, 1792, providing that state militias consist of each “free able-bodied white male citizen” between the ages of 18 and 45 organized into local militia companies. Therefore, *Mili-*

tias are State military units, and the *people* are citizens of the particular State between the ages of 18 to 45.

This leaves us the last term to be analyzed: *infringed*. What has to be determined is what was the meaning of *infringed* at the time of the drafting of the Constitution. In order to do this, we have to establish *legislative intent*, or by determining what was the understanding of the word *infringe* at the time the Second Amendment was drafted.

The dictionary that defined words in use at that time was Noah Webster’s 1828 American Dictionary of the English Language, and it defines *infringed* thusly: *To brake; to violate; to transgress; to destroy or hinder;*

Wherefore, using the *rules of statutory construction* we have determined, what has been perceived as the meaning of the Second

Amendment, by court opinions, is not the law, and the States are certainly not exempt from its protection of our unalienable Right to *Life, Liberty and the pursuit of Happiness*, as the courts, and our three Patriot friends, have contended.

Only God Knows!! if our Constitutional Republic can be saved. Not confining government to its intended purpose has created anarchy and chaos. Ignorance of this is keeping Patriots busy putting out brushfires, thus depleting their funds, causing frustration, and bringing about the slow surrender of the Republic.

The government must be taken out of the hands of legislating judges and restricted to the confines of the law. There seems to be a renaissance with the nullification movement among sheriffs and some State legislatures. But this is in its infancy, and is being opposed by the entrenched socialists who are now testing its resolve, with the attack on Sheriff Finch in Florida as one example.

Nullification, or any other Patriot effort, surely, cannot succeed without the knowledge and understanding by the public of the illegitimacy of judge-made law. This must be corrected immediately, for as long as Patriots remain on a treadmill trying to hold back the tide of tyranny, we will continue losing. Just like General MacArthur pointed out in his book, *Reminiscences*, and General Patton on the battlefield, you cannot win a defensive war.

The purpose of Liberty Works Radio Network is to educate American citizens to the facts contained in this article, recruiting Patriots, and in doing so, strengthening the nullification movement by forcing government back under the confines of the law.

Through reliance on Almighty God, and Liberty Works Radio Network’s *Truth In Broadcasting*, we will be:

**Proclaiming Liberty
Throughout The Land!!**



4. George Mason, in *Debates in Virginia Convention on Ratification of the Constitution*, Elliot, Vol. 3, June 16, 1788 See http://www.constitution.org/rc/rat_va.htm for the text.