



Liberty Tree

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Federal Judiciary — Oligarchy Hit-Men!!!

Part VI

By John Baptist Kotmair, Jr.

In the last five issues of the *Liberty Tree*, we have been covering the tyrannical treatment of Patriots at the hands of seditionists in the federal government – in particular the Internal Revenue Service, Department of Justice and the federal courts, hereinafter referred to as the *Evil Trio*.

Last month we focused on my arraignment on two counts of failure to file income tax returns for the years 1975 and 1976, in violation of Internal Revenue Code §7203, which was probably the longest arraignment in the history of the courts, both federal and State. In this issue, I will cover my trial on these misdemeanor charges, which lasted for the better part of a month.

Anyone familiar with the persecution of Patriots exposing the misapplication of federal law by the *Evil Trio* knows that the court docket is usually worked out so that the trial is scheduled between February 15th and March 15th. That way, the sentence can be pronounced just before April 15th. In my case, which was given periodic attention by the national establishment media

and constant attention by the local media, Judge Miller stated in open court during the trial, “Wouldn’t April 15th be a proper date for a verdict in this case.” And you know what? That very thing *mysteriously* happened.



Arthur Tranakos, John and Nancy Kotmair

Patriot Network arranges for my trial defense

In the last issue I explained about the formation of the Patriot Network, and my election as one of its four directors – the *Public Director*, whose responsibility was to convince Patriot organizations all around these States united to affiliate with the Patriot Network. The other three Network Directors saw my case as one that could be won, because of its

evidentiary factual circumstances. Believing this, they arranged for Atlanta, Georgia attorney Arthur Tranakos to defend me. Arthur was an ex-IRS attorney, and an ongoing participant in the Patriot tax movement. Being a realist, it was my opinion that the feds would never let that happen under any circumstances, as the Department

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of in-Justice does not spend all that time and effort on press releases and other hype, just to get egg on their face. I advised Arthur of this opinion when we first met, but he agreed with the majority, and proceeded to develop the defense. They had more faith in the injustice system than I, but time proved I had been right.

The reason they all believed the case was winnable was due to the fact that I had been a political target of COINTELPRO. For those who don't know, between 1956 and 1971, the FBI conducted more than 2,000 COINTELPRO (Counter Intelligence Program) operations, and I was the subject of one of them. This gave me a legitimate factual reason to take the 5th Amendment on the 1975 and 1976 income tax returns, which I filed with no mathematical "dollar" figures thereon, but simply a statement that I was invoking the 5th Amendment thereon. I did however, send substantial payment to cover any taxes that may be due, using a *Kotmair Reserve Note*, which stated thereon: *This Note is Legal Tender for all Taxes you claim I owe, and is Redeemable in another one just like this one. It is backed by Hot Air and Popycock, just like your Federal Reserve Green Stamps.*

Leaving the defense in Arthur's capable hands, Nancy and I loaded up a Volkswagen camper and left on a lecture tour of Patriot organizations, explaining to them the benefit of a united front against the despotic and tyrannical *Evil Trio*. This was our daily routine, working one State after another, until I was summoned to court for the trial, which was to start on March 23, 1981.

The judicial shell game begins

Jury selection took up the first two days. Steve Allen, the Assistant United States Attorney, had made up a billboard of my *Kotmair Reserve Note*, large enough for the words to be read from anywhere in the room, and when the trial finally got started, he placed it in a prominent place for all the jurors to see while they were in the courtroom. Also, every morning after the jurors were seated, he had an IRS agent wheel in a cart, the entire top of which was covered – about a foot or higher – with all the checks used for those two years to pay the business expenses for my home-building business. Without getting into details, Allen's presentation was aimed at giving the jury the impression that my gross business *receipts* were actually *profit* to me. He summonsed every homeowner whose house I had built in those two years, having them testify as to how much they had paid to me, and this went on for days.

Arthur filed a motion stipulating to the mathematical figures of all the contracts, but Allen and Judge Miller

would have none of that, because granting that motion would remove any pretense of necessity for the testimony of all the homeowners, thus losing the ability to infer over and over again that I was a fat cat not paying his fair share, while they, the jurors, were dutifully paying their taxes. Just as Hitler advocated, if a lie is told often enough, even the most ardent doubter starts to believe it.

A couple of the homeowners that had unbeknownst to me taken exception to my political stand, testified in such a way as to put a bad light on my political activities. Both were government employees, one a Captain in the United States Navy teaching at the Naval Academy, and the other a government scientist, spending a few months a year at the South Pole.

Where's the law?

Allen closed his prosecution without getting into any statutes in the tax code. The 1040 income tax returns that I filed with the 5th Amendment objection thereon were introduced into evidence, each having a very official looking red-white-and-blue ribbon, affixed to it by means of a gold seal. Not having the ability to show a statutory requirement, he made the contention that I knew I had a requirement to file as evidenced by my act of filing those returns.

All during the trial, I had a dogging notion that all these theatrics were covering up something very important. Why weren't they getting into the law I was being tried for violating? I mentioned this to Arthur, but he never gave me more than a quizzical look in response. At this point in time, the attitude of the patriot tax movement, was that the laws were written in violation of the Constitution, and so the Internal Revenue Code itself was not really being looked into. It was not until after I had served my time and was released, looking into the code with Attorney Larry Becraft that it was discovered that the law was not being applied as written. Then, the court's inability to move forward in my arraignment without my cooperation made perfect sense – there was no statute establishing any requirement to file returns that could give the court jurisdiction. This is one of many aspects of the tax laws I lectured on in the video seminar "Just The Facts," which the federal government – since its unlawful injunction against the Fellowship and me personally – prevents me from making available to the public. Even so, copies of these lectures can sometimes be found on YouTube, if you're willing to search for them.

Arthur subpoenaed the FBI COINTELPRO files that they maintained on me. The FBI responded by bringing the files, but asked the court to seal them, because the disclosure would reveal the informant they had spying

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on me. Arthur's defense strategy did not require the disclosure of the file contents, only the fact that the files existed, giving me a legitimate reason to invoke my 5th Amendment objection to disclose all of the information the 1040 income tax return requested. Therefore, it was stipulated to by all of the parties, and entered into the defense evidence for jury consideration. This was also a move by Arthur to offset the theatrical display of the large pile of checks on the cart wheeled in for the benefit of the jury every morning.

The Fed's funny money

Next Arthur moved to defuse any influence the *Kotmair Reserve Note* billboard may have had on the jury, by asking me to explain my use of the "Note." This led me into the paper money segment of my lecture, and was my cue to start giving it to the jury. In this part of the of the lecture I used a visual of a *Gold Certificate*, a *Silver Certificate*, a *United States Note*, a *Federal Reserve Note* with a *redeemable in lawful money* statement thereon, and a *Federal Reserve Note* without a *redeemable in lawful money* statement thereon. For this testimony I carried the paper money in a plastic sleeve in my inside suit coat pocket. I pulled the packet out, and started to explain the difference between lawful money, and non-redeemable *Federal Reserve Notes*. Allen objected, contending that I was not a recognized expert on the subject, and Miller bailed him out by granting the objection. Arthur continued asking me questions designed to explain the actions that I had taken regarding the filing of the returns, and my understanding of the various Supreme Court opinions that I relied on in doing so.

Allen could not leave the "dollar" verses the "Federal Reserve Note" alone, not wanting to get involved with questions of my Right to take the 5th Amendment, and whenever he brought it up, I pulled out the plastic sleeve, and resumed my lecture on paper money. It brought a chuckle in the courtroom when he turned to Miller, stretched out his arms, and said, "Your honor." Miller looked down at him and said, "Well you took him there." The third time he gave me such an opening, I pulled out the paper money, and he literally rushed over to me, snatched the plastic sleeve from my hands, and told Miller he was entering the paper money into evidence as a prosecution exhibit. I noticed that even Miller found it amusing. Allen then requested that Miller inform me that "Federal Reserve Notes were Dollars," but Miller looked down at him with a look of "leave it alone," and replied, "Well Steve, let's just say they are Federal Reserve Dollars."

The weekend toward the end of the trial, some of the local Patriots, Arthur, Nancy and I headed to Boston, Massachusetts to participate in a reenactment of the *Boston Tea Party*. Arthur and I were both listed as event speakers. I had the thrill of delivering my speech standing

in the pulpit of the *Old South Church*, on the very same spot on which Samuel Adams stood 208 years before me, and the further distinction of emulating him leading the *Sons of Liberty* down the street to the replica of the tea-laden ship *Beaver*, to dump overboard styrofoam chests covered with IRS 1040 income tax returns.



Old South Church

Treachery unmasked

On the morning scheduled for final arguments to the jury, and for them to retire for deliberations, I was standing at the defendant's table waiting for things to get under way. Arthur was getting his exhibits together, when a man came up to me and introduced himself, and told me that his conscience would not allow him to stay away. He proceeded to tell me that a month before my trial started, a woman came into his place of business and told him, among others present, that she was going to be the jury foreman on my jury, and make sure that I would be convicted. I informed Arthur, and he informed Allen, who muttered a profanity, and then advised Judge Miller's clerk. The clerk went to Miller's chambers, and emerged to conduct Allen, Arthur, the witness, the court reporter and I into Miller's chambers.

Once there, the witness was sworn under oath, and he repeated what he had told Arthur and me. Arthur moved the court on a motion for acquittal, which Miller denied. Arthur then moved the court for a mistrial, but Miller denied that too. Arthur then moved the court for permission to investigate the jury, and Miller denied that as well, ordering that the defense was *never* to investigate the jury, and further ordered the trial to proceed. When we returned to the defense table, Arthur told me that he could not believe what just happened. I reminded him

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what I had said when we first met, about already being convicted, and that it was my opinion that they were not going to spend all that money and time on this spectacle for nothing, letting us to get the benefit at their expense. He looked at me with an expression on his face, that showed he was starting to believe that.

Keeping up the pretense intended by the seditionists, Allen and Arthur gave the jury their final argument, and the jury retired to deliberate. True to Miller's prediction, on the afternoon of the next day, April 15th, the jury returned with their verdict. Led in by this infamous woman, the jury foreman, who I watched intensely as she nodded her head and winked at Miller. Observing this, I knew I had been convicted, and informed Arthur before it was announced. Arthur, was beside himself with disgust and disbelief.

Don't miss the November 2015 issue of the *Liberty Tree*, as we continue this saga of the extremes of lawlessness to which the *Evil Trio* are willing to go. In next month's installment we'll get to the sentencing and incarceration phase of this story.

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Larry Becraft graduated from Samford University in Birmingham, Alabama with a degree in economics (with honors), and thereafter attended and graduated from Cumberland School of Law, also at Samford. After admission to the Alabama Bar, he established a law practice in Huntsville, Alabama and has been working there ever since. He is admitted to practice before the United States Supreme Court, all federal appellate courts except the Second Circuit, and a number of U.S. District Courts. His practice focuses on criminal defense and appeals.

He lives in Huntsville, Alabama, has a wife, 5 children and several four-legged kids.



A True Son of Liberty