UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

Name, et al Plaintiffs - Against - Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly Defendants	Case no: Magistrate **PLAINTIFF'S NOTICE OF MOTION FOR PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that on _____, 2018 or on a date allocated by the Court, in the above titled Court located at 445 Broadway, Albany, NY 12207-2936, plaintiffs will move this Court pursuant to Federal Rules of Civil Procedure, Rule 65 for an order for a Preliminary Injunction, enjoining defendants Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly and all their agents from:

- Requiring plaintiffs and all the People of New York from reporting any information concerning their permits, pistols or any other firearms that they might possess.

This motion is made on the grounds that irreparable injury, loss of limb or life may result to the plaintiffs and the People of New York if relief is not granted. Plaintiffs are in imminent danger of unlawful felony charges, unlawful arrest and irreparable harm along with a complete loss of their unalienable right to keep and bear arms for the lawful refusal to comply with the unlawful Safe Act if a temporary injunction is not issued.

The Safe Act is repugnant to the Constitution and a direct assault upon our Second Amendment. Many law-abiding People will not comply with such a tyrannical act perpetrated by the defendants as they sends swarms of code enforcement agents (N.Y.S. Police) with guns to take our guns with threats of violence if the good People of New York refuse to comply.

In 1799 a series of resolutions drawn up by Thomas Jefferson, called the "Kentucky Resolutions" was adopted by the legislature of Kentucky in protest against the "alien and sedition laws," declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy. Likewise here the plaintiffs declare "nullification" to be "the rightful remedy.

> "*All laws, rules and practices which are repugnant to the Constitution are null and void*" -- Marbury v. Madison, 5th US (2 Cranch) 137, 180.
>
> "*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*" --Miranda v. Arizona, 384 U.S. 436, 491.

Should such a vile assault upon the law abiding People of New York happen, there exists no adequate remedy at law, i.e., an award of money damages alone that can restore the plaintiffs' threatened loss of rights, life and limb. Threatened harm to plaintiffs outweighs any possible harm to defendant. And the granting of an injunction will not contravene the public interest.

Furthermore plaintiffs have a substantial likelihood of success on the merits of the underlying case and the cause for which plaintiff seeks an injunction is likely to be proven. With great confidence plaintiffs can say if our founding fathers were alive today they would refuse to comply with the turncoats in Albany.

> New York State Constitution Article XII Section 1: "*The defense and protection of the state and of the United States is an obligation of all persons within the state. The legislature shall provide for the discharge of this obligation and for the maintenance and regulation of an organized militia*."

Clearly the aforesaid Article XII assumes ARMED PERSONS and any infringement upon our right to keep and bear arms would also infringe upon our right to defend. New York City is a clear case in point, for if we comply with these tyrants we will eventually find ourselves in the same predicament as NYC.

This motion is based on the accompanying affidavits of the plaintiffs, the Action at Law and Memorandum of Law in Support of 2nd Amendment.

***Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit*:**[1]

SEAL

Dated: _____, 2018

_____

Name, et al; in pro per

[1] Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20.

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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

CONTACT INFORMATION

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- against -

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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

Name, et al Plaintiffs - Against - Governor A. Cuomo, New York State Senate and New York State Assembly Defendants	Jurisdiction: Court of Record, under the rules of Common Law[1] Case NO: **ACTION AT LAW:**[2]

NEW YORK STATE)
):SS.
DUTCHESS COUNTY)

We, Name, et al, all People[3] of New York State, hereinafter plaintiffs, in this court of record, proceeding according to the common law[4] hereby sues Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly, hereinafter defendants, acting under color of law[5],

[1] **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

[2] **AT LAW:** [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

[3] **PEOPLE:** People are supreme, not the state. [Waring vs. the Mayor of Savanah, 60 Georgiaat 93]; The state cannot diminish rights of the people. [Hertado v. California, 100 US 516]; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472]: The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7].

[4] **Amendment VII** "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law."

[5] **18 USC §242:** DEPRIVATION OF RIGHTS UNDER COLOR OF LAW: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State the deprivation of any rights shall be fined under this title or imprisoned not more than one year, or both.

for damages, restoration of Law and protection of our unalienable right to keep and bear arms secured by Amendment II; see Memorandum in Support of 2nd Amendment, attached

Plaintiffs hereby DEMAND that Governor A. Cuomo, New York State Senate Majority Leader John J. Flanagan and New York State Assembly Speaker Carl E. Heastie, hereinafter defendants, to give a VERIFIED accounting of defendants stewardship by showing cause and by what authority defendants acted concerning their contempt for the unalienable right of the plaintiffs and the Sovereign People of New York State to bear arms protected by the 2nd Amendment.

N.Y.S. Senate Majority Leader John J. Flanagan is being served on behalf of the entire Senate and is to provide copies to all members of the Senate. N.Y.S. Assembly Speaker Carl E. Heastie is being served on behalf of the entire Assembly and is to provide copies to all members of the House.

Defendants are elected Representatives and have a legal and moral duty to speak directly to the People unfiltered (without an attorney). Defendants, being stewards with vested Constitutional authority do not have the right to remain silent or the right to an attorney concerning questions of their vested actions. Amendment VI provides for the Assistance of Counsel, not representation of Counsel. Hired servants are required to give an account to their master directly, and upon demand, any resistance can only be equated to fraud.

> "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading...*" -- U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

STATEMENT OF JURISDICTION

RULES OF CIVIL PROCEDURE FOR THE UNITED STATES DISTRICT COURTS[6], Federal Form 7, pg. 106; 113th congress 2nd session

The plaintiffs are People of New York State under the Common Law, which is not legislated statutes, nor a collection of Federal District decisions; it is the system of jurisprudence administered by judicial tribunals having attributes and exercising functions independently of the person of the magistrate. See Memorandum in Support of Authority, attached.

Article III Section 2: provides that "*The judicial power shall extend to all cases, in law…, arising under this Constitution...*;" This action arises under the United States Constitution in violation of Amendment II infringing the right of the people to keep and bear Arms;

The United States District Court for the Northern District of New York, being an Article III Court, see Memorandum of Law in Support of Article III Courts attached, is the proper venue for this action because it is the capital of New York State where the Governor and both houses reside.

OATHS & BONDS

Plaintiff(s) accepts the oaths[7] and bonds of all the officers of this court to support and uphold the Constitution for the United States of America[8].

[6] Effective September 16, 1938, as amended to December 1, 2014.

[7] **Oaths: Article VI**: "This Constitution, and the laws of the United States... shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding... All executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

[8] **DUTY TO SPEAK:** "*Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading...*" U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

DUE PROCESS

60 Plaintiff(s) rejects and denies all motions for a hearing before defendants answer this action thru a sworn written response in a timely manner[9] (30 days) or defendant defaults. Summary proceedings[10] are out of the regular course of the common law[11], destructive to the interest of justice and cannot allow for more time to answer without good cause as per rule 6. If the Magistrate deems a good cause, (s)he can notify
65 plaintiff(s) of the cause and the amount of additional time granted defendant(s).

LAW OF THE CASE

THE COURT IS TO TAKE JUDICIAL COGNIZANCE OF THE LAW OF THE CASE, whereas the Court is bound to act without having it proved in evidence.

70 **NEXT FRIEND** - "*A next friend is a person who represents someone who is unable to tend to his or her own interest*." - Haines v. Kerner, 404 U.S. 519 (1972).

Plaintiffs have a right to assist and speak on behalf of each other under Rule 17, 28 USCA. The certificate from the State Supreme Court only authorizes to practice law in courts as a "Member of the State Judicial Branch of Government" and can only
75 represent wards of the court, infants, and persons of unsound mind[12]. A certificate is not

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[9] "***An Affidavit if not contested in a timely manner*** *is considered undisputed facts as a matter of law*." Morris vs. NCR, 44 SW2d 433 Morris v National Cash Register, 44 SW2d 433.

[10] **Summary proceeding:** Blacks 4th "*Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law*." Sweet see Phillips v. Phillips, 8 N.J.L. 122.

[11] ***Law in its regular course*** *of administration through courts of justice is due process*." Leeper vs. Texas, 139, U.S. 462, II SUP CT. 577, 35 L ED 225. "*By the law of the land is more clearly intended the general law, a law which hears before it condemns; which proceeds upon inquiry and renders judgment only after trial*." Dartmouth College Case, 4 Wheat, U.S. 518, 4 ED 629: "*Law in its regular course of administration through courts of justice is due process*. Leeper vs. Texas, 139, U.S. 462, II SUP CT. 577, 35 L ED 225; "*It implies conformity with the natural inherent principles of justice and forbids the taking of one's property without compensation, and requires that no one shall be condemned in person or property without opportunity to be heard*." Holden vs. Hardy, 169, U.S. 366, 18 SUP. CT. 383, 42 L ED. 780.

[12] **Rule 17, 28 USCA (c)** Infants or Incompetent Persons. Whenever an infant or incompetent person has a representative, such as a general guardian, committee, conservator, or other like fiduciary (i.e. the holding of something in trust for

a license to practice law as an occupation or to do business as a law firm. A ward is someone placed under the protection of a legal guardian.

RIGHT TO ASSISTANCE OF COUNSEL - The U.S. Constitution does not give anyone the right to be represented by a lawyer or the right to any other "hearsay substitute". The 6th Amendment is very specific, "*the right to the assistance of counsel*" and this assistance of counsel can be anyone the individual chooses without limitations.

RIGHT TO PRACTICE LAW - "*The practice of law is an occupation of common right*." - Sims v. Aherns, 271 S.W. 720 (1925).

"*A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment*." - Schware v. Board of Bar Examiners, 353 U.S. 232 (1957).

RIGHT TO FILE PRO SE - "*...the right to file a lawsuit pro se is one of the most important rights under the constitution and laws*." - Elmore v. McCammon [(1986) 640 F. Supp. 905.

NON-LAWYERS CAN ASSIST - "*Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with unauthorized practice of law*." - NAACP v. Button, 371 U.S. 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969).

"*Litigants can be assisted by unlicensed laymen during judicial proceedings*." - Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425.

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another), the representative may sue or defend on behalf of the infant or incompetent person. An infant or incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person not otherwise represented in an action or shall make such other order as it deems proper for the protection of the infant or incompetent person.

RIGHT OF OCCUPATION - "*The term [liberty] ... denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of this own conscience... The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest, by legislative action*." - Meyer v. Nebraska, 262 U.S. 390, 399, 400.

NO LICENSE - "*The practice of law cannot be licensed by any state/State*." - Schware v. Board of Examiners, United State Reports 353 U.S. pages 238, 239.

NO SANCTION - "*There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights*." - Sherar v. Cullen, 481 F. 2d 946 (1973).

RIGHTS CANNOT BE DEFEATED - "*The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice*." - Davis v. Wechler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449.

The American Bar Association (ABA), founded August 21, 1878, is a voluntary association of lawyers, and was incorporated in 1909 in the state of Illinois. The state does not accredit the law schools or hold examinations and has no control or jurisdiction over the ABA or its members.

The state bar card is not a license, it is a union dues card. The Bar is a professional Association like the actors union, painters union, etc. No other association, even doctors, issue their own licenses. All licenses are issued by the state. The Bar Association is a private association and it cannot license anyone on behalf of the state.

The ABA accredits all the law schools, holds their private examinations, selects the students they will accept in their organization, and issues them so-called licenses for a

fee; but does not issue state licenses to lawyers. The Bar is the only one that can punish or disbar a Lawyer and not the state. The ABA also selects the lawyers that they consider qualified for Judgeships and various other offices in the State. Only the Bar Association or their designated committees can remove any of these lawyers from public office. This is a tremendous amount of power for a private union to control and "the potential for the disastrous rise of misplaced power exists, and will persist."

BILL OF ATTAINDER – United States Constitution, Article 1, Section 10: "*No state shall... pass any bill of attainder...*" States cannot declare a person a felon for exercising their unalienable right to be armed. Nor can a State require People to fulfill some act in order to exercise an unalienable right.

◆ **THE GENERAL RULE -** 16th American Jurisprudence, Second Edition: "*Jurisprudence, by which all judges are bound by oath, is the science of the law. By science here, is understood that connection of truths which is founded on principles either evident in themselves, or capable of demonstration; a collection of truths of the same kind, arranged in methodical order. In a more confined sense, jurisprudence is the practical science of giving a wise interpretation to the laws, and making a just application of them to all cases as they arise. In this sense, it is the habit of judging the same questions in the same manner, and by this course of judgments forming precedents.*"[13]

AN UNCONSTITUTIONAL STATUTE IS IN REALITY NO LAW NO ONE IS BOUND TO OBEY - 16th American Jurisprudence, 2nd Section 177 – "*The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as*

[13] 1 Ayl. Pand. 3 Toull. Dr. Civ. Fr. tit. prel. s. 1, n. 1, 12, 99; Merl. Rep. h. t.; 19 Amer. Jurist, 3.

inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it ... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby."

16th American Jurisprudence 2d, Section 177 late 2nd, section 256 - "*No one is bound to obey an unconstitutional law and no courts are bound to enforce it. The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it.*"

STANDING:

The common ploy moving the court for dismissal claiming "No Standing" used by Attorneys in collusion with a willing judge in order to shield government servants or maintain the status quo is fraud on the court. The plaintiffs will not accept a dismissal; magistrates have no such leave in this court of record to dismiss by summary proceeding;[14] see Memorandum of Law on Standing, attached

[14] **Summary proceeding:** "*Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law.*" Sweet; and see Phillips v. Phillips, 8 N.J.L. 122.

CAUSE OF ACTION

FOR CAUSE: TORT "*a private or civil wrong or injury; a wrong independent of contract*". 1 Hill, Torts 1. "*A violation of a duty imposed by general law or otherwise upon all persons occupying the relation to each other which is involved in a given transaction*." Coleman v. California Yearly Meeting of Friends Church, 27 Cal.App.2d 579, 81 P.2d 469, 470. The "*three elements of every tort action are: Existence of legal duty from defendant to plaintiff, breach of duty, and damage as proximate result*." City of Mobile v. McClure, 221 Ala. 51, 127 So. 832, 835.

Defendants were bound by oath having a legal duty to the plaintiffs and all the People of New York State to secure the blessings of liberty:

> "*The members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution*;…" Article VI.

> "*We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America*." - US Constitution, Preamble

The Governor and legislators of both houses violated 42 USC §1983[15] and entered into a conspiracy to disarm the plaintiffs and all the People of New York State when they passed, under the color of law, acts, statutes, ordinances and regulations in New York State, thereby causing the plaintiffs and all the People of New York State to be deprived of our unalienable "*right to bear Arms*" protected and secured by the Constitution and laws of the United States.

[15] **42 USC 1983;** CIVIL ACTION FOR DEPRIVATION OF RIGHTS: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

The Governor and legislators of both houses violated 42 USC §1985(3)[16] and entered into a conspiracy to disarm the plaintiffs and all the People of New York State when they passed, under the color of law, acts, statutes, ordinances and regulations in New York State knowingly causing swarms of code enforcement officers, under the color of law, disguised as law enforcement officers, sent upon our highways for the purpose of depriving the plaintiffs and all the People of New York by force, intimidation and threat, the equal protection of the laws of our unalienable "*right to bear Arms*" secured by the Constitution and Laws of the United States.

The Governor and legislators of both houses violated 42 USC §1986[17] and entered into a conspiracy to disarm the plaintiffs and all the People of New York when they knowingly neglected and refused to prevent the passing and signing into statutory law repugnant to the Constitution and the Laws of the United States, acts, statutes, ordinances and regulations in New York State for the purpose of depriving by force, intimidation and threat the plaintiffs and all the People of New York, the equal

[16] **42 USC 1985(3);** CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS: Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

[17] **42 USC §1986** - Action for neglect to prevent - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

protection of the laws of our unalienable "*right to bear Arms*" secured by the Constitution and Laws of the United States.

The Governor and legislators of both houses violated 18 USC 241 and entered into a conspiracy to disarm the plaintiffs and all the People of New York State when they knowingly conspired to injure, oppress, threaten and intimidate by the passing and signing into statutory law, repugnant to the Constitution and the Laws of the United States, legislation preventing the free exercise and enjoyment of the plaintiffs and all the Peoples' of New York State unalienable right causing swarms of code enforcement officers, under the color of law, disguised as law enforcement officers, sent upon our highways for the purpose of depriving by said force, the plaintiffs and all the People of New York State, the equal protection of the laws of our unalienable "*right to bear Arms*" secured by the Constitution and Laws of the United States.

The Governor and legislators of both houses violated 18 USC §242[18] and entered into a conspiracy to disarm the plaintiffs and all the People of New York State when they willfully conspired to deprive the plaintiffs and all the People of New York State of their unalienable "*right to bear Arms*" secured by the Constitution and Laws of the United States, subjecting the plaintiffs and all the People of New York State to punishments, pains and penalties.

New York Governor Andrew M. Cuomo and both houses, through intimidation and threat of violence, have made it clear that if plaintiffs and all the People of New York

[18] **18 U.S. Code § 242** - Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

State are not obedient to their will, they will take our arms by force using arms under color of law, thereby placing extreme psychological stress and fear of violence upon the plaintiffs and place plaintiffs family in jeopardy of harm and even death.

New York Governor Andrew M. Cuomo and both houses have infringed upon plaintiffs' and all the Peoples' of New York State unalienable right to keep and bear Arms by creating laws repugnant to the Constitution and thereby have injured the plaintiffs.

"*The right of the people to keep and bear Arms shall not be infringed*." - Amendment II.

Thomas Jefferson, founder of America's freedom formula warned: "*No freeman shall be debarred the use of arms ... When governments fear the people, there is liberty. When the people fear the government, there is tyranny. ... The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government*."

Therefore, when governments are seized by tyrants, as is the present case in New York State, the disarming of the Sovereign People is just the beginning of a long train of abuses these tyrants intend on imposing upon the Sovereign People of New York. The only reason the United States and many unarmed countries around the world remain free today is because the Sovereign People of the United States of America are armed.

WAR

"*…no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it*." -- Sawyer, 124 U.S. 200 (188); U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).

"*Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason*." -- Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958).

As with our Founding Fathers, so with their posterity. "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of* the People" through untainted juries, Free Committeemen and the Supreme Law of the Land (Constitution). These have been seized by party bosses, corrupt judges and corrupt legislators and orchestrated by the BAR, all collaborating to maintain the status quo inflicting upon the People a long train of abuses and usurpations, invariably pursuing the same objective which demonstrates a design to subjugate us under absolute Despotism. See Memorandum of Law on Founding Documents, attached.

RESOLUTIONS INITIATED BY OUR FOUNDERS

We the Sovereign People ordained and established through the Constitution for the United States of America and our State Constitutions the following resolutions:

IT HAS BEEN RESOLVED THAT We the Sovereign People, from whom all law derives,[19] ordained[20] that IN ORDER TO PREVENT MISCONSTRUCTION OR ABUSE OF LEGISLATIVE AND JUDICIAL POWERS RESOLVED that further

[19] "*The very meaning of 'sovereignty' is that the decree of the sovereign makes law*." -- American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047; "*Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree*." -- Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903; "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power."... "For, the very idea that man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself*." -- Yick Wo v. Hopkins, 118 US 356, 370.

[20] **LAW:** "*That which is laid down, ordained, or established*." Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

declaratory and restrictive clauses should be added,[21] among which were "…the right of the people to keep and bear Arms, shall not be infringed."[22]

IT HAS BEEN RESOLVED THAT We the Sovereign People established and ordained the Law of the Land[23] through constitutions that govern all elected and appointed servants, outside of which there can be no law making.

IT HAS BEEN RESOLVED THAT We the Sovereign People are independent of all legislated statutes, codes, rules, and regulations.[24]

IT HAS BEEN RESOLVED THAT Statutes, codes, rules, and regulations are for the aforesaid government authorities[25] and NOT We the Sovereign People.

IT HAS BEEN RESOLVED THAT We the Sovereign People are independent of all laws, except those prescribed by nature.[26]

IT HAS BEEN RESOLVED THAT We the Sovereign People are under the Laws of Nature's God,[27] a/k/a Common Law.[28] The significance of this prerogative[29] is found in His judges', a/k/a the jury, tribunal or the Kings bench; see Memorandum of Law Jury Tampering & Stacking, attached.

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[21] **BILL OF RIGHTS, PREAMBLE** "*The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution*."

[22] **AMENDMENT II: "***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*."

[23] **Constitution for the United States of America, Article VI, Clause 2:** "*This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding*."

[24] "*Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself*." Mugler v. Kansas 123 U.S. 623, 659-60.

[25] "*All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process*…" Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).

[26] "*There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent*." -- Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.

[27] **Declaration of Independence:** When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

[28] **Amendment VII** ..., the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[29] "*A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice*." -- Fortesc.c.8. 2Inst.186; "*His judges are the mirror by which the king's image is reflected*." 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

IT HAS BEEN RESOLVED THAT it is We the Sovereign People as Grand Jurists who, when there is an injured party, decide if a crime has been committed,[30] not legislators or prosecutors imposing their will upon ours in an effort to control our behavior.

IT HAS BEEN RESOLVED THAT it is We the Sovereign People as Petit Jurors who enforce the laws[31] of God that are written in the hearts of men,[32] not written by legislators and enforced by servant judges, turned tyrants.

IT HAS BEEN RESOLVED THAT unalienable rights are not to be defeated under the name of local practice;[33] the state is not to violate plain and obvious principles, the state is not to diminish unalienable rights[34] and the state is not to violate common reason.[35]

IT HAS BEEN RESOLVED THAT the state may not convert a right into a crime.[36]

IT HAS BEEN RESOLVED THAT the state has no authority to impose a permit or penalty[37] for exercising an unalienable right.[38]

IT HAS BEEN RESOLVED THAT all laws repugnant to the Constitution and restrictions concerning the unalienable rights of We the Sovereign People that Governor Andrew Cuomo, New York Legislators and all other state legislators and governors have placed

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[30] **Amendment V:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, ... nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[31] **Amendment VI** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury ... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

[32] **Rom 2:14-15** For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another;)

[33] "*The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice*." Davis v. Wechsler, 263 US 22, at 24.

[34] "*The State cannot diminish rights of the people*." Hertado v. California, 110 U.S. 516.

[35] "*Statutes that violate the plain and obvious principles of common right and common reason are null and void*." Bennett v. Boggs, 1 Baldw 60.

[36] "*The Claim and exercise of a Constitutional Right cannot be converted into a crime*."-Miller v. U.S. , 230 F 2d 486. 489; "*If the state converts a liberty into a privilege the citizen can engage in the right with impunity*" Shuttlesworth v Birmingham, 373 USs 262.

[37] "*A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution*." Murdock v. Pennsylvania, 319 U.S. 105, at 113.

[38] "*For a crime to exist there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights*."-- Sherar v. Cullen, 481 F. 945.

upon We the Sovereign People are "NULL AND VOID"[39] and in reality are no law, but are wholly void and ineffective for any purpose.[40]

IT HAS BEEN RESOLVED THAT for the defense and protection of the state, and of the United States,[41] it is the obligation of We the Sovereign People, a/k/a the militia, to be armed. This is "*necessary*[42] *to the security of a free state*" to protect against enemies both foreign and domestic. Any act of disarming freemen violates their unalienable right to defend themselves from the very tyrants that try to disarm them.

IT HAS BEEN RESOLVED THAT the disarming of We the Sovereign People is an ACT OF WAR; in violation of 18 U.S. Code §2381[43] - Treason: and 18 U.S. Code §2384[44] - Seditious conspiracy:

CONSPIRACY

The false impression given by the enemies of the Sovereign People that the aforesaid RESOLVED[45] issues are moot is the propaganda of lawless servants snared by the

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[39] "*All laws, rules and practices which are repugnant to the Constitution are null and void*." -- Marbury v. Madison, 5th US (2 Cranch) 137, 180.

[40] "*The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it*." -- Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886).

[41] **NEW YORK STATE CONSTITUTION ARTICLE XII SECTION 1:** *The defense and protection of the state and of the United States is an obligation of all persons within the state. The legislature shall provide for the discharge of this obligation and for the maintenance and regulation of an organized militia*.

[42] **ARTICLE 2 - NY CIVIL RIGHTS LAW §4:** *Right to keep and bear arms; A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed*.

[43] **18 U.S. Code § 2381** - Treason Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States. June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103–322, title XXXIII, § 330016(2)(J), Sept. 13, 1994, 108 Stat. 2148.

[44] **18 USC § 2384** - Seditious conspiracy - If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

[45] **RESOLVED** *by the Senate and House of Representatives of the United States of America, in Congress assembled ... that the following Articles ... be valid to all intents and purposes, as part of the said Constitution; viz.*

poison of the National Lawyers Guild. It is the nation's oldest and largest progressive BAR association, a communist organization hell-bent on the destruction of our Constitutional Republic (see attached Report on the National Lawyers Guild, Legal Bulwark of the Communist Party, by the Committee on Un-American Activities, House Report No. 3123 81st Congress 2nd Session) that have seized control of our government at every level through the Deep State; whereas, no decision is made, no law is passed and no issue is resolved without the seditious BAR orchestrated legislation intended to regulate our Liberties and eventually abolish them; a necessity for their NWO.

The BAR has convinced the populous that the United States is a democracy which is a stepping-stone to totalitarianism[46] and that by orchestrating popular demand through fear is then able to legislate statutes that abrogate the unalienable rights of the plaintiffs and all the Sovereign People of New York. Democracy and totalitarianism are types of governments that offer different ways of making decisions on behalf of the people they govern. They share some similarities and at the end of the day yield the same results. While one focuses on oppression, the other embraces the differences of the people until egotistical tyrants seize control and over-time convince the sheeple to vote away their liberties as it morph's into totalitarian, as John Adams commented: "*democracy never lasts long it soon wastes, exhausts, and murders itself*." Article IV, Section 4, declares: "*The United States shall guarantee to every State in this Union a Republican Form of Government.*" Not a Democratic Form of Government!

Under our Common Law Republic, a Constitution, ordained by the People, is the Supreme Law of the Land to be followed and obeyed by all elected and appointed servants. See Memorandum of Facts Concerning Common Law, attached. While We the Sovereign People are under the Laws of the Governor of the Universe, legislators may not add to His Law. All legislated codes, rules, regulations and statutes are for

[46] Alexander Hamilton asserted that "*We are now forming a Republican form of government. Real liberty is not found in the extremes of democracy, but in moderate governments. If we incline too much to democracy we shall soon shoot into a monarchy, or some other form of a dictatorship*." Hamilton, in the last letter he ever wrote, warned that "*our real disease is democracy*."; Thomas Jefferson declared: "*A democracy is nothing more than mob rule, where fifty-one percent of the people may take away the rights of the other forty-nine*."; Benjamin Franklin had similar concerns of a democracy when he warned that "*Democracy is two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote*!" After the Constitutional Convention was concluded, in 1787, a bystander inquired of Franklin: "*Well, Doctor, what have we got a Republic or a Monarchy*?" Franklin replied, "*A Republic, if you can keep it*." John Adams, our second president, wrote: "*Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself*." James Madison, the father of the Constitution wrote in Federalist Paper No. 10 that pure democracies "*have ever been spectacles of turbulence and contention; have ever been incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths*."

governmental and corporate agencies as defined under Article I sections 8 and 9. We the Sovereign People are responsible to govern our own behavior and answer to courts of Justice under the Common Law when we injure our fellow man; see Memorandum of Law in Support of the Common Law, attached.

The Plaintiffs hereby DEMAND that Governor A. Cuomo and the New York State Senate and Assembly state by what authority they act, without filter of council, as is the defendants duty as trustee.

1) Admit or deny that We the Sovereign People in 1776 Declared our Independence because of government abuse of our Liberties, if you deny explain.
2) Admit or deny that the People in 1789 "*ordained and established the Constitution for the United States of America.*"
   a. Admit or deny that the People are above the Constitution being its author and the defendants, being servants, are subservient to the Constitution.
   b. Admit or deny that the defendants, being servants, have no authority to act or legislate beyond what was given under the Constitution, if you deny explain.
   c. Where under the Constitution do the defendants have the authority to legislate the Peoples' behavior?
   d. Where under the Constitution do the defendants have the authority to infringe upon the unalienable right of the People to keep and bear arms secured by the 2nd Amendment?
3) Admit or deny that rights are unalienable, if you deny explain.
4) Admit or deny that rights are not given by legislators, if you admit explain.
5) Admit or deny that requiring permits or licenses in order to exercise a right infringe said right, if you deny explain.
6) Admit or deny that the People ordained and established the New York Constitution, if you deny explain.
7) Admit or deny that the People in 1789 "…*expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added*," if you deny explain.
   a. Admit or deny that in 1791 "*RESOLVED that the Bill of Rights be valid to all intents and purposes, as part of the said Constitution; viz*" if you deny explain.
8) Admit or deny that by requiring a license or permit to own or carry a hand gun is an infringement, if you deny explain.

9) Admit or deny that legislators must have written constitutional authority to write legislation, if you deny explain.
10) Admit or deny that …all codes, rules, and regulations are for government authorities and corporations and NOT the People, if you deny explain.
11) Admit or deny that the People, "*...are independent of all laws, except those prescribed by nature.*" If you deny, identify your authority in the Constitution.
12) Admit or deny that authority in the State Constitution that is contrary to the United States Constitution is null and void, if you deny explain.
13) Admit or deny that "…[unalienable] *rights are not to be defeated under the name of local practice,*" if you deny explain.
14) Admit or deny that "*…the state is not to violate plain and obvious principles*."
15) Admit or deny that "*…the state is not to diminish* [unalienable] *rights*."
16) Admit or deny that "*...the state is not to violate common reason*."
17) Admit or deny that "*…the state may not convert a right into a crime*."
18) Admit or deny that "*…the state may not license an unalienable right*."
19) Admit or deny that "*…states have no authority to impose a permit or penalty for exercising an unalienable right.*" If you deny, identify your authority in the Constitution.
20) Admit or deny that all laws repugnant to the Constitution are "NULL AND VOID."
21) Admit or deny that the People, are under the Laws of Nature's God a/k/a Common Law.
22) Admit or deny that for the defense and protection of the state and of the United States, it is the obligation of We the People, a/k/a the militia, to be armed.
23) Admit or deny that any act of disarming freemen also violates their unalienable right to defend themselves from the tyrants that try to disarm them.
24) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §265.20.
25) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §265.01.
26) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §700.00.
27) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §400.00.

28) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §265.00.
29) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §265.02.
30) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §265.35.
31) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §35.20.
32) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §265.10.
33) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce §2230.
34) State what Article and sub-section in the N.Y.S. Constitution authorized the defendants to write and enforce any statute that can regulate the 2nd Amendment.

WHEREFORE, plaintiffs demand and prosecute that Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

Plaintiffs demand and prosecute that all legislative infringements upon the Second Amendment null and void in the United States including and not limited to Safe Act, N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 and the court is to direct all County Sheriffs to protect the People, from state and federal law enforcement agents who are to cease and desist all abuse against the plaintiffs and the People of New York for the exercising of our unalienable "*right to keep and bear Arms*", protected by the 2nd Amendment.

Plaintiffs demand and prosecute defendants for $50,000 in damages for psychological stress and fear of violence upon my person and for placing my family in jeopardy of harm and even death. And for violating our unalienable right to keep and bear arms.

Plaintiffs with this action have filed for an injunction against the state concerning the reporting of our firearms to the state police. If the judiciary fails to do their sworn duties to uphold the law and protect the People, plaintiffs sue defendants for an additional

$1,000 per day from the refusal date for injunction to the day of judgment for each of the defendants; [e.g. 100 days x $1000 = $100,000 each plaintiff].

***Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit*:**[47]

SEAL

_____

Name, et al

NOTARY

In New York State, Dutchess County, on _____, 2018 before me, _____, the undersigned Notary Public, personally appeared _____, to me known to be the living man described herein, who executed the forgoing instrument, and has sworn before me that he/she executed the same as his/her free-will act and deed.

_____

(Notary seal) Notary

[47] Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

Name, et al Plaintiffs - Against - Governor A. Cuomo, New York State Senate and New York State Assembly Defendants	Case NO: **MEMORANDUM OF LAW IN SUPPORT OF 2ND AMENDMENT**

"*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.*" -- **Amendment II**

"*Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.*" **-- William Pitt the Younger**

"*They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.*" **-- Benjamin Franklin**[1]

DISARMAMENT IN THE NAME OF INTERNATIONAL SECURITY

ACTS OF TREASON;

On September 25, 2013 in an act of war against the unalienable rights of the People protected by Amendment II, against the will of We the People and without the consent of Congress, Secretary of State John Kerry committed treason by signing the United Nations Arms Trade Treaty thereby surrendering the Peoples' unalienable rights protected by the Second Amendment to foreign powers, inimical to liberty.

[1] Historical Review of Pennsylvania, 1759.

On September 24, 2014 while addressing the U.N. General Assembly concerning the United Nations Arms Trade Treaty; in an act of war against the unalienable rights of the People protected by Amendment II, against the will of We the People President Obama said: "*All nations must meet our responsibility to observe and enforce international norms*" thereby yielding his oath of office to foreign powers.

On December 24th 2014, Christmas Eve, the United Nations Arms Trade Treaty became binding on the nations that have ratified (signed by John Kerry). Under fiction of law[2] the treaty provides the basis for additional gun regulations in America under the guise of necessity.

WHY GOVERNMENTS DISARM PEOPLE

A LEAGUE OF EVIL - The following statistics were reported in the September 11th, 1999, issue of The Economist magazine, page 7, titled "A League of Evil."[3]

a. 1915-1917 Ottoman Turkey banned gun possession, and then targeted Armenians (mostly Christians) and killed 1-1.5 million people.
b. 1929-1945 Soviet Union banned gun possession, and then targeted political opponents and farming communities, killing 20 million people.
c. 1933-1945 Nazi Germany (and occupied Europe) banned gun possession, and then targeted political opponents, Jews, Gypsies and critics killing 20 million people.
d. 1927-1949 Nationalist China banned private ownership of guns, and then targeted political opponents, army conscripts, and others, killing 10 million people.
e. 1949-1952; 1957-1960; 1966-1976 Red China instituted the death penalty for supplying guns to "counter-revolutionary criminals" and anyone resisting any government program, and then targeted political opponents, killing 20-35 million people.

[2] **FICTION OF LAW:** "*Something known to be false is assumed to be true.*" Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621 "*That statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land.*" -- Hoke vs. Henderson,15, N.C.15,25 AM Dec 677.

[3] **Original source:** Death by "Gun Control", by Aaron Zelmen and Richard W. Stevens; Mazel Freedom Press, Inc; January 1, 2001.

f. 1960-1981 Guatemala banned gun possession, and then targeted Mayans, other Indians, and political enemies, killing 100,000-200,000 people.
g. 1971-1979 Uganda registered gun owners, instituted warrantless searches, and then targeted Christians and political enemies, killing 300,000 people.
h. 1975-1979 Cambodia registered gun owners and then targeted educated persons and political enemies, killing 2 million people.
i. 1994 Rwanda registered gun owners and then targeted the Tutsi people killing over 800,000.
j. Unarmed people have no defense against a "demonical" government. In the 20th century alone, governments killed a total of 262 million civilians. -- Nobel Peace Prize finalist R.J. Rummel in an update to statistics originally presented in his Death by Government, Transaction Publishers, 1994.

THE CONCLUSION IS INESCAPABLE

"*The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner*". -- Report of the Subcommittee on The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y4.J 89/2: Ar 5/5

"*In recent years it has been suggested that the Second Amendment protects the "collective" right of states to maintain militias, while it does not protect the right of "the people" to keep and bear arms. If anyone entertained this notion in the period during which the Constitution and the Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis*". -- Stephen P. Halbrook, "That Every Man Be Armed": The Evolution of a Constitutional Right (revised and updated), p. 91; UNM Press, 2013

"*Americans have the will to resist because you have weapons. If you don't have a gun, freedom of speech has no power.*" -- Yoshimi Ishikawa, Japanese author and social commentator, quoted in "Japanese Overcome Culture, Vent Outrage Over

Scandal: Politics: Public anger drives a kingpin from Parliament--in contrast to society's usual passivity," Los Angeles Times, October 15, 1992

"*Whether the authorities be invaders or merely local tyrants, the effect of such laws* [gun control] *is to place the individual at the mercy of the state, unable to resist*." -- Robert Anson Heinlein, 1949

"*In the Militia Act of 1792, the second Congress defined 'militia of the United States' to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and military equipment. This statute, incidentally, remained in effect into the early years of the [20th] century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a 'militia', they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, which the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a 'well-regulated militia' of individuals trained in their duties and responsibilities as citizens and owners of firearms. If gun laws in fact worked, the sponsors of this type of legislation should have no difficulty drawing upon long lists of examples of crime rates reduced by such legislation. That they cannot do so, after a century and a half of trying, they must sweep under the rug the southern attempts at gun control in the 1870-1910 period, the northeastern attempts in the 1920-1939 period, the attempts at both Federal and State levels in 1965-1976 establishes the repeated, complete and inevitable failure of gun laws to control serious crime. "Immediately upon assuming chairmanship of the Subcommittee on the Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capabilities of the Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Kaaren Jolly, Steven Halbrook, and David T. Hardy, the subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right of American citizens. We did not guess at the purpose of the British 1689 Declaration*

of Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make suppositions as to colonial interpretations of that Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his handwritten outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was clear — and long-lost — proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms." -- Senator Orrin Hatch, January 20, 1982, in a preface to the Report of the Subcommittee On The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y 4.J 89/2: Ar 5/5

"*Those who are trying to read the Second Amendment out of the Constitution by claiming that it's not an individual right or that it's too much of a safety hazard [are] courting disaster by encouraging others to use the same means to eliminate portions of the Constitution they don't like*." -- Alan Dershowitz, Harvard Law professor, quoted in the Capitalism magazine article, "The Second Amendment Strikes Back," by Larry Elder, June 3, 2002

"*Seventy-four percent of the illegal gun owners commit street crimes, 24 percent commit gun crimes, and 41 percent use drugs. Boys who own legal firearms, however, have much lower rates of delinquency and drug use and are even slightly less delinquent than non-owners of guns. "The socialization into gun ownership is also vastly different for legal and illegal gun owners. Those who own legal guns have fathers who own guns for sport and hunting. On the other hand, those who own illegal guns have friends who own illegal guns and are far more likely to be gang members. For legal gun owners, socialization appears to take place in the family; for illegal gun owners, it appears to take place 'on the street*." -- U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, NCJ 143454, "Urban Delinquency and Substance Abuse: Research Summary," p.18, March 1994

"*A historical examination of the right to bear arms, from English antecedents to the drafting of the Second Amendment, bears proof that the right to bear arms has consistently been, and should still be, construed as an individual right*." -- U.S. District Judge Sam R. Cummings, Memorandum Opinion in United States of America vs. Timothy Joe Emerson, March 30, 1999

"*No matter how one approaches the figures, one is forced to the rather startling conclusion that the use of firearms in crime was very much less when there were no controls of any sort and when anyone, convicted criminal or lunatic, could buy any type of firearm without restriction. Half a century of strict controls on pistols has ended, perversely, with a far greater use of this weapon in crime than ever before*". -- Colin Greenwood, in the study "Firearms Control", 1972

John R. Bolton, as United States Under-Secretary for Arms Control and International Security, urged the United Nations in 2001 to recognize how an *"oppressed non-state group defending itself from a genocidal government"* will need ready access to firearms. Mr. Bolton may have been the first U.S. official in modern history to argue before the UN that private citizens might need to be armed against their own killer governments.[4]

Governments have murdered four times as many civilians as were killed in all their international and domestic wars combined.[5] How could governments kill so many people? The governments had the power. The people, the victims, were unable to resist, because the victims were unarmed.

History clearly teaches that every government that moves towards gun control ends up killing the people who disagree with it. Disarmed people are neither free nor safe; rather they become the criminals' prey and the tyrants' playthings. When people are defenseless and their government goes rogue, thousands and millions of innocents die.

[4] John R. Bolton, Plenary Address to the UN Conference on the Illicit Trade in Small Arms and Light Weapons, at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects; July 9, 2001.
[5] September 11th, 1999 issue of The Economist magazine, page 7, titled A League of Evil.

"*Both oligarch and tyrant mistrust the people, and therefore deprive them of arms*." -- Aristotle[6]

"When the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man [Sir William Keith], who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually, by totally disusing and neglecting the militia." -- George Mason[7]

"*Before a standing army can rule, the people must be disarmed, as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because the whole of the people are armed, and constitute a force superior to any band of regular troops,*" Noah Webster [8]

"*Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun*" -- Mao Tse-tung[9]

"*The most foolish mistake we could possibly make would be to permit the conquered Eastern peoples to have arms. History teaches that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by doing so*". Hitler[10]

In a radio interview with Walton and Johnson, January 17, 2013 Ron Paul said: *"They will come with their guns to take our guns."* In 1962 President John F. Kennedy said "*Those who make peaceful revolution impossible will make violent revolution inevitable*"[11]. He went on to say: "*Today we need a nation of minute*

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[6] Politics: A Treatise on Government, Book V; translated from the Greek of Aristotle by William Ellis, A.M.; J M Dent & Sons Ltd. (London & Toronto) & E. P. Dutton & Co. (New York), 1912.

[7] The Debates in the Several State Conventions on the Adoption of the Federal Constitution…," Vol. III, 2 ed, Jonathan Elliot (ed.), p.380; J. B. Lippincott & Co. (Philadelphia), 1881.

[8] "An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia, with Answers to the Principal Objections That Have Been Raised Against the System, by a Citizen of America," p. 43; Prichard & Hall, in Market Street, the second door above Laetitia Court; January 1787.

[9] Mao Tse-tung inadvertently endorsing the Second Amendment in a speech at the sixth plenary session of the Central Committee of the Communist Party; November 6, 1938; later published in Selected Works of Mao Tse-tung, vol. 2, p. 272, 1954.

[10] April 11 1942; quoted in "Hitler's Table-Talk at the Fuhrer's Headquarters 1941-1942," Dr. Henry Picker, ed., Athenaum-Verlag, Bonn, 1951.

[11] March 13, 1962 President John F. Kennedy Address on the First Anniversary of the Alliance for Progress *Public Papers of the Presidents* – John F. Kennedy (1962), p. 223.

men; citizens who are not only prepared to take up arms, but citizens who regard the preservation of freedom as a basic purpose of their daily life and who are willing to consciously work and sacrifice for that freedom."

SEAL

Dated

_____

Plaintiffs, Name, et al

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY. 12207-2936 •

Name, et al

Plaintiffs

- Against -

Governor A. Cuomo, New York State Senate and New York State Assembly

Defendants

Case NO:

MEMORANDUM OF LAW IN SUPPORT OF AUTHORITY

The unalienable right of the sovereign People to self-governance was ordained by God, established in the Declaration of Independence and ordained by We the People who are the authority of all law. "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*" Any servant who resists these truths "Wars against the Governor of the Universe and Wars against We the People".

"*Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power…*" - Yick Wo v. Hopkins, 118 US 356, 370

We the Sovereign People of the United States of America on March 4th 1789 birthed a Nation "*…in order to form a more perfect union, establish justice, insure domestic*

tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity ordained and established this Constitution for the United States of America." - Preamble

We the People ordained through Article III Section 1 the creation of one Supreme Court with vested judicial powers and also ordained Congress with the authority to ordain and establish inferior courts with vested judicial powers.

> **28 U.S. Code § 132** - Creation and composition of district courts (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district. (b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court. (c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

In Article III Section 1, We the People established that judges may hold their office only during "good behavior" which we defined in Article VI clause 2 whereby, "obedience to the supreme law of the land" is good behavior.

> "*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*"

Failure of a judge to be in good behavior[1] requires removal from office.

[1] **FAILURE OF GOOD BEHAVIOR:** "Enumerated in statute as ground for removal of a civil service employee means behavior contrary to recognized standards of propriety and morality, misconduct or wrong conduct." State ex rel. Ashbaugh v. Bahr, 68 Ohio App. 308, 40 N.E.2d 677, 680, 682.

CONGRESS IS A CREATURE[2] OF THE LAW WITH CLIPPED AUTHORITY[3]

In the unauthorized creation by the 41st Congress who acted without constitutional authority, an act of fraud, conspiracy and subversion against the United States of America in the creation of a foreign state within our Federal City. Only People can ordain and establish Laws[4] and governments[5]. Only People are endowed by the Creator with certain unalienable rights; governments are not! Consequently, in congruence with Marbury v Madison, all latter construction based upon the Organic Act of 1871 is as null and void as is the Act.

Said Act attempted to supplant our Republican Form of Government that our servants were entrusted to guarantee. This criminally created a foreign venue[6] (Sovereign State) proceeding under fiction of law[7]. Any court resting upon said Act is a de facto court[8]. Any judge acting under such fiction of law denies due process[9] and is acting in excess of their

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[2] **ENS LEGIS.** L. Lat. Blacks 4th; A creature of the law; an artificial being, as contrasted with a natural person.

[3] **CLIPPED SOVEREIGNTY:** In the relations of the several states of the United States to other nations, the states have what is termed a clipped sovereignty. Anderson v. N. V. Transandine Handelmaatschappij, Sup., 28 N.Y.S.2d 547, 552.

[4] **PREAMBLE:** "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

[5] **GOVERNMENT:** "Republican Government; one in which the powers of sovereignty are vested in the people and are exercised by the people" In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626.

[6] **VENUE:** "Venue" does not refer to jurisdiction at all. Arganbright v. Good, 46 Cal.App.2d Super. 877, 116 P.2d 186. "Jurisdiction" of the court means the inherent power to decide a case, whereas "venue" designates the particular county or city in which a court with jurisdiction may hear and determine the case. Southern Sand & Gravel Co. v. Massaponax Sand & Gravel Corporation, 145 Va. 317, 133 S.E. 812, 813. Stanton Trust and Savings Bank v. Johnson, 104 Mont. 235, 65 P.2d 1188, 1189. In the common-law practice, that part of the declaration in an action which designates the county in which the action is to be tried. Sweet. Also, the county (or geographical division) in which an action or prosecution is brought for trial, and which is to furnish the panel of jurors. Armstrong v. Emmet, 41 S.W. 87, 16 Tex.Civ.App. 242; Paige v. Sinclair, 130 N.E. 177, 178, 237 Mass. 482; Commonwealth v. Reilly, 324 Pa. 558, 188 A. 574, 579; Heckler Co. v. Incorporated Village of Napoleon, 56 Ohio App. 110, 10 N.E.2d 32, 35. It relates only to place where or territory within which either party may require case to be tried. Cushing v. Doudistal, 278 Ky. 779, 129 S.W.2d 527, 528, 530. It has relation to convenience of litigants and may be waived or laid by consent of parties. Iselin v. La Coste, C.C.A.La., 147 F. 2d 791, 795.

[7] **FICTION OF LAW:** Something known to be false is assumed to be true. Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621. that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land. Hoke vs. Henderson,15, N.C.15,25 AM Dec 677. A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible. Best, Ev. 419.

[8] **DE FACTO GOVERNMENT:** One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. Wortham v. Walker, 133 Tex. 255, 128 S.W.2d 1138, 1145.

[9] **DUE COURSE OF LAW**, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice. - Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542.

judicial authority[10], in collusion, under color of law[11], thereby losing judicial immunity[12]. Therefore, any judicial reliance upon said act is injudicious.

WHEN COURTS RESIST THE CONSTITUTION

"*It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution*." - 5 Downs v. Bidwell, 182 U.S. 244 (1901)

A LAW REPUGNANT TO THE CONSTITUTION IS VOID "*If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply. Those then who resist the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare, that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure... Thus, the particular phraseology of*

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[10] **EXCESS OF JUDICIAL AUTHORITY:** Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process. Cannon v. Commission on Judicial Qualifications, (1975) 14 Cal. 3d 678, 694; Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. Geiler v. Commission on Judicial Qualifications, (1973) 10 Cal.3d 270, 286.

[11] **COLOR OF LAW:** The appearance or semblance, without the substance, of legal right. State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." Atkins v. Lanning, 415 F. Supp. 186, 188.

[12] **JUDICIAL IMMUNITY:** "... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." ... "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". ... "All law (rules and practices) which are repugnant to the Constitution are VOID". ... Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional. Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803); There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. Cooper v. O'Conner, 99 F.2d 133.

the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." - Marbury v. Madison, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

"*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*" - Miranda v. Arizona, 384 U.S. 436, 491

"*No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence*." - Ableman v. Booth, 21 Howard 506 (1859)

"*We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution*." - Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

"*… that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land*." - Hoke vs. Henderson,15, N.C.15,25 AM Dec 677

WHEN AN OATH BECOMES EQUALLY A CRIME "*It is in these words: 'I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States.' Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him. If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime*." - Marbury v. Madison, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

WE THE PEOPLE ARE SOVEREIGN

Plaintiffs are free and independent sovereign People with the unalienable right of due process and with no contract with any administrative (foreign) court. Thereby, they owe the State nothing and are under no obligation that would require the plaintiffs to seek leave

from any servant who has no jurisdiction or authority over the plaintiffs. We are not "subjects of the state" but the "masters thereof":

> "*It is the public policy of this state that public agencies exist to aid in the conduct of the people's business.... The people of this state do not yield their sovereignty to the agencies which serve them. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves...*" - CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472
>
> "*The very meaning of 'sovereignty' is that the decree of the sovereign makes law.*" - American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047
>
> "*Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that "if a court is without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers.*" - Basso v. UPL, 495 F. 2d 906; Brook v. Yawkey, 200 F. 2d 633; Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)

COURTS OF RECORD
PROCEED ACCORDING TO THE COURSE OF COMMON LAW

"*Courts of Record and Courts not of Record the former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded.*" - 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231

"*A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial*." - Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689

"Decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." - Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)

A court of record is a superior court. A court not of record is an inferior court. Inferior courts are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law. Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.

The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Note, however, that a "superior court" is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be.

COMMON LAW

Unalienable Rights are the spirit of Common Law, the Law of our Creator and not of man. All Law is to be understood in light of our Unalienable Rights. Any law repugnant to that spirit is by nature's Creator "Null and Void". The Law of the Land a/k/a the Constitution for the United States of America [Article VI] and its Cap-Stone Bill of Rights, which is the Crown of our Law, were framed from the Declaration of Independence. These are all Common Law documents that were constructed upon Common Law Principles. To deny Common Law is to deny these documents.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. Declaration of Independence

Amendment VII - *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law*.

"Synopsis of Rule of Law: The Supreme Court has the implied power from the United States Constitution to review acts of Congress and to declare them void if they are found to be repugnant to the Constitution." - **Marbury v. Madison: 5 US 137 (1803);** All cases which have cited Marbury v. Madison case, to the Supreme Court has not ever been over turned. - **See Shephard's Citation of Marbury v. Madison.**

"*... This brings us to the second inquiry; which is, (2) If he has a right, and that right has been violated, do the laws of his country afford him a remedy? [5 U.S. §137, 163] The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court.*

In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law. 'In all other cases,' he says, 'it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.' And afterwards, page 109 of the same volume, he says, 'I am next to consider such injuries as are cognizable by the courts of common law. And herein I shall for the present only remark, that all possible injuries

whatsoever, that did not fall within the exclusive cognizance of either the ecclesiastical, military, or maritime tribunals, are, for that very reason, within the cognizance of the common law courts of justice; for it is a settled and invariable principle in the laws of England, that every right, when withheld, must have a remedy, and every injury its proper redress.'

The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right. If this obloquy is to be cast on the jurisprudence of our country, it must arise from the peculiar character of the case. It behoves us then to inquire whether there be in its composition any ingredient which shall exempt from legal investigation, or exclude the injured party from legal redress. In pursuing this inquiry the first question which presents itself, is, whether this can be arranged [5 U.S. 137, 164] with that class of cases which come under the description of damnum absque injuria-a loss without an injury. ... If any statement, within any law, which is passed, § unconstitutional, the whole law is unconstitutional." - **Marbury v. Madison: 5 US 137 (1803)**

"*The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands*." - United States v Williams

"*If a federal town be necessary for the residence of congress and the public officers, it ought to be a small one, and the government of it fixed on republican and common law principles, carefully enumerated and established by the constitution. it is true, the states, when they shall cede places, may stipulate that the laws and government of congress in them shall always be formed on such principles.*" - Anti Federalist No 41-43 (Part II)

"*The 41st patagraph of the NYS Constitution provides that the trial by jury remain inviolate forever; that no acts of attainder shall be passed by the legislature of this State for crimes other than those committed before the termination of the present war. And that the legislature shall at no time hereafter institute any new courts but such as shall proceed according to the course of the common law, no legislation, in conflict with the Common Law, is of any validity*." - Anti Federalist No 45

"*The common law is sometimes called, by way of eminence, lex terrae, as in the statute of Magna Carta, chap. 29, where certainly the common law is principally intended by those words, aut per legem terrae; as appears by the exposition thereof in several subsequent*

statutes; ... This common law, or "law of the land," the king was sworn to maintain.This fact is recognized by a statute made at Westminster, in 1346, by Edward III., which commences in this manner:" - Trial by Jury by Lysander Spooner

CONCLUSION: All Article III courts are courts of record and are to proceed under the rules of common law. Common law is nature's law ordained by God. Constitutions are an unalienable right ordained by sovereign People. Legislators are bound by the chains of the Constitution and have no authority to create governments or write laws outside those bonds. Any judge resting in fiction of law proceeds under the color of law and losses all immunity. Decisions of such an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court.

SEAL

Dated

_____

Plaintiffs, Name, et al

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY. 12207-2936 •

Name, et al

Plaintiffs

- Against -

Governor A. Cuomo, New York State Senate and New York State Assembly

Defendants

Case NO:

MEMORANDUM OF LAW IN SUPPORT OF ARTICLE III COURTS

COVENANT[1]

It is by the following words in our founding document upon which all law rests whereby We the People called upon God and made a covenant:

> *When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness*. Declaration of Independence.

God's covenant founded upon the law of the land is eternal[2] and cannot be broken on behalf of another. This law is called common law because it is common onto all men or

[1] **Blacks 4th** An absolute covenant is one which is not qualified or limited by any condition and binds the heirs of the land.

natural law because it is innate, written in the hearts of men[3]. Thereby the authority vested in We the People instituted by decree in our Constitution created a republican form of government to secure the blessings of liberty to ourselves and our posterity.

We the People through this Constitution empowered elected and appointed servants to guard the same. The Constitution cannot be altered or abolished by the legislative servants who took an oath to protect it. "*Any judge who does not comply with his oath to the Constitution for the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason*[4]".

CREATION OF ARTICLE III COURTS

It is Article III Section 1 where authority is given to create courts. We the People vested power in only "One Supreme Court" and empowered Congress to ordain and establish inferior courts whereas judges hold office only so long as they are in good behavior.

> Article III Section 1: *The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior…*

Good behavior is defined in Article VI as being obedient to the "Law of the Land" which is obedience to the common law. Therefore, any judge not in good behavior would be in bad behavior and forfeit's their office.

> Article VI Clause 2 *This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

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[2] **Psalms 105:8-11** *He hath remembered his covenant forever, the word [which] he commanded to a thousand generations. He hath remembered his covenant forever, the word [which] he commanded to a thousand generations. Which [covenant] he made with Abraham, and his oath unto Isaac; And confirmed the same unto Jacob for a law, [and] to Israel [for] an everlasting covenant: Saying, Unto thee will I give the land of Canaan, the lot of your inheritance*:

[3] **Jeremiah 31:33-34** *But this [shall be] the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people. And they shall teach no more every man his neighbour, and every man his brother, saying, Know the LORD: for they shall all know me, from the least of them unto the greatest of them, saith the LORD: for I will forgive their iniquity, and I will remember their sin no more*.

[4] Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

LEGISLATIVE AUTHORITY
TO CREATE ARTICLE III COURTS

Congress has been given power to create only Article III Courts of Record and equity ruled by American Jurisprudence. They have not been given power to create statutory courts a/k/a nisi prius[5] courts.

> Article I Section 8; Clause 9: *The Congress shall have power to constitute tribunals inferior to the Supreme Court*; as referred to in Article III Section 1[6]
>
> 28 USC §132 - *Creation and composition of district courts (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district. (b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court. (c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.*

AUTHORITY TO APPOINT JUDGES & COURT OFFICERS

Article II Section 2; Clause 2: *The President shall have power… to nominate … by and with the advice and consent of the Senate, shall appoint … judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law….*

ARTICLE III COURTS

Our Constitution provides for courts of equity and courts of law, the former is a court not of record that is presided over by a Judge whose decision can be appealed; the latter is a court of record presided over by a tribunal a/k/a jury whose decision is final and cannot be appealed.

The judicial power shall extend to all cases, in law and equity… Article III Section 2.

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[5] **NISI PRIUS:** (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.

[6] **Article III Section 1:** The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

COURTS OF EQUITY are courts not of record that do not have the power to fine or incarcerate, therefore, they cannot hear criminal cases. They proceed in equity[7] which is a body of jurisprudence[8] being a practical science that builds upon principles and self-evident truths synonymous with that of common law and the law of the land that all judges must obey. Equity supersedes the civil law in virtue meting out impartial justice[9] between two persons whose rights or claims are 'in conflict; the tribunal is a Judge bound by oath and an appellate structure made up of three or more judges. If the claim is over $20 either party has a right to choose a court of law which is trial by jury.

> *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law*. Amendment VII.

COURTS OF LAW are courts of record that proceed according to common law. All criminal cases require an injured party and the State cannot be the plaintiff. The tribunal is a "free and independent jury" of twelve People whose decision is final and from which there is no appeal. It is We the People that bring an indictment and the People that decide the facts, law, remedy and/or penalty.

ADMINISTRATIVE COURTS are statutory courts that proceed according to statutes and do not yield to common law and our unalienable rights and whose end results are the

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[7] **EQUITY:** Black's 4th; Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law. Laird v. Union Traction Co., 208 Pa. 574, 57 A. 987; It is a body of rules existing by the side of the original civil law, founded on distinct principles, and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles. Maine, Anc. Law, 27; In a restricted sense, the word denotes equal and impartial justice as between two persons whose rights or claims are 'in conflict; justice, that is, as ascertained by natural reason or ethical insight, but independent of the formulated body of law. This is not a technical meaning of the term, except in so far as courts which administer equity seek to discover it by the agencies above mentioned, or apply it beyond the strict lines of positive law. See Miller v. Kenniston, 86 Me. 550, 30 A. 114.; In its most restricted sense, it is a system of jurisprudence, or branch of remedial justice, administered by certain tribunals, distinct from the common-law courts and empowered to decree "equity" in the sense last above given. Here it becomes a complex of well-settled and well-understood rules, principles, and precedents. Isabelle Properties v. Edelman, 297 N.Y.S. 572, 574, 164 Misc. 192.

[8] **JURISPRUDENCE:** The science of the law. By science here, is understood that connexion of truths which is founded on principles either evident in themselves, or capable of demonstration; a collection of truths of the same kind, arranged in methodical order. In a more confined sense, jurisprudence is the practical science of giving a wise interpretation to the laws, and making a just application of them to all cases as they arise. In this sense, it is the habit of judging the same questions in the same manner, and by this course of judgments forming precedents. 1 Ayl. Pand. 3 Toull. Dr. Civ. Fr. tit. prel. s. 1, n. 1, 12, 99; Merl. Rep. h. t.; 19 Amer. Jurist, 3.

[9] **JUSTICE:** Bouvier's Law: In the most extensive sense of the word, it differs little from virtue, for it includes within itself the whole circle of virtues. Yet the common distinction between them is that that which considered positively and in itself, is called virtue, when considered relatively and with respect to others, has the name of justice. But justice being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought.; * Luke 6:19 And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.

will of the state. These courts do not have the power to fine or incarcerate and are called nisi prius[10] courts. People are not obligated to participate in these courts unless they agree first. The law requires jurisdiction to appear on the record[11]. Some examples of these kinds of courts are housing courts, department of labor courts, compensation courts, village courts, town courts, etc… Congress has not been given authority to legislate statutory courts.

JURISDICTION OF ARTICLE III COURTS

Article III Section 2 The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;

--to all cases affecting ambassadors, other public ministers and consuls;

--to all cases of admiralty and maritime jurisdiction;

--to controversies to which the United States shall be a party;

--to controversies between two or more states;

--between a state and citizens of another state;

--between citizens of different states;

--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

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[10] **NISI PRIUS:** (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

[11] **JURISDICTION:** "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantanav. Hopper, 102 F2d 188; Chicago v. New York, 37 F Supp 150.; "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings" Hagans v. Lavine, 415 U.S. 528.

TWO JURISDICTIONS

Federal Courts only have two jurisdictions, the jurisdiction of the sea and of the land.

(1) "Admiralty and maritime jurisdiction" cases where international laws apply, law of the sea under jurisprudence.

(2) "Law and Equity jurisdiction" all of the other cases above, law of the land bound by Article VI[12].

COURTS THAT RESIST THE CONSTITUTION; Judges have a duty by oath to support the Constitution and guarantee a Republican form of government[13]. Any judge acting upon seditious legislative acts joins the conspiracy of subversion; "*if then the courts are to regard the constitution and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply. Those then who resist the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure*."… "*It is in these words: 'I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States.' Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him. If such be the real state of things, this is worse than solemn mockery. To prescribe, or to*

[12] **Article VI Clause 2:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

[13] **Article IV Section 4:** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

take this oath, becomes equally a crime." - MARBURY v. MADISON, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

CONCLUSION Congress has been given power to create only Article III Courts of Record and equity courts ruled by American Jurisprudence; a/k/a "United States District Court for the District". These courts proceed under the rules of Common Law and all judges are bound to the law of the land and hold office only when they are obedient to the law of the land.

SEAL

Dated

_____

Plaintiffs, Name, et al

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY. 12207-2936 •

Name, et al

Plaintiffs

- Against -

Governor A. Cuomo, New York State Senate and New York State Assembly

Defendants

Case NO:

MEMORANDUM OF LAW
JURY TAMPERING & STACKING

FEDERAL TRIAL HANDBOOK TAMPERS WITH THE JURY AND ROBS THEIR SOVEREIGN RIGHT TO JUDGE

The federal trial handbook, in an effort to taint and control the jury, repeats twelve (12) times that the judge is to decide the law and not the jury. Joseph Goebbels, Adolf Hitler's Propaganda Minister, said: "*If you repeat a lie often enough, people will believe it, and you will even come to believe it yourself.*" Vladimir Lenin, the Russian communist revolutionary, said: "*A lie told often enough becomes the truth*".

Twelve Lies (See evidence document at www.nationallibertyalliance.org/docket Federal Trial Jury Handbook:

- Page 1 The judge determines the law to be applied in the case, while the jury decides the facts.
- Page 3 The judge in a criminal case tells the jury what the law is. The jury must determine what the true facts are. On that basis, the jury has only to determine whether the defendant is guilty or not guilty of each offense charged. The subsequent sentencing is the sole responsibility of the judge. In other words, in arriving at an impartial verdict as to guilt or innocence of a jury defendant, the jury is not to consider a sentence.
- Page 8 The law is what the presiding judge declares the law to be, not what a juror believes it to be or what a juror may have heard it to be from any source other than the presiding judge.

- Page 9 It is the jury's duty to reach its own conclusion(s) based on the evidence. The verdict is reached without regard to what may be the opinion of the judge as to the facts maybe, although as to the law, the judge's charge controls.
- Page 9 In both civil and criminal cases, it is the jury's duty to decide the facts in accordance with the principles of law laid down in the judge's charge to the jury. The decision is made on the evidence introduced, and the jury's decision on the facts is usually final.
- Page 10 Jurors should give close attention to the testimony. They are sworn to disregard their prejudices and follow the court's instructions. They must render a verdict according to their best judgment.
- A juror should also disregard any statement by a lawyer as to the law of the case if it is not in accord with the judge's instructions.
- Finally on page 12 we read: The Sixth Amendment's guarantee of a trial by an impartial jury requires that a jury's verdict must be based on nothing else but the evidence and law presented to them in court. The words of Supreme Court Justice Oliver Wendell Holmes, from over a century ago, apply with equal force to jurors serving in this advanced technological age: "The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print."

What the author left out was that Justice Oliver Wendell Holmes also said: "*The jury has the power to bring a verdict in the teeth of both the law and the facts.*" In conclusion, the federal trial handbook wars against We the Peoples' unalienable right as the source and author of the Law of the Land in an attempt to subvert We the Peoples' unalienable right of government by consent. None of our founding fathers or supporters' of the Law of the Land, a/k/a common law, denies the unalienable right of We the Peoples' right of nullification.

The Criminal Pattern Jury Instructions developed by the U.S. Court of Appeals for the 10th Circuit for use by U.S. District Courts state:

> "*You, as jurors, are the judges of the facts. But in determining what actually happened that is, in reaching your decision as to the facts–it is your sworn duty to follow all of the rules of law as I explain them to you. You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences. However, you should not read into these instructions or*

anything else I may have said or done, any suggestion as to what your verdict should be. That is entirely up to you. It is also your duty to base your verdict solely upon the evidence, without prejudice or sympathy. That was the promise you made and the oath you took."

FEDERAL JURIST QUESTIONNAIRE PROFILES AND PROVIDES FOR JURY STACKING

The federal questionnaire for Jurists, which asks many inappropriate questions, becomes a tool of trial judges and prosecutors to profile and stack the jury for favorable results for political favors. Some of the questions we have found on these questionnaires are as follows:

Dates of birth, work and marital status of the potential juror and all members of the juror's household; sex, age and employment of children who do not reside with the juror; education, knowledge of law, principal leisure time activities, civic, social, political or professional organizations to which the juror belong; lists of television and/or radio news programs, newspapers, magazines that the juror receives their propaganda from. Also, did the juror's, or member of their family, ever own a gun or belong to any kind of anti-gun or pro-gun club or organization or military service? Have juror's family members or friends ever been audited by or had a dispute with any agency or department of the United States Government including the IRS, Social Security Administration, Veterans Administration, etc. or any city or state government agency? Finally, the most revolting question which is couched in such a way that it leads the potential juror to conclude that the question is directly from the judge. "Do you have any ideas or prejudices that would hinder you from following the instructions that I [*judge*] will give as to the law?"

As Lysander Spooner, author of Trial by Jury 1852 so clearly pointed out: "*governments cannot decide the law or exercise authority over jurors (the People) for such would be absolute government, absolute despotism*". Such is our condition today and we the People are determined to end it, here, today, at this cross road!

For rebuttal of the Federal Trial Handbook, see Common Law Handbook for Jurors, Sheriffs, Bailiffs and Justices. Dated November 4, 2016.

SEAL

DATED:

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Plaintiffs, Name, et al

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY. 12207-2936 •

Name, et al

Plaintiffs

- Against -

Governor A. Cuomo, New York State Senate and New York State Assembly

Defendants

Case NO:

MEMORANDUM IN SUPPORT OF FOUNDING DOCUMENTS

SOVEREIGN AUTHORITY

"*The very meaning of 'sovereignty' is that the decree of the sovereign makes law.*" - American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047. "*A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice.* (Fortesc.c.8. 2Inst.186) *His judges* (We the People, Jurist) *are the mirror by which the king's* (Natures God) *image is reflected.*" 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

LAW OF THE LAND

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding." - Constitution for the United States of America, Article VI, Clause 2

OBSTA PRINCIPIIS[1]

The Supreme Court said: "*It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be Obsta Principiis*." - Boyd v. United, 116 U.S. 616 at 635 (1885)

LIBERALLY CONSTRUED

The purpose of a written constitution is entirely defeated if, in interpreting it as a legal document, its provisions are manipulated and worked around so that the document means whatever the manipulators wish. Jefferson recognized this danger and spoke out constantly for careful adherence to the Constitution as written, with changes to be made by amendment, not by tortured and twisted interpretations of the text.

ORDINARY UNDERSTANDING

Thomas Jefferson said: "*The Constitution to which we are all attached was meant to be republican, and we believe to be republican according to every candid interpretation. Yet we have seen it so interpreted and administered, as to be truly what the French have called, a monarchie masque* (or oligarchy's mask). "*Laws are made for men of ordinary understanding and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties which may make anything mean everything or nothing at pleasure*."[2]

"*Common sense [is] the foundation of all authorities, of the laws themselves, and of their construction*.[3] *The Constitution on which our Union rests, shall be administered by me* [as

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[1] **OBSTA PRINCIPIIS:** Lat. Withstand begin-nings; resist the first approaches or encroach-ments. Bradley, J., Boyd v. U. S., 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.

[2] Thomas Jefferson to William Johnson, 1823. ME 15:450.

[3] Thomas Jefferson: Batture at New Orleans, 1812. ME 18:92.

President] *according to the safe and honest meaning contemplated by the plain understanding of the people of the United States at the time of its adoption--a meaning to be found in the explanations of those who advocated, not those who opposed it, and who opposed it merely lest the construction should be applied which they denounced as possible.*[4] *I do then, with sincere zeal, wish an inviolable preservation of our present federal Constitution, according to the true sense in which it was adopted by the States, that in which it was advocated by its friends, and not that which its enemies apprehended, who therefore became its enemies*."[5]

TWO MEANINGS

"*Whenever the words of a law will bear two meanings, one of which will give effect to the law, and the other will defeat it, the former must be supposed to have been intended by the Legislature, because they could not intend that meaning, which would defeat their intention, in passing that law; and in a statute, as in a will, the intention of the party is to be sought after.*[6] *On every question of construction carry ourselves back to the time when the Constitution was adopted,* [See Federalist and Anti Federalist papers at www.NationalLibertyAlliance.org/docket] *recollect the spirit manifested in the debates and instead of trying what meaning may be squeezed out of the text or invented against it, conform to the probable one in which it was passed*."[7]

KENTUCKY RESOLUTIONS

"*Where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy.*[8] *[The States] alone being parties to the [Federal] compact... [are] solely authorized to judge in the last resort of the powers exercised under it, Congress being not a party but merely the creation of the compact and subject as to its assumptions of power to the final judgment of those by whom and for whose use itself and its powers were all created and modified.*[9] *The government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would*

[4] Thomas Jefferson: Reply to Address, 1801. ME 10:248.
[5] Thomas Jefferson to Elbridge Gerry, 1799. ME 10:76.
[6] Thomas Jefferson to Albert Gallatin, 1808. ME 12:110.
[7] Thomas Jefferson to William Johnson, 1823. ME 15:449.
[8] Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:386.
[9] Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:387.

have made its discretion and not the Constitution the measure of its powers; but... as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."[10]

THE CONSTITUTION IS NOT MOOT[11]

As the man who discovered America's Freedom Formula, Thomas Jefferson warned of those that read the Constitution as a legal document to be manipulated and worked around by tortured and twisted interpretations of the text so that the document means whatever the manipulators wish it to mean in order to empower themselves and or suppress others.

The Constitution is to be read according to the true sense in which it was adopted by the States. However, because of intellectual laziness, particularly in Law and our political process, and subversive factions that have infiltrated our government, our government servants with vested powers are unconstitutionally taught by and provided with for their use, an Army of BAR attorneys, minions of the oligarchy, who are trained to expand their powers at the cost of suppressing our Liberties. They have expanded the powers of our public servants to the point of making the servant the master and the master the servant. They make everything a controversy and claim our Constitution moot or out of date.

Our Constitution is simple to read. The only prerequisites are the ability to read and the use of a dictionary, that's it! For further expanding on the logic and the debate that resulted in our Constitution, see Federalist and Anti Federalist papers at www.NationalLibertyAlliance.org/docket

Our Constitution was written by ordinary men for men of ordinary understanding and interpreted by common sense. The Bill of rights states that the Constitution is to be read "*to prevent misconstruction or abuse of its powers*". As we read in the preamble, We the People need to first understand the Bill of Rights and use it as the ruler to prevent the servants we empower from going beyond their jurisdiction.

> "*…THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent*

[10] Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:380.

[11] **MOOT**, adj. Blacks 4th: A subject for argument; unsettled; undecided. A moot point is one not settled by judicial decisions. A moot case is one which seeks to determine an abstract question which does not arise upon existing facts or rights. Adams v. Union R. Co., 21 R.I. 134, 42 A. 515, 44 L.R.A. 273.

misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution…" - Bill of Rights Preamble

WAR AGAINST THE CONSTITUTION

DESTRUCTION OF THE BALANCE OF POWER: Our Constitution provided for a balance of power that was laid waste by the unratified, unconstitutional 17th Amendment, which was specifically forbidden by the Constitution itself and therefore "null and void". Furthermore, the Seventeenth Amendment was never ratified and therefore it's not even a pretend law. See evidence document 17th Amendment Not Ratified.pdf at https://www.nationalliberty alliance.org/docket "*Truth is stranger than fiction, but it is because Fiction is obliged to stick to possibilities; Truth isn't.*" - Mark Twain

> **United States Constitution Article V**: "*The Congress… shall propose amendments to this Constitution … which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified … provided that …no state, without its consent, shall be deprived of its equal suffrage*[12] *in the Senate.*"
>
> **United States Constitution Article 1 Section 3** "*THE SENATE OF THE UNITED STATES shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.*"

Clearly the Seventeenth Amendment deprives "ALL" States equal suffrage in the Senate! Thus, it is not a moot point! Therefore, like the Principle of the Kentucky Resolution written by Thomas Jefferson, the founder of our Republic, which stated that simply by "*declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring nullification to be the rightful remedy*." That is how the 17th amendment can be nullified. There need not be an act of Congress, there need not be an amendment; Governors and State Legislators need only come to a "resolution" and then declare, announce and act by removing the unconstitutional senators and sending their own Senators that will do the will of the state and restore the balance of power because "*An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had*

[12] **SUFFRAGE**: A vote; the act of voting; the right of casting a vote.

never been passed." - Norton vs Shelby County 118 US 425 p. 442. "*No one is bound to obey an unconstitutional law and no courts are bound to enforce it*." - 16th American Jurisprudence 2d, Section 177 late 2nd, Section 256.

> "*It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case con-formally to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. If, then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they may both apply… Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature repugnant to the constitution is void. This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society. It is not therefore to be lost sight of in the further consideration of this subject. If an act of the legislature, repugnant to the constitution, is void,*" - Marbury -v- Madison

> "*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*" - Miranda v. Arizona, 384 U.S.

By constitutionally correcting, through nullification and action, the said unconstitutional seventeenth amendment, nullification would then permit the states to review all passed acts since November 1913 giving both equal suffrage to the States and a great opportunity to eradicate many unconstitutional acts such as the Federal Reserve Act, enacted December 23, 1913; the patriot act; homeland security act and many more unconstitutional acts.

These tyrants in power have turned the "Bill of Rights" which was written to prevent misconstruction or abuse of government powers into a document of "Restriction of Rights" by turning common sense on its head. They have created "No free speech zones"; they have licensed our Liberties; they demonize, raid, arrest and terrorize people who assemble liberty meetings, teach common law, and question their authority; they refuse to answer the People. See No Free Speech Zone at www.NationalLibertyAlliance.org/docket.

These tyrants torture and twist to interpret the meaning of our right to bear arms for the militia only while Article I Section 8 Clause 16 divides the militia into two parts one employed in service and one ready for service, a/k/a the organized and the unorganized. The Militia Act of 1903 and most if not all State Constitutions makes it clear that the militia is "EVERY ABLE BODIED MALE". This immediately destroys the argument that the second amendment is moot.

Furthermore the bearing of arms is understood to be a "Military grade rifle" which is an automatic weapon. These tyrants have infringe upon our right to defend ourselves, our state and our nation by licensing weapons and making a law against automatic weapons as they continue to try and disarm us. They serve and execute warrants without sworn affidavits and "wet ink signatures". They try us in courts whose jurisdictions are unknown without a Grand Jury indictment and often without a trial jury or by puppet grand and trial juries, without sworn affidavits and without an injured party.

In conclusion the reading of the Federalist papers and the Anti Federalists papers bear absolute proof that the Constitution is not moot and was written by ordinary men with ordinary common sense meaning simply what it says; needing no BAR interpreter whose job it is to spread confusion and destroy the Constitution. Find Federalist papers and the Anti Federalists at www.NationalLibertyAlliance.org/docket.

SEAL

Dated

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Plaintiffs, Name, et al

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY. 12207-2936 •

Name, et al Plaintiffs - Against - Governor A. Cuomo, New York State Senate and New York State Assembly Defendants	Case NO: **MEMORANDUM OF FACTS CONCERNING COMMON LAW**

In 1775, Colonial "Militiamen" [1], a/k/a We the Sovereign People[2], took up arms against the British troops of the tyrant king George for subversion of the unalienable rights of We the Sovereign People. On July 4th 1776, We the Sovereign People, in a Declaration of Independence, dissolved the political bands with Britain proclaiming: "*When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed*." In this Proclamation, We the Sovereign People laid the foundation of our Constitution calling upon our creator, acknowledging the covenant with God, by establishing the "Law of the Land". That is the "Common Law" that the Bill of Rights expresses.

[1] **MILITIA:** The body of citizens in a state, enrolled for discipline as a military force, but not engaged in actual service except in emergencies, as distinguished from regular troops or a standing army. Ex parte McCants, 39 Ala. 112; Worth v. Craven County, 118 N.C. 112, 24.

[2] **SOVEREIGN PEOPLE:** The political body, consisting of the entire number of citizens and qualified electors, who, in their collective capacity, possess the powers of sovereignty and exercise them through their chosen representatives. Scott v. Sandford, 19 How. 404, 15 L.Ed. 691.

The acknowledgement of this covenant with God under His Law was made clear by a committee of three, John Adams, Thomas Jefferson and Benjamin Franklin that were chosen to author our founding document, the Declaration of Independence in 1776. This same committee of three was again chosen by the Continental Congress to work on and submit a national seal design for approval. Jefferson, in the representation of the Law of the Land and our structure of government, designed an illustration of the Israelites' exodus out of slavery and bondage from Egypt.

Benjamin Franklin had an idea similar to Jefferson's and wanted to also illustrate a scene from the Exodus of the Israelites. The seal would show Moses parting the Red Sea with Pharaoh and his chariots being overwhelmed by the waters with the motto: Rebellion to tyrants is obedience to God. Thomas Jefferson became so enamored with this motto he incorporated it for his own personal seal design.

In 1782, Congress rejected the Jefferson and Franklin designs and instead adopted a two sided seal designed by Charles Thomson. His seal gave allegiance to a secret society that symbolically made the point within the seal that there was already a conspiracy to supplant the Law of the Land (God) with the civil law of man (under a new world order). Franklin was not happy with the eagle, as he explained in a letter to his daughter: "*For my own part, I wish the Bald Eagle had not been chosen as the Representative of our Country. He is a Bird of bad moral Character. He does not get his living honestly. You may have seen him perched on some dead Tree near the River, where, too lazy to fish for himself, he watches the Labor of the Fishing Hawk; and when that diligent Bird has at length taken a Fish,... the Bald Eagle pursues him and takes it from him.*"

In 1789, We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity did ordain and establish the Constitution for the United States of America.

In 1791, We the People of the United States "*expressed a desire in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution*" RESOLVING THAT: this Bill of Rights "*to be valid to all intents and purposes, as part of the said Constitution.*"

The Bill of Rights thereby being the capstone of our Constitution, laid the foundation of our unalienable rights that expressed the Blessings of Common Law by which all law is measured in that all laws repugnant to Liberty are "*null and void*". Marbury v Madison

Therefore, by We the People calling upon God in 1776 desiring the righteousness of His Law, seeking the Blessing of His liberty in 1789 and proclaiming His unalienable rights in 1791, entered into an everlasting covenant with Him that no man can depose[3]. Now, being his children through adoption to whom pertained the covenants, the law and the promises[4], He Put His laws into our mind and wrote them in our hearts and became to us a God. We became to him His People[5] and He shall judge the world in righteousness, He shall minister judgment to the people in honor[6]; therein the Common Law!

God decreed concerning those who would attempt to unseat Him and overthrow His covenant and bind His people in a statutory bondage[7] saying:[8] "*it shall come to pass that the LORD will give His People rest from their sorrow, and from their fear, and from the hard bondage wherein they were forced to serve leviathan* (novus ordo seclorum[9]); *they will not rise and possess the land, nor fill the face of the world with their* [dark] *cities*" and that he would rise up against them at the worlds darkest moment[10] and "*sweep the children of iniquity with the broom of destruction*." Of that day the Lord said: "*Surely as I have thought, so shall it come to pass; and as I have purposed, so shall it stand:*" "*In that day the LORD with his sore and great and strong sword will punish leviathan*[11] *the piercing serpent, even leviathan that crooked serpent; and slay the dragon that is in the world.*" Therefore, We the Sovereign People will reestablish the Law of the Land and God will execute His Judgment upon all who offend.

In 1871, the 41st Congress acted without constitutional authority, an act of fraud (Organic Act of 1871), conspiracy and subversion against the United States of America attempting to depose our covenant with our creator and thereby establishing a totalitarian government unaccountable to We the Sovereign People, under foreign control, behind which the conspiratorial erosion of our Constitution began. Only We the Sovereign People can

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3 Geneses 17

4 Romans 8:15; 9:4-6; 11:24-27; Galatians 4:6

5 Hebrews 8

6 Psalms 9

7 Exodus 6:5-6

8 Isaiah 14

9 The phrase ***Novus ordo seclorum*** (Latin for "New order of the ages" (NWO); English pronunciation: /ˈnoʊvəs ˈɔːrdoʊ sɛˈklɔərəm/; Latin pronunciation: [ˈnɔwʊs ˈoːrdoː seːˈkɬoːrũː]) appears on the reverse (or back side) of the Great Seal of the United States, first designed in 1782 and printed on the back of the United States one-dollar bill since 1935.

10 Zephaniah 1:12-15

11 The collective body of the children of iniquity under the rule of Satan - Book of Revelation

ordain and establish Laws[12] and governments[13]. Only 𝔚e the 𝔖overeign 𝔓eople are endowed by the Creator with certain unalienable rights, governments are not! Therefore, all latter construction upon the Organic Act of 1871 is as "*null and void*" as is the Act itself, which attempted to supplant our Constitutional Republican Form of Government that our servants were entrusted to guarantee, by oath.

> Article IV Section 4: *The United States shall guarantee to every state in this union a republican[14] form of government, and shall protect each of them against invasion*;

Any court resting upon said Act is a de facto court[15]. Any judge acting under such fiction of law[16] denies due process[17] and is acting in excess of their judicial authority[18], in collusion, under color of law[19], thereby losing judicial immunity[20]. Therefore, any judicial reliance upon said act is injudicious, an act of seditious conspiracy to overthrow our

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[12] **PREAMBLE:** "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

[13] **GOVERNMENT:** "Republican Government; one in which the powers of sovereignty are vested in the people and are exercised by the people" In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626.

[14] **REPUBLIC:** A form of government which derives all its powers directly from the people where elected servants hold office for a limited period or during good behavior [*not exceeding their vested powers*] or at the pleasure of the people.

[15] **DE FACTO GOVERNMENT:** One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. Wortham v. Walker, 133 Tex. 255, 128 S.W.2d 1138, 1145.

[16] **FICTION OF LAW:** "Something known to be false is assumed to be true." Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621. "That statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land." Hoke vs. Henderson,15, N.C.15,25 AM Dec 677. "A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible." Best, Ev. 419.

[17] **DUE COURSE OF LAW**, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice. - Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542.

[18] **EXCESS OF JUDICIAL AUTHORITY:** "Acts in excess of judicial authority constitute misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process." Cannon v. Commission on Judicial Qualifications, (1975) 14 Cal. 3d 678, 694; Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. [Geiler v. Commission on Judicial Qualifications, (1973) 10 Cal.3d 270, 286];

[19] **COLOR OF LAW:** The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

[20] **JUDICIAL IMMUNITY:** "... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." ... "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". ... "All law (rules and practices) which are repugnant to the Constitution are VOID". ... Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional. Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803); There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. Cooper v. O'Conner, 99 F.2d 133

Republican form of government. Any clerk failing to file common law documents, such as this, also enters into the seditious conspiracy.

> 18 U.S. Code §2385: *Advocating overthrow of Government; 18 USC §2384: Seditious conspiracy with wide spread mutilating; and, 18 USC §2071: failing to file*.

In 1878 seventy-five lawyers from twenty states and the District of Columbia met in Saratoga Springs, New York, to establish the American Bar Association (ABA), the minions of the "*new order of the ages*". Since that first meeting, the ABA has worked in the shadows infiltrating our government, our courts, our churches, our institutions and our media; demoralizing our children all in an effort to expunge our common law and replace it with civil law a/k/a Babylonian law, Justinian law, or Roman Law. Today, with about a half a million BAR members, they have perverted the rule of law, deprived We the Sovereign People of due process and have supplanted our Article III courts with jurisdictions unknown.

In November 1910, six men – Nelson Aldrich, Abram Andrew, Henry Davison, Arthur Shelton, Frank Vanderlip and Paul Warburg – met at the Jekyll Island Club, off the coast of Georgia, to write a plan to reform the nation's banking system. The meeting and its purpose were closely guarded secrets, and participants did not admit that the meeting occurred until the 1930s. But the plan written on Jekyll Island laid a foundation for what would eventually be the Federal Reserve System.

In 1913, three unratified diabolical acts of Congress set the course for the destruction of the United States of America:

1) The Sixteenth Amendment which only appears to create an income tax[21], an act of extortion and a sponsor of debtor's prisons, in direct violation of the Constitution Article I Section 9 Clause 5. "*No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.*"
2) The Seventeenth Amendment destroyed the checks and balance of power in violation of the Constitution Article V**,** which states: "*no state, without its consent, shall be deprived of its equal suffrage in the Senate*." The 16th Amendment removed the States representation in Washington giving the Senate to the People who already had

[21] "*Congress cannot by any definition* (of income in this case) *it may adopt, conclude the matter, since it cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone that power can be lawfully expressed*." Eisner v. Macomber, 252 U.S. 189; "*In construing federal revenue statute, Supreme Court gives no weight to Treasury regulation which attempts to add to statute something which is not there*." United States v. Calamaro, 354 U.S. 351 (1957), 1 L. Ed. 2d 1394, 77 S. Ct. 1138 (1957); "*The 16th Amendment does not justify the taxation of persons or things previously immune. It was intended only to remove all occasions for any apportionment of income taxes among the states. It does not authorize a tax on a salary*" Evans V. Gore, 253 U.S. 245

representation in congress thereby "*depriving states of its equal suffrage*". Every State being sovereign has the ability to correct this unconstitutional amendment by the power of nullification, the Governor and two houses of each state need only recall their two unconstitutional senators and send two that will represent the will of the State.

3) The unconstitutional Federal Reserve Banking Act of 1913 gave control of America's economy to a private corporation owned by foreign bankers who answer to no one and regulate the value of worthless notes of debt called the dollar, robbed We the People of our gold and bankrupted America. Thomas Jefferson warned us when he wrote, "*I sincerely believe that banking institutions are more dangerous to our liberties than standing armies. The issuing power should be taken from the banks, and restored to the people to whom it properly belongs*." President Andrew Jackson stated in reference to the bankers at the state of his administration: "*You are a den of vipers and thieves. I intend to rout you out, and by the Eternal God, I will rout you out*."

This vile act of congress was in violation to the Constitution Article I Section 8 Clause 5 "*The Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures*;" and Article I Section 10 Clause 1. "*No state shall make anything but gold and silver coin a tender in payment of debts;*"

Charles A. Lindbergh, Sr., concerning the Federal Reserve Act, said: "*The financial system has been turned over to the Federal Reserve Board. That Board administers the finance system by authority of a purely profiteering group. The system is Private, conducted for the sole purpose of obtaining the greatest possible profits from the use of other people's money… This establishes the most gigantic trust on earth. When the President [Wilson} signs this bill, the invisible government of the monetary power will be legalized….the worst legislative crime of the ages is perpetrated by this banking and currency bill … From now on, depressions will be scientifically created*."

The Federal Reserve was chartered by an act of deceit, through an act of congress when most had gone home for Christmas holiday on December 23rd, 1913. No recess had been called, while nearly every senator had gone home. Only three senators passed the act with a unanimous voice vote, 3-0. There were no objections.

James Madison, the main author of the U.S. Constitution wrote, "*History records that the money changers have used every form of abuse, intrigue, deceit, and violent means possible to maintain their control over governments by controlling money and its issuance*."

1934 Congressman McFadden on the Federal Reserve Corporation Remarks in Congress: "*Mr. Chairman, we have in this Country one of the most corrupt institutions the world has*

ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. The Fed has cheated the Government of these United States and the people of the United States out of enough money to pay the Nation's debt. The depredations and iniquities of the Fed has cost enough money to pay the National debt several times over... This evil institution has impoverished and ruined the people of these United States, has bankrupted itself, and has practically bankrupted our Government. It has done this through the defects of the law under which it operates, through the maladministration of that law by the Fed and through the corrupt practices of the moneyed vultures who control it… "The United States has been ransacked and pillaged. Our structures have been gutted and only the walls are left standing. While being perpetrated, everything the world would rake up to sell us was brought in here at our expense by the Fed until our markets were swamped with unneeded and unwanted imported goods priced far above their value and make to equal the dollar volume of our honest exports, and to kill or reduce our favorite balance of trade. As Agents of the foreign central banks the Fed try by every means in their power to reduce our favorable balance of trade. They act for their foreign principal and they accept fees from foreigners for acting against the best interests of these United States. Naturally there has been great competition among foreigners for the favors of the Fed." (See evidence document Congressman McFadden Speech on House Floor 1934) at www.nationallibertyalliance.org/docket

TODAY, under legislation such as the Patriot Act and the creation of the Department of Homeland Security, We the Sovereign People are under attack by our very own elected and appointed servants. Our very way of life is in jeopardy because of the ignorance of the meaning of words and the misuse of the way that government by consent that our founders framed for us has been abused.

According to the Southern Poverty Law Center (SPLC) Intelligence Report[22], proclaiming to be the nation's preeminent periodical monitoring the radical right in the United States, is fueling all government agencies and police departments into believing that anyone that uses specific words like militia, sovereign, oath keepers, constitution, patriots and even founding fathers, to name just a few, are armed, radicals and dangerous cop killers, whose names are put on the terrorist watch list. This agitation often causes police to over-react with excessive force and on a few occasions respond by SWAT when these words are used at traffic stops.

Much of the over-reaction that fuels the police comes from www.policemag.com that spews forth the lies of the Southern Poverty Law Center to unsuspecting law-enforcement agencies and departments. The SPLC is an arm of the BAR whose purpose is to excite

[22] https://www.splcenter.org/intelligence-report?f%5B0%5D=field_intel_report_issue%3A11691

violence by federal agents and police upon We the Sovereign People who are trying to make sense of our out of control federal judiciary and be free.

> The fact of the matter is "*In United States, SOVEREIGNTY RESIDES IN PEOPLE. The Congress cannot invoke the sovereign power of the People to override their will...*"[23] "*It will be admitted on all hands that with the exception of the powers granted to the states and the federal government through the Constitutions, THE PEOPLE OF THE SEVERAL STATES ARE UNCONDITIONALLY SOVEREIGN within their respective states.*"[24] "*SUPREME SOVEREIGNTY IS IN THE PEOPLE - No authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.*"[25] "*SOVEREIGNTY ITSELF IS, OF COURSE, NOT SUBJECT TO LAW, FOR IT IS THE AUTHOR AND SOURCE OF LAW; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power…*"[26]

So how is it that patriotic People who claim to be sovereign and believe in the Constitution and insist that our elected servants keep their oaths are somehow home grown terrorists? We the Sovereign People are determined through this action to find out why.

POWER AND AUTHORITY

There is a war that has been raging since antiquity a war for our hearts and our minds, for our flesh, for our very souls; to bring all mankind under a one world order (novus ordo seclorum)[27] as George Washington put it, "*orchestrated by a small group of cunning, ambitious, and unprincipled men*[28] *who have subverted the power of the people and usurped for themselves the reins of government. They have put in the place of the delegated will of the nation the will of a small but artful and enterprising minority to make the public*

[23] Perry v. US, 294 U.S330
[24] Lansing v. Smith, 4 Wendell 9, (NY) 6 How416, 14 L. Ed. 997
[25] NY LAW § 2:
[26] Yick Wo v. Hopkins, 118 US 356, 370
[27] The phrase ***Novus ordo seclorum*** (Latin for "New order of the ages" (NWO); English pronunciation: /ˈnoʊvəs ˈɔːrdoʊ sɛˈklɔərəm/; Latin pronunciation: [ˈnɔwʊs ˈoːrdoː seːˈkɬoːrũː]) appears on the reverse (or back side) of the Great Seal of the United States, first designed in 1782 and printed on the back of the United States one-dollar bill since 1935. Soon after America became a new nation, the Continental Congress formed a committee to "prepare a device for the seal of the United States of North America". The committee consisting of Benjamin Franklin, John Adams and Thomas Jefferson on May 10, 1780, Congress rejected the design submitted by the committee. Then the matter was referred to the Secretary of Congress, Charles Thomson, who asked the assistance of William Barton, a prominent citizen of Philadelphia. Barton proposed two designs, then Thomson submitted his own, which, revised by Barton, was finally adopted in 1782.
[28] Ephesians 2:2

administration the mirror of their ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests."

"*There are only two fundamental traditions of law and government that are active among humanity, each manifesting contrary ideals: the common law and the civil law. The common law rests upon justice administered by scriptural principles that presuppose and guard against the inherent imperfections of human reason. The civil law, on the other hand, justifies its methods by presupposing and appealing to man's notions of perfected reason. The common law tradition governs only a handful of countries and is fundamentally consonant with Scripture, acknowledging the divine eternality of law as the measure of all things. The civil law tradition, on the other hand, governs most modern nations and is fundamentally Babylonian trusting human reason as the worthy measure of all things. The common law tradition recognizes the necessity of human administration of law and government, while providing safeguards against man's weaknesses*."[29]

Legislated laws of men change with the times, serve agendas, serve governments, are incapable of mercy and demoralize men. Whereas, God's laws are the same yesterday, today and tomorrow, they serve God, serve man, benefit both victim and wrongdoer, provide for repentance, considers mercy, builds morals and save souls.

We the Sovereign People ordained and establish a federal government to serve the following six directives:

(1) FORM A MORE PERFECT UNION;

Create a federal city[30], establish uniform naturalization rules[31], coin money[32], establish post offices, post roads[33], legislate counterfeiting[34] and piracy laws[35]

(2) ESTABLISH JUSTICE;

Create courts[36], secured habeas corpus[37], congress may not impose an income (direct) tax[38], forbid BAR attorneys from holding office[39] and prevent misconstruction or abuse of powers[40].

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[29] Excellence of the Common Law by Brent Winters, pg 45

[30] **Article 1 Section 8 Clause 17:** To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; In September 1791, the commissioners named the federal city in honor of Washington and dubbed the district. In 1871 by the unconstitutional Organic Act of 1871 the District officially was renamed District of Columbia.

[31] Article 1 Section 8 Clause 4

[32] Article 1 Section 8 Clause 5

[33] Article 1 Section 8 Clause 7

[34] Article 1 Section 8 Clause 6

[35] Article 1 Section 8 Clause 10

[36] Article 1 Section 8 Clause 9

[37] Article I Section 9 Clause 2

[38] Article I Section 9 Clause 4

(3) INSURE DOMESTIC TRANQUILITY;
Provide for the militia for the suppression of insurrections and repel invasions[41].

(4) PROVIDE FOR THE COMMON DEFENSE;
Raise and support armies, maintain a navy and make rules for the land and naval forces;[42]

(5) PROMOTE THE GENERAL WELFARE
Promote the arts and science[43]; make commerce regular[44]; no taxes or duties on exports[45].

(6) SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY.
Guarantee a republican government, protect against invasion[46] enforce the law of the land[47].

Our Constitution provided for a government that united the States as one unique Nation where "*no state is deprived of its equal suffrage in the Senate*"[48], but insidious factions within all three branches of our government have conspired and have succeeded in depriving every state its equal suffrage, destroying all balance of power between the States through the passing as law the repugnant XVII Amendment a law specifically and explicitly FORBIDDEN by the Constitution itself.[49]

Amendment X clearly stated that "*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, ARE RESERVED TO THE STATES RESPECTIVELY OR TO THE PEOPLE*."

All legislation by Congress that was not delegated to them is null and void and it is the duty of this Congress to READ and UNDERSTAND our Constitution and start obeying it because clearly they are not and in the day of reckoning, ignorance of the law will be no excuse!

The foundation of our Constitution is the Declaration of Independence which states: whenever any Form of Government becomes destructive to our unalienable rights such as life, liberty, pursuit of happiness and government by consent of the governed, it is the Right of the People to remove from office by indictment or recall any elected, appointed or hired servants who refuse to obey the Law of the Land. We the People have suffered a long train of abuses and usurpations by our government that perpetually pursued the same objective which revealed a design to reduce the People to living under absolute despotism,

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[39] Article I Section 9 Clause 8
[40] Bill of Rights
[41] Article 1 Section 8 Clause 15, Article 1 Section 8 Clause 16
[42] Article 1 Section 8 Clause 11, Clause 12, Clause 13
[43] Article 1 Section 8 Clause 8
[44] Article 1 Section 8 Clause 3
[45] Article I Section 9 Clause 5
[46] Article IV Section 4
[47] Article VI Clause 2
[48] Article V
[49] **Article V:** "No state, without its consent, shall be deprived of its equal suffrage in the Senate"

it is therefore our right and our duty to indict such tyrants and try them for treason in a court of Justice, such as this.

These tyrants have infiltrated our government from the very inception of our Nation and have labored continually deteriorating our Union taking the controls at every level of government. They have changed our federal city built upon righteousness and governed by our Creator's Law (Common Law) into a corporate state of greed and corruption controlled by foreign bankers and BAR attorneys. They have brought us to the very brink of World War III.

Tyrants in Congress have ignored and expunged the Peoples six directives: (1) instead of Forming a more perfect union, they have given our federal city, post offices and coining of money to foreign bankers and BAR attorneys; (2) instead of Establishing Justice, they have turned our courts to jurisdictions unknown, abolished habeas corpus, imposed an income tax that has destroyed the middle class and turned all law making over to the BAR who have abrogated the Law of the Land; (3) instead of Insuring Domestic Tranquility, they have abolished the militia and closed our armories; (4) instead of Providing for the Common Defense, they have kept our armed forces in a state of perpetual war; (5) instead of Promoting the General Welfare they have regulated commerce and instead of making commerce regular, they imposed unconstitutional sin taxes. Advancements in science health and technology have been hidden, inventers have been stifled and murdered; (6) instead of Securing the Blessings of Liberty, they have changed our Republic first into a democracy and now into an oligarchy.

There is a hidden hand that orchestrates events, our courts and our legislation through the insidious BAR. America is in shambles and our elected servants walk as blind men.

These tyrants within have denied us due process, they abrogated the common law, they have created federal debtors prisons (IRS), they rob our homes through non-judicial foreclosures, they steal our children in family court, they steal our parents and their estates in probate courts, they taint every grand and trial jury, they have created free speech zones, they have labeled patriots terrorists, they have destroyed our political process, they have stolen our free press, they have infringed upon our right to defend ourselves, they have destroyed our manufacturing base, they have chased out of America 88% of the top Fortune 500 companies, they have destroyed our economy, they have turned our dollar into debt, they have robbed our silver and gold, they have demoralized our children, they have opened our borders, they have used the BLM to terrorize American ranchers, miners and loggers in order to sell off America's resources to foreign countries, they have sold our postal systems to foreign corporations, they have brokered our electric company sales to foreign corporations, they spy on the We the People intercepting and storing all of our communications in case we become persons of interests.

Our servants take money (bribes) from special interest groups, thereby selling their vote and their soul to the highest bidder, usually on legislation that they don't even have the constitutional authority to pass in the first place, placing the will of the corporate world above the will of the People.

Acts of our servants are not to provide for special interest groups, not to divide us, not to establish statutory courts in jurisdictions unknown, not to establish laws that enslave the human spirit, not to keep us in perpetual war, not to demoralize us, not to destroy our prosperity, not to put us in harm's way, not to rob us of a proper education and not to lead us as lambs to the slaughter.

We the People did not consent to any legislated powers that legislate our behavior or penalize wrongdoers. Common Law decrees that in order for there to be a crime there must be an injured party, and it is We the People, through an untainted grand jury, who are to decide if there is evidence to indict. It is We the People, through an untainted trial jury, who are to decide both the law and the facts. It is We the People, through an untainted trial jury, who are to decide guilt or innocence. It is We the People, through an untainted trial jury, who are to decide the penalty. Common Law decrees that for every injury there must be a remedy. Restitution is the remedy that has the power to restore both victim and wrongdoer.

The covenant made between God and His people in 1776 empowered We the People to self-government. George Washington said the United States was built upon: "*the fundamental maxims of true liberty" and that "the basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government*."

By God were all things created, that are in heaven, and that are in earth, visible and invisible, whether [they be] thrones, or dominions, or principalities, or powers: all things were created by him, and for him: And he is before all things, and by him all things consist and through His common law We the People are vested with unalienable rights, governments are not! Your power and authority is defined in the Constitution that We the People ordained and established. Therefore, be now cognizant that:

We the People have been providentially provided legal recourse to address the criminal conduct of persons, We the People entrusted to dispense justice through juries formed by the People ourselves. We need not your permission; does the master seek leave from his servant? Let us remind you that the first known recorded grand jury that was formed by the People themselves to put the tyrant king back under the control of the law, was written by

We the People who wrote their intentions and commands down on paper titled the "Magna Carter"! Not too much different than what We the People are doing herein!

> Be now cognizant that: "*the grand jury is an institution separate from the courts, over whose functioning the courts do not preside ... the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three (3) Articles. It is a constitutional fixture in its own right. In fact, the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people... The grand jury's functional independence from the judicial branch is evident, both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. 'Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not."* United States v. John H. Williams; 112 S. Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; 1992

Thus, We the People have the unbridled right by law and in law to empanel our own grand juries and present "True Bills" of information, indictments and presentments to a court of record, like this one, which is then required to commence a criminal proceeding. Our Founding Fathers, with foresight, grafted into the common law Fifth Amendment, a "buffer" that We the People may rely upon for justice, when public officials, including judges, go rogue, act in bad behavior and criminally violate the law[50].

Be now cognizant that: BAR controlled federal and state court judges, by their presumed authority, contrary to their oath and duty, fraudulently claim the Constitution for the United States and its cap-stone Bill of Rights is abolished by statutes written by traitorous BAR members and passed by traitorous legislators, which are acts of conspiracy, treason and war against the United States of America and thereby We the People.

Be now cognizant that: We the People Decreed by Writ Quo Warranto all said unconstitutional legislation null and void and declared all such subversives enemies of We the People of the United States of America and ordered all United States Marshals, Bailiffs, County Sheriffs and Deputies to arrest all such federal and state judges for conspiracy, treason and breach of the peace when witnessing the violation of Peoples' unalienable rights in our courts, in violation of Article III Section 3, for levying war against the people, adhering to the enemy, giving aid and comfort. [51]

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[50] **UNITED STATES v. WILLIAMS**, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352; No. 90-1972. Argued Jan. 22, 1992. Decided May 4, 1992.

[51] **Article III Section 3**. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

> 18 U.S. Code §2385 *whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government*[52] *by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons [bar], knowing the purposes thereof - shall be fined under this title or imprisoned not more than twenty years, or both…*

Be now cognizant that: because rights are unalienable, legislators cannot legislate (abolish) rights away no matter what the BAR has instructed you. Rights come from God and not man; therefore, not even We the People can give them up for ourselves or others. Once We the People ordained common law as the law of the land, no man can abrogate it; to claim to do so is an act of war against the People and their God.

Be now cognizant that: unconstitutional acts are not law[53], and no one is bound to obey them.[54] Judges are expected to maintain a high standard of judicial performance[55] and when they violate the Constitution, they cease to represent the government[56], become liable for damages[57] and lose any immunity they may have had[58]. "*State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights.*"[59]

Be now cognizant that: "*Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a Government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law...it invites every man to become a law unto himself...and against that pernicious doctrine, this court should resolutely set its face*." Olmstead v U.S., 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944; "*Judges have no more right to decline the*

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[52] **Preamble** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. **Article I Section 8** To make rules for the government and regulation of the land and naval forces;

[53] "An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." **Norton vs Shelby County 118 US 425 p. 442**

[54] "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." **16th American Jurisprudence 2d, Section 177 late 2nd, Section 256**

[55] "Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." **28 USCA 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).**

[56] "...an...officer who acts in violation of the Constitution ceases to represent the government." **Brookfield Co. v Stuart, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)**

[57] "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..." **70 AmJur2nd Sec. 50, VII Civil Liability.**

[58] "Government immunity violates the common law maxim that everyone shall have a remedy for an injury done to his person or property." **Firemens Ins. Co. of Newawk, N.J. v. Washburn County, 2 Wisc 2d 214 (1957)**

[59] Gross v. State of Illinois, 312 F 2d 257; (1963)

exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."[60] "*No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence*."[61]

Be now cognizant that: the Unified United States Common Law Grand Jury (UUSCLGJ) is comprised of fifty Grand Jurys each unified amongst the counties within their respective States that were overwhelmingly unified by re-constituting Common Law Grand Juries in all 3,133 United States counties. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. We are the People and this Grand Jury will remain in session until we secure the nation from the tyrants at large and reinstate our Constitution.

Be now cognizant that: "*If anyone has been dispossessed without the legal judgment of his peers, from his lands, homes, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then it will be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein*." - Magna Carta Paragraph 52.

Be now cognizant that: We the People Command all elected, appointed and hired servants to obey the Law of the Land and join the People in our quest to reinstate the Constitution for the United States of America and bring to Justice all subverts. Now that you know, to do nothing elevates you to Principle, SOUND THE ALARM; TAKE A STAND!

> 18 U.S. Code §2 *"Principals (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal*".

SEAL

Dated

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Plaintiffs, Name, et al

[60] Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200
[61] Ableman v. Booth, 21 Howard 506 (1859)

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY. 12207-2936 •

Name, et al

Plaintiffs

- Against -

Governor A. Cuomo, New York State Senate and New York State Assembly

Defendants

Case NO:

MEMORANDUM OF LAW IN SUPPORT OF THE COMMON LAW

Before any court can have authority to hear a case, they must have both personam and subject matter jurisdiction. Any court not a court of record[1] has no authority to proceed without the consent of the persons involved. American courts are vested by We the People, "*the author and source of law*"[2], through constitutions[3] written by We the People and jury nullification. Therefore, a court must first have "*constitutional authority*" over an individual and in criminal cases a court must have an indictment by an untainted grand jury. Furthermore, "all" state laws and constitutions are ultimately governed by the "Supremacy Clause" of the Constitution for the United States of America as ordained by We the People in Article VI, clause 2, that defines the "*Law of the Land*" which renders "*any Thing in the Constitution or Laws of any State to the Contrary notwithstanding*" [null and void]. Whereas the judge/magistrate retains his authority in Article III common law courts "only during good behavior" as defined in Article III, Section 1 and 2. And, "*No*

[1] **COURTS OF RECORD and COURTS NOT OF RECORD -** The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

[2] "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law;*" -- Yick Wo v. Hopkins, 118 US 356, 370.

[3] That which is laid down, ordained, or established. Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence"[4] and "*that which the law requires to be done or forborne to a determinate person or the public at large, correlative to a vested and coextensive right in such person or the public, and the breach of which constitutes negligence.*"[5]

THE LAW

The definition of Law is that which is laid down, ordained, or established. It is "*a rule or method according to which phenomena or actions co-exist or follow each other and must be obeyed or be subject to sanctions or legal consequences.*"[6] In our Republic, Common Law is the Law of the Land by which We the People chose to be judged when we "*assumed among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle [us] them*," We the People further declared that, "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights Governments are instituted among Men, deriving their just powers from the consent of the governed*," obedience to the Constitution, is the extent of that consent and no judge and no congress can alter that which We the People ordained, to alter is high treason.

"*With reference to its origin, "law" is derived either from* (1) *judicial precedents, from* (2) *legislation, or* (3) *from custom*[7]." Black's Law Dictionary 4th Edition compiles and defines a complete collection of Terms and Phrases of American and English Jurisprudence, ancient and modern, listing Fifty-One different categories of law, they are categorized under the aforesaid three (3) derivatives as follows:

(1) LAW FROM JUDICIAL PRECEDENTS

Adjective Law - The collective of rules of procedure or practice **Case Law** - The aggregate of reported cases as forming a body of jurisprudence	**Equity Law** - this term denotes the spirit and the habit of fairness, justness, and right dealing which would regulate the intercourse of men with men. **Unwritten Law** - All that portion of the law, observed and administered in the courts, which has not been enacted or promulgated.

(2a) LAW FROM LEGISLATION

[4] Ableman v. Booth, 21 Howard 506 (1859).
[5] Railroad Co. v. Ballentine, C.C.A.I11., 84 F. 935, 28 C.C.A. 572; Toadvine v. Cincinnati, N. 0. & T. P. Ry. Co., D.C.Ky., 20 F.Supp. 226, 227.
[6] Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.
[7] Sweet

Mercantile Law - An expression substantially equivalent to the law-merchant or commercial law; **Bankrupt Law** - A law for benefit and relief of creditors and their debtors	**Civil Law** - A personal action which is instituted to compel payment, or the doing of some other thing which is purely civil **Probate Law** - Originally, relating to proof; afterwards, relating to the proof of wills

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(2b) LAW FROM LEGISLATION

Apply only to government agents …

Administrative Law - That branch of public law which deals with the various organs of the sovereign power considered as in motion (regulation of the military and naval forces, citizenship and naturalization) **Admiralty Law** - An action directed against the particular person who is to be charged with the liability **Arms, Law of** - That law which gives precepts and rules concerning war **Commercial Law** - the term has come to be used occasionally as synonymous with "maritime law;" **Criminal Law** - the term may denote the laws which define and prohibit the various species of crimes and establish their punishments **Flag, Law of** - In maritime law, the law of that nation or country whose flag is flown by a particular vessel. **International Law** - The law which regulates the intercourse of nations; the law of nations. **Military Law** - A system of regulations for the government of an army. **Municipal Law** - Not the law of a city only but the law of the state. **Local Law** - A law which is special as to place.	**Maritime Law** - That system of law which particularly relates to commerce and navigation, to business transacted at sea or relating to navigation, to ships and shipping, to seamen, to the transportation of persons and property by sea, and to marine affairs generally. **Penal Laws** - Statutes which prohibit an act and impose a penalty for the commission of it. **Prospective Law** - One applicable only to cases which shall arise after its enactment. **Public Law** - That branch or department of law which is concerned with the state in its political or sovereign capacity, including constitutional and administrative law, and with the definition, regulation, and enforcement of rights in cases where the state is regarded as the subject of the right or object of the duty **Revenue Law** - Any law which provides for the assessment and collection of a tax to defray the expenses of the government. **Statutory Law** - An act of the legislature declaring, commanding, or prohibiting something enacted and established by the will of the legislative department of government;

(2c) LAW FROM LEGISLATION

The following have no jurisdiction in the United States of America …

Canon Law - A body of ecclesiastical jurisprudence **Citations, Law of** - In Roman law. An act of Valentinian, passed A. D. 426 **Ecclesiastical Law** - The body of jurisprudence administered by the ecclesiastical courts of England; derived, in large measure, from the canon and civil law **Enabling Statute** - The phrase is also applied to any statute enabling persons or corporations to do what before they could not. It is applied to statutes which confer new powers **Foreign Laws** - The laws of a foreign country, or of a sister state. **Forest Law** - The system or body of old law relating to the royal forests. **Marque, Law of** - A sort of law of reprisal, which entitles him who has received any wrong from another and cannot get ordinary justice to take the shipping or goods of the wrong-doer, where he can find them within his own bounds or precincts, in satisfaction of the wrong. **Martial Law** - Exists when military authorities carry on government or exercise various degrees of control over civilians or civilian authorities in domestic territory. **Oleron, Laws of** - A code of maritime laws published at the island of Oleron in the twelfth century by Eleanor of Guienne. **Organic Law** - The fundamental law, or constitution, of a state or nation, written or unwritten; that law or system of laws or principles which defines and establishes the organization of its government.	**Parliamentary Law** - The general body of enacted rules and recognized usages which governs the procedure of legislative assemblies and other deliberative bodies. **Personal Law** - As opposed to territorial law, is the law applicable to persons not subject to the law of the territory in which they reside. **Remedial Statute** - One that intends to afford a private remedy to a person injured by the wrongful act. **Retrospective Law** - Every statute which takes away or impairs vested rights acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability in respect to transactions or considerations already past. **Roman Law** - In a general sense, comprehends all the laws which prevailed among the Romans, without regard to the time of their origin, including the collections of Justinian **Special Law** - One operating upon a selected class, rather than upon the public generally. **Substantive Law** - That part of law which creates, defines, and regulates rights, as opposed to "adjective or remedial law," which prescribes method of enforcing the rights or obtaining redress for their invasion.

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(3) LAW FROM CUSTOM

Absolute Law - The true and proper law of nature **Common Law** - As distinguished from law created by the enactment of legislatures **Constitutional Law** - the fundamental principles which are to regulate the relations of government **Custom Law** - Customs are general, local or particular, general customs are such as prevail throughout a country and become the law of that country **Moral Law** - The law of conscience; the aggregate of those rules and principles, of ethics which relate to right and wrong conduct and prescribe the standards to which the actions of men should conform in their dealings with each other.	**Natural Law** - [Lex Naturale] the law of nature [Jus Naturale] it is absolute law, the true and proper law of nature a/k/a "common law as distinguished from law created by the enactment of legislatures. **Positive Law** - Law actually and specifically enacted or adopted by proper authority for the government of an organized jural society. **Private Law** - the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals.

LAW OF THE LAND

Article III established Common Law, Equity Law, Admiralty Law and Maritime Law[8]. Admiralty Law and Maritime Law are the law at sea whereas Common Law and Equity Law are the law of the land.

"**Equity and Justice** are substantially equivalent terms, if not synonymous."[9] "Under constitutional provision guaranteeing right to obtain justice, the justice to be administered by courts is not an abstract justice as conceived of by the judge but justice according to law or, as it is phrased in the constitution, "conformably to the laws."[10]

Equity law is the system of jurisprudence administered by the purely secular tribunals. In equity courts [contract courts], judges are to act under "American Jurisprudence" which is the philosophy of law, the knowledge of things divine and human, the science of what is right and what is wrong;[11] the constant and perpetual disposition to render every man his due.[12] It has no direct concern with questions of moral or political policy, for they fall under the province of ethics and legislation.[13] They are to meet out Justice which in the most extensive sense of the word differs little from virtue;[14] for it includes within itself the whole circle of virtues. Justice, being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought."[15]

The law of nature [*Jus Naturale*] is Natural law [*Lex Naturale*]; it is absolute law, the true and proper law of nature[16] a/k/a "common law as distinguished from law created by the enactment of legislatures. Common Law is the use of legal principles to discover by the light of nature or abstract reasoning comprised of the body of those principles and rules of

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[8] **Article III, Section 2:** The judicial power shall extend to all cases, in **law** and **equity**, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of **admiralty** and **maritime** jurisdiction; — to controversies to which the United States shall be a party; - to controversies between two or more states; - between a state and citizens of another state;-- between citizens of different states; - between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

[9] In re Lessig's Estate, 6 N.Y.S.2d 720, 721, 168 Misc. 889.

[10] State ex rel. Department of Agriculture v. McCarthy, 238 Wis. 258, 299 N.W. 58, 64.

[11] Dig. 1, 1, 10, 2; Inst. 1, 1, 1. This definition is adopted by Bracton, word for word. Bract. fol. 3.

[12] Inst. 1, 1, pr.; 2 Inst. 56. See Borden v. State, 11 Ark. 528, 44 Am.Dec. 217; Collier v. Lindley, 203 Cal. 641, 266 P. 526, 530; The John E. Mulford, D.C. N.Y., 18 F. 455.

[13] Sweet.

[14] Luke 6:19 "And the whole multitude sought to touch him [Jesus]: for there went virtue out of him, and healed them all."

[15] Bouvier.

[16] 1 Steph.Comm. 21 et seq.

action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of ancient antiquity.[17]

"*The Supreme Court shall have appellate jurisdiction, both as to law and fact…*"[18] in all "*cases in equity*" thereby becoming the final arbitrator and maker of case law, governed by American Jurisprudence[19] under the rules of Common Law; The Supreme Court has NO APPELLATE authority over cases "*in Law*" a/k/a Jury trials with the one exception of protecting an individual if an unalienable right of the same is violated. Federal District Court Judges, when hearing a "*case in equity*" are governed by American Jurisprudence and case law under the rules of Common Law. In cases "*in Law*" Judges or Magistrates take on an administrative role, with no summary judgement powers, **whereas the Jury**, a/k/a Tribunal of 12 People, **is the final arbitrator deciding the facts, law and remedy** with the power of nullification and mercy. This is called a "court of record" from which there is no appeal, as we read:

> "*The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words,* ***in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court***. ***Decision of a court of record may not be appealed. It is binding on ALL other courts***. *However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. "****The judgment of a court of record, whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be****. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it*." -- Ex parte Watkins, 3 Pet., at 202-203 cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).

THE AUTHOR OF LAW

God is the author of Common Law, which He wrote in the hearts of men, thereby giving We the People both the knowledge of right and wrong and the unalienable right of We the People to judge each other through tribunals called Juries. We the People ordained Common Law in Amendment VII and Congress clearly followed suit and established it through 28 USC §132.

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[17] 1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.

[18] Article III Section 2, Clause 2.

[19] **JURISPRUDENCE:** The science of the law. By science here, is understood that collection of truths which is founded on principles either evident in themselves, or capable of demonstration; a collection of truths of the same kind, arranged in methodical order. In a more confined sense, jurisprudence is the practical science of giving a wise interpretation to the laws, and making a just application of them to all cases as they arise. In this sense, it is the habit of judging the same questions in the same manner, and by this course of judgments forming precedents. 1 Ayl. Pand. 3 Toull. Dr. Civ. Fr. tit. prel. s. 1, n. 1, 12, 99; Merl. Rep. h. t.; 19 Amer. Jurist, 3.

We the Sovereign People ordained and established the Constitution[20] which is the law of the land[21] to be obeyed by all elected, appointed and hired servants. We the People vested Congress with certain law making powers in Article I Section 8 among which we gave "NO LEGISLATED POWERS" to write ordinances, regulations, codes or statutes that would control the behavior of We the People or apply any set punishment upon We the People. That authority belongs to the People.[22]

> "*The very meaning of 'sovereignty' is that the decree of the sovereign makes law*."[23] "*A consequence of this prerogative is the legal ubiquity of the king* [Nature's God]. *His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice*."[24] "*His judges* [juries] *are the mirror by which the king's image is reflected*."[25]

Unalienable rights come from Natures God and are not subject to alienation; the characteristic of those things which cannot be bought or sold or transferred from one person to another, such as certain personal rights; e. g., liberty. Inalienable; incapable of being aliened, that is, sold and transferred.[26] Rights are defined generally as "powers of free action, not subject to legal constraint of another, being unconstrained, having power to follow the dictates of one's own will, not subject to the dominion of another and not compelled to involuntary servitude.[27] Any statute that violates rights is null and void.

> "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness*."[28]

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[20] We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

[21] **Article VI, Clause 2:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

[22] "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law*;" -- Yick Wo v. Hopkins, 118 US 356, 370.

[23] American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

[24] Fortesc.c.8. 2Inst.186.

[25] 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

[26] Black's 4th

[27] Black's 4th

[28] Declaration of Independence.

STATUTES, CODES & REGULATIONS

Congress was empowered under Article I Section 8. Clause 18: *To make all laws which shall be necessary and proper for carrying into execution the foregoing* [17] *powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.*

"*Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself.*"[29] "*There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent.*"[30] "*Statutes that violate the plain and obvious principles of common right and common reason are null and void.*"[31] "*The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice.*"[32] "*A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution.*"[33] "*The State cannot diminish rights of the people.*"[34] "*The Claim and exercise of a Constitutional Right cannot be converted into a crime.*"[35] "*If the state converts a liberty into a privilege the citizen can engage in the right with impunity*"[36] "*Laws are made for us; we are not made for the laws.*"[37]

Statutes are legislated law but, "*when a statute is passed in violation of law, that is, of the fundamental law or constitution of a state, it is the prerogative of courts to declare it void, or, in other words, to declare it not to be law;*[38]" therefore, "*an unconstitutional statute is not a law."*[39] *The phrase 'at Law' "is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.*[40] "*All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and*

[29] Mugler v. Kansas 123 U.S. 623, 659-60.
[30] Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.
[31] Bennett v. Boggs, 1 Baldw 60.
[32] Davis v. Wechsler, 263 US 22, at 24.
[33] Murdock v. Pennsylvania, 319 U.S. 105, at 113.
[34] Hertado v. California, 110 U.S. 516.
[35] Miller v. U.S. , 230 F 2d 486. 489.
[36] Shuttlesworth v Birmingham , 373 USs 262.
[37] William Milonoff.
[38] Burrill.
[39] John F. Jelke Co. v. Hill, 208 Wis. 650, 242 N.W. 576, 581; Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248.
[40] Blacks 4th

lacking due process…"[41] "*All laws, rules and practices which are repugnant to the Constitution are null and void.*"[42] "*The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law.*"[43]

"*The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it.*"[44]

"*The act of regulating; a rule or order prescribed for management or government; a regulating principle; a precept.*"[45] "*Rule of order prescribed by superior or competent authority relating to action of those under its control.*"[46]

We the Sovereign People are not under the management or control of government agencies, to the contrary, "*governments are instituted among Men, deriving their just powers from the consent of the governed.*"[47] We the People vested Congress with the authority to write regulations for (1) commerce, (2) military and (3) government. All federal agencies heads obviously have the authority to write regulations in order to manage and the President can alter these regulations by executive order. Regulations are just another word for policies and procedures.

CONCLUSION: We the Sovereign People have unalienable rights under the Laws of Natures God, a/k/a Common Law. We the People are not bound by statutes, codes or regulations. Congress has no authority to codify and license our rights and no court has the authority to enforce such repugnant statutes. Any judge restraining said rights is in bad

[41] Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).
[42] Marbury v. Madison, 5th US (2 Cranch) 137, 180.
[43] Self v. Rhay, 61 Wn (2d) 261.
[44] Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886).
[45] Curless v. Watson, 180 Ind. 86, 102 N.E. 497, 499.
[46] State v. Miller, 33 N.M. 116, 263 P. 510, 513.
[47] Declaration of Independence.

behavior and will in due time suffer the wrath of the People through indictments and judgments in Courts of Justice.

SEAL

Dated

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Plaintiffs, Name, et al

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

Name, et al

Plaintiffs

- Against -

Governor A. Cuomo, New York State Senate and New York State Assembly

Defendants

Case NO:

MEMORANDUM OF LAW IN SUPPORT OF STANDING

CURRENT REPUGNANT DOCTRINE

In the United States, the current doctrine is that a person cannot bring a suit challenging the constitutionality of a law unless the plaintiff can demonstrate that (s)he is or will "imminently" be harmed by the law. Otherwise, the court will rule that the plaintiff "lacks standing" to bring the suit, and will dismiss the case without considering the merits of the claim of unconstitutionality.

LOCUS STANDI

In law, standing or locus standi[1] is the term for the ability of a party to demonstrate to the court sufficient connection to and harm from the law or action challenged to support that party's participation in the case. Standing exists from one of three causes:

[1] LOCUS STANDI: A place of standing; standing in court. A right of appearance in a court of justice, or before a legislative body, on a given

1) SOMETHING TO LOSE DOCTRINE**:** The party is directly subject to an adverse effect by the statute or action in question, and the harm suffered will continue unless the court grants relief in the form of damages or a finding that the law either does not apply to the party or that the law is void or can be nullified. This is called the "*something to lose doctrine*", in which the party has standing because they directly will be harmed by the conditions for which they are asking the court for relief.
2) CHILLING EFFECTS DOCTRINE: The party is not directly harmed by the conditions by which they are petitioning the court for relief, but asks for it because the harm involved has some reasonable relation to their situation, and the continued existence of the harm may affect others who might not be able to ask a court for relief. In the United States, this is the grounds for asking for a law to be struck down as violating the First Amendment, because while the plaintiff might not be directly affected, the law might so adversely affect others that one might never know what was not done or created by those who fear they would become subject to the law – the so-called "*chilling effects doctrine*".
3) ACT OF LAW: The party is granted automatic standing by act of law.[2]

UNALIENABLE RIGHT OF ONE TRUMPS THE WHOLE

In a Republic such as ours, the unalienable right(s) of the one trumps the will of the whole of society. If one or more of the blessings of liberty[3] is in imminent danger of loss by one, they have the unalienable right of due process to secure that right(s). The defendants in the case before this court threaten the rights of both the one and the whole of society.

The Declaration of Independence was initiated by 56 People, the Constitution for the United States of America was initiated by 39 People and this Restoration of that Declaration and Constitution has been initiated by more than 6,500 Common Law Grand Jurists a/k/a the "Sureties' of the Peace", on behalf of themselves, on behalf of those unable to articulate their case before the court and on behalf of the deceived that have been lulled to sleep by the orchestrators of treachery.

[2] Lee, Evan; Mason Ellis, Josephine (December 3, 2012). "The Standing Doctrine's Dirty Little Secret". Northwestern Law Review. 107: 169. SSRN 2027130Freely accessible.
[3] We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

In fulfillment of the "*something to lose doctrine*," We the Resolved People are in jeopardy of losing our unalienable rights to tyrants who refuse to answer.

In fulfillment of the "*chilling effects doctrine*," We the Resolved People are unjustly jailed; denied due process in courts of law; unconstitutionally taxed; tried in jurisdictions unknown; spied upon through our phones, TV's, cars, emails and cameras everywhere; our children are stolen; our parents are robbed of the fruits of their life's labors and enjoyment of their twilight years and we are robbed of our homes by detestable non-judicial foreclosures to name just a few.

In fulfillment of an "Act of Law" our founding fathers "*expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution*"[4] and thereby added to the Constitution a Bill of Prohibition being an Act of Law whereby We the Resolved People have declared and here today reiterate our standing.

CONCLUSION: We the Sovereign People have unalienable rights under the Laws of Natures God, a/k/a Common Law. We the People are not bound by statutes, codes or regulations. Congress has no authority to codify and license our rights and no court has the authority to enforce such repugnant statutes. We the Sovereign People provided for ourselves, through the Constitution, Courts of Justice called Article III Courts, where We the People have Standing whether we are one or a thousand. Since Congress doesn't have the backbone to start removing these seditious judges, acting in bad behavior, through impeachment for robbing the People of their Standing, due process and Article III Courts of Record they will in due time suffer the wrath of We the Sovereign People through indictments and judgments in Courts of Record.

SEAL

Dated

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Plaintiffs, Name, et al

[4] Bill of Rights.

Union Calendar No. 1078

81st Congress, 2d Session - - - - - - - - House Report No. 3123

REPORT ON

THE

NATIONAL LAWYERS GUILD

Legal Bulwark of the Communist Party

SEPTEMBER 17, 1950
(Original release date)

September 21, 1950.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Prepared and Released by the

COMMITTEE ON UN-AMERICAN ACTIVITIES, U. S. HOUSE OF REPRESENTATIVES

WASHINGTON, D. C.

Union Calendar No. 1078

81st Congress, 2d Session } HOUSE OF REPRESENTATIVES { Report No. 3123

REPORT ON THE NATIONAL LAWYERS GUILD—LEGAL BULWARK OF THE COMMUNIST PARTY

September 21, 1950.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Wood, from the Committee on Un-American Activities, submitted the following

REPORT

[Pursuant to H. Res. 5, 79th Cong., 1st sess.]

The National Lawyers Guild is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions. Since its inception it has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents. It has consistently fought against national, State, and local legislation aimed at curbing the Communist conspiracy. It has been most articulate in its attacks upon all agencies of the Government seeking to expose or prosecute the subversive activities of the Communist network, including national, State, and local investigative committees, the Department of Justice, the FBI, and law enforcement agencies generally. Through its affiliation with the International Association of Democratic Lawyers, an international Communist-front organization, the National Lawyers Guild has constituted itself an agent of a foreign principal hostile to the interests of the United States. It has gone far afield to oppose the foreign policies of the United States, in line with the current line of the Soviet Union.

These aims—the real aims of the National Lawyers Guild, as demonstrated conclusively by its activities for the past 13 years of its existence—are not specified in its constitution or statement of avowed purpose. In order to attract non-Communists to serve as a cover for its actual purpose as an appendage to the Communist Party, the National Lawyers Guild poses benevolently as "a professional organization which shall function as an effective social force in the service of the people to the end that human rights shall be regarded as more sacred than property rights." In the entire history of the guild there is no record of its ever having condemned such instances

of the violation of human rights as found in Soviet slave labor camps and in the series of Moscow trials, which shocked the civilized world.

The National Lawyers Guild was formally organized at a convention held in the Washington Hotel in Washington, D. C., on February 19–22, 1937. National headquarters were established in the Nation's Capital, where they remain today.

Communists publicly hailed the founding of the National Lawyers Guild. New Masses, a weekly publication of the Communist Party, featured an article entitled "Defense for the Counsel—The Need for the National Lawyers Guild" in its issue of June 14, 1938 (pp. 19–21). This article, written by Charles Recht, an attorney for the Soviet Government and a member of the guild, observed that—

> With the growth of the American Labor Party in New York, and kindred progressive movements throughout the United States, the lawyers, who in many of the smaller communities are the nerve centers of political activities, will be an invaluable aid in galvanizing the latent liberal elements of the country into a political force. The National Lawyers Guild can and will form one of the most important adjuncts to a progressive movement representing the interests of the workers and farmers.

The International Labor Defense, which was cited by former Attorney General Francis Biddle as "the legal arm of the Communist Party," also enthusiastically welcomed the new front, the National Lawyers Guild. The ILD stated in its 1936–37 yearbook that—

> The emergence of the National Lawyers Guild is regarded by the International Labor Defense as a heartening expression of the devotion of thousands of American attorneys to the American principle of democracy, and a concrete step on their part in the struggle to maintain and enlarge democratic rights (p. 64).

Earl Browder, testifying before the House Committee on Un-American Activities on September 6, 1939, in his capacity as general secretary of the Communist Party, admitted that the National Lawyers Guild was a Communist transmission belt.

This has been corroborated by Louis F. Budenz, former member of the National Committee of the Communist Party and one-time managing editor of its official newspaper, the Daily Worker. Testifying before the House Committee on Un-American Activities on April 3, 1946, Mr. Budenz described the National Lawyers Guild as a working ally of the Communist Party and stated that members of the guild would be under the influence of the party while "officers would be Communists or fellow travelers." Testifying again before the committee on July 20, 1948, Mr. Budenz said:

> In the National Lawyers Guild there is a complete duplicate of the Communist Party's hopes and aspirations in that field, although there are a number of non-Communists in the National Lawyers Guild. In fact, some of their lawyers locally are not Communists, but they play the Communist game either wittingly or unwittingly.

INTERCEDES FOR INDIVIDUAL COMMUNISTS

The National Lawyers Guild, as an organization, has intervened in the major court cases which have involved individual Communist leaders or officials of Communist-front organizations or unions. In every instance, the guild has interceded on the Communist side.

The guild submitted a brief *amicus curiae* in the case of Robert Wood, an Oklahoma Communist official who was convicted of criminal syndicalism in that State in 1940. When, in the same year, avowed Communist Ben Gold and other leaders of the Communist-controlled

Fur and Leather Workers Union were convicted in court of using terrorism in the labor field, the National Lawyers Guild again appeared as a friend of the court in behalf of the defendants.

A resolution opposing deportation proceedings against Communist Harry Bridges was adopted by the fifth convention of the National Lawyers Guild in 1941. The guild also submitted a brief *amicus curiae* in the case.

In recent years, the National Lawyers Guild has intervened as *amicus curiae* on behalf of the following leading Communists:

Gerhart Eisler, Communist international agent convicted in United States courts of passport fraud and contempt of Congress;

Leon Josephson, Communist attorney exposed as an official procurer of false passports for Communist agents such as Gerhart Eisler; Josephson was convicted of contempt of Congress;

Carl Aldo Marzani, convicted of concealing Communist affiliations while employed by the United States Government;

John Howard Lawson and *Dalton Trumbo,* Communist screen writers from Hollywood convicted of contempt of Congress;

Eugene Dennis, secretary of the Communist Party, U. S. A., convicted of contempt of Congress.

The National Lawyers Guild also intervened in behalf of—

Richard Morford, who as head of the subversive National Council of American-Soviet Friendship was convicted of contempt of Congress;

George Marshall, head of the now-defunct Communist front, the National Federation for Constitutional Liberties, also convicted of contempt of Congress;

Edward K. Barsky and other officers of the subversive Joint Anti-Fascist Refugee Committee, convicted of contempt of Congress;

Eleven top officials of the Communist Party, U. S. A., convicted of conspiracy to advocate the overthrow of the United States Government by force and violence.

The committee is reproducing below a list of National Lawyers Guild members who have represented witnesses before the Committee on Un-American Activities. In each case, the witnesses have refused to answer questions regarding Communist affiliations propounded by the committee. In a number of cases espionage activities were involved. It should be noted in this connection that it is standard Communist practice to accept as attorneys only those who agree to abide by the party's propaganda and conspirative directives. Cases are known where attorneys who have volunteered their services have been summarily rejected because they would not become partners to the party's ulterior purposes.

Attorneys	Witnesses	Dates of appearance
EMANUEL H. BLOCH, 270 Broadway, New York, N. Y.	Marion Bachrach	Dec. 14, 1948
	Steve Nelson	Sept. 14, 1948
	do	Apr. 26, 1949
	do	June 8, 1949
	Marcel Scherer	June 21, 1950
MAURICE BRAVERMAN, 15 South Gay St., Baltimore, Md.	Addie Rosen	Sept. 8, 1948
	William Rosen	Aug. 26, 1948
	do	Sept. 9, 1948
HAROLD CAMMER, 9 East 40th St., New York, N. Y.	John J. Abt	Aug. 20, 1948
	do	Sept. 1, 1950
	Charles Kramer	Do.
	Lee Pressman	Aug. 20, 1948
	Elizabeth Sasuly	July 12, 1949
	Nathan Witt	Aug. 20, 1948
	do	Sept. 1, 1950
ALBERT L. COLLOMS, 170 Broadway, New York, N. Y.	Clarence F. Hiskey	Sept. 9, 1948
	do	May 24, 1949
	Marcia Sand (Hiskey)	Sept. 9, 1948
BARTLEY CRUM, 598 Madison Ave., New York, N. Y.	Lester Cole	Oct. 30, 1947
	Edward Dmytryk	Oct. 29, 1947
	Ring Lardner, Jr	Oct. 30, 1947
	John Howard Lawson	Oct. 27, 1947
	Samuel Ornitz	Oct. 29, 1947
	Adrian Scott	Do.
	Dalton Trumbo	Oct. 28, 1947
MITCHELL A. DUBOW, 705 Knickerbocker Bldg., Baltimore, Md.	Maurice Braverman	Sept. 9, 1948
CLIFFORD J. DURR, 1625 K St, NW., Washington, D. C.	John Anderson	June 29, 1949
	Rose Anderson	June 28, 1949
	David Joseph Bohm	May 25, 1949
	do	June 10, 1949
	Irving David Fox	Sept. 27, 1949
	Mary Jane Keeney	May 24, 1949
	do	June 9, 1949
	Philip O. Keeney	Do.
	Ken Max Manfred	Sept. 14, 1949
	Frank F. Oppenheimer	June 14, 1949
	Jacquenette Oppenheimer	Do.
	Bella Rodman	June 28, 1949
	Samuel J. Rodman	July 28, 1949
JOSEPH FORER, 1105 K St. NW., Washington, D. C.	Toma Babin	May 27, 1949
	P. L. James Branca	June 29, 1949
	Louise Berman (Bransten)	Sept. 20, 1948
	do	Nov. 7, 1949
	Maurice Braverman	Sept. 9, 1948
	Hanns Eisler	Sept. 24, 1947
	Margaret C. Hinckley	June 8, 1950
	William W. Hinckley	Do.
	Alexander Koral	Aug. 9, 1948
	Elsa K. Miller	July 6, 1949
	Tilla Minowitz	Do.
	Helen Travis	Aug. 30, 1950
IRA GOLLOBIN, 1441 Broadway, New York, N. Y.	Charles Kramer	Aug. 12, 1948
	Victor Perlo	Aug. 9, 1948
HERMAN A. GREENBERG, 1105 K St. NW., Washington, D. C.	Hanns Eisler	Sept. 24, 1947
BERNARD JAFFE, 52 Broadway, New York, N. Y.	Abraham George Silverman	Aug. 12, 1948
	do	Aug. 31, 1950
ROBERT W. KENNY, 250 North Hope St., Los Angeles, Calif.	Herbert Biberman	Oct. 29, 1947
	Lester Cole	Oct. 30, 1947
	Edward Dmytryk	Oct. 29, 1947
	Ring Lardner, Jr	Oct. 30, 1947
	John Howard Lawson	Oct. 27, 1947
	Samuel Ornitz	Oct. 29, 1947
	Adrian Scott	Do.
	Dalton Trumbo	Oct. 28, 1947
CAROL KING, 220 Broadway, New York, N. Y.	Gerhart Eisler	Feb. 6, 1947
	Alexander Stevens (J. Peters)	Aug. 30, 1948
EDWARD KUNTZ, 207 4th Ave., New York, N. Y.	Samuel Liptzen	Mar. 5, 1947
HARRY C. LAMBERTON, 1645 Connecticut Ave. NW., Washington, D. C.	Henry H. Collins	Aug. 11, 1948
DANIEL LAPIDUS, 100 5th Ave., New York, N. Y.	Eugene Dennis	Apr. 9, 1947
LEO PRAEGER, 401 Broadway, New York, N. Y.	Alexander Koral	Aug. 9, 1948
DAVID REIN, 1105 K St. NW., Washington, D. C.	Frank Hashmall	July 14, 1950
	Charlotte Oram	June 28, 1949
	Nathan Gregory Silvermaster	Aug. 4, 1948
	William Ludwig Ullmann	Aug. 10, 1948
DAVID SCRIBNER, 11 East 51st St., New York, N. Y.	Julius Emspak	Dec. 5, 1949
	James Matles	Do.
	Esther M. Tice	July 15, 1950
	Robert C. Whisner	Aug. 10, 1949

The committee does not dispute the right of witnesses appearing before it to have the benefit of counsel. However, the committee believes that the attorneys mentioned above knowingly or unknowingly function under a directive issued by the Central Control Commission of the Communist Party which prohibits its members from cooperating with the committee when subpenaed before it. Cases are known where persons subpenaed before the committee indicated a willingness to cooperate with the committee, but when these persons consulted certain of the attorneys listed above they refused to answer questions put to them by the committee.

CONTEMPT FOR AMERICAN COURTS

The real nature of the guild's philosophy comes into sharp focus during court procedures. Almost without exception, its leading members, despite their oath as lawyers to uphold the dignity of the court and respect the constitutional mores of jurisprudence, seek to bring the courts and its procedures into disrepute. They substitute insult for argument, resort to intimidation of judges by picket lines, parades, and personal abuse. In other words, these leaders of the National Lawyers Guild have followed standard Cummunist practice which provides that—

A Communist must utilize a political trial to help on the revolutionary struggle. Our tactics in the public proceedings of the law courts are not tactics of defense but of attack. Without clinging to legal formalities, the Communist must use the trial as a means of bringing his indictments against the dominant capitalist regime and of courageously voicing the views of his party (Johannes Buchner, The Agent Provocateur in the Labour Movement, Workers Library Publishers, New York, pp. 51–52).

Federal Judge Harold Medina, in citing for contempt the attorneys who defended the 11 Communists convicted in New York of advocating the overthrow of the United States Government by force and violence, noted the frequent, and deliberate efforts on the part of the guild attorneys to inject Communist propaganda into the trial. Medina handed down sentences of contempt of court to the following attorneys for the Communists, all of whom are members of the National Lawyers Guild: Richard Gladstein, 6 months; George Crockett, 4 months; Maurice Sugar, 30 days; Louis McCabe, 4 months; Abraham Isserman, 4 months; Harry Sacher, 6 months.

Abraham L. Pomerantz, a member of the guild, appeared as defense attorney for Valentin Gubitchev, a Russian charged with spying against the United States. Pomerantz based most of his questions on notes passed to him by a representative of the Soviet Embassy, seated at his side during the trial. The Russian official, an agent of the NKVD (Soviet secret police) named Novikoff, literally stage-managed the Gubitchev defense, a procedure without precedent in United States court history.

Not only has the behavior of guild attorneys been noted officially by several Federal judges, but the American Bar Association in 1949 received from its board of governors a recommendation that the American Bar Association bar from membership any person holding membership in the National Lawyers Guild. The action was based on the grounds that guild lawyers held beliefs "incompatible with membership in the American Bar Association."

ATTACKS ON THE FBI

Any action on legislative or executive levels of the Government which tends to interfere with the Communist fifth-column operations in this country is guaranteed to evoke a vicious campaign of opposition from the National Lawyers Guild.

A striking example is the present attack by the guild on the Federal Bureau of Investigation, echoing the current line of the Daily Worker and Moscow. The guild today is crying for an investigation of the FBI, the vigilant guardian of our national security, on the ridiculous grounds that it is a "gestapo" or "political police" whose—

> practices and policies * * * violate our laws, infringe our liberties, and threaten our democracy.

This attack was timed simultaneously with the tactics employed by the defense in the espionage case involving Judith Coplon.

This campaign is simply an intensification of a long-standing guild effort to discredit and vitiate the Federal Bureau of Investigation. At its fifth annual convention in 1941, the guild also took action opposing "the gestapo activities of the Federal Bureau of Investigation." At that time, the guild called for removal of FBI Director J. Edgar Hoover, demanded that Congress reduce the FBI appropriation, and registered opposition to a—

> pending appropriation bill to allot that Bureau $100,000 for the investigation of so-called subversive activities of Government employees (Lawyers Guild Review, June 1941, p. 66).

J. Edgar Hoover, testifying on February 7, 1950 before a Senate Subcommittee on Appropriations, noted that the National Lawyers Guild has vociferously denounced the FBI since 1940. Mr. Hoover quoted a guild member as having stated the following at a meeting of this front organization in 1940:

> If we keep up the constant criticism of the FBI and of Hoover, and if this criticism is systematically kept up and followed all the time, particularly by organizations, it can and it will weaken the power of the FBI and hamper them very effectively.

There is no doubt in the opinion of the committee that the National Lawyers Guild attacks on the Federal Bureau of Investigation are part of an over-all Communist strategy aimed at weakening our Nation's defenses against the international Communist conspiracy.

The propaganda disseminated by the guild regarding the FBI is a duplicate of the line put out by Moscow, as demonstrated by the following broadcast by the Soviet Home Service short-wave network, dated February 7, 1950:

FBI Center of Activities

> The center of the police terror organization of the United States is the notorious FBI. This institution was founded in 1908. From the day of its foundation the FBI became the jailer of the population. The head of this organization is responsible to the United States President and keeps him informed of future plans and results of past activity. The true bosses of the FBI, however, are the 60 families of American millionaires. All of the activities of the FBI as well as the rest of the United States Government are directed toward the defense of the interests of these actual rulers of modern America.
>
> The FBI has been turned into an organization for intimidating the United States man in the street by means of all forms of violence, blackmail, terror, and other police measures. The monopoly press knows no limit to its praise of the FBI, which was some time ago pronounced by the UP to be "the greatest national

institution of the United States." The FBI budget grows yearly. In 1949 it was almost * * * dollars. To this must be added the so-called special funds allocated by the President and the Government and the generous and certainly not insignificant presents from the monopolies who wish to develop still further the regime of police terror with a view to the final subjugation of the American people.

SUPPRESSION OF PROGRESSIVES

At a time when the United States is the mainstay of the greatest imperialist offensive, the FBI has openly become the tool of hysterical, imperialist reaction determined to suppress all progressive thought in the country. The kings of Wall Street, the FBI, and the United States Department of Justice act in close contact with the ultrareactionary Committee for the Investigation of Un-American Activities.

The attitude of the National Lawyers Guild and the Moscow broadcasts bears a striking resemblance to the following editorial of the Daily Worker of June 13, 1950, page 7:

ALIBI FOR STOOL PIGEONS

America's No. 1 lawbreaker, J. Edgar Hoover, wants more stool pigeons.

His private police machine gets bigger and bigger every year. This government within the government taps phones illegally, opens private mail illegally, and infests American life with criminal perjurors. As it grows, it devours what is left of the United States Constitution. No secret political police can ever be justified on the basis of the American Constitution. This police makes its own laws and its own rules and operates with its own definitions of "disloyalty" and "subversion."

* * * * * * *

The boss of this imitation-Gestapo now wants more money from Congress for more secret stoolies. Naturally, he can only get his dough if he drums up a picture of the terrible menace we face from the "Communists." The FBI's "thought control" boss hints that there are 540,000 Americans he would like to put in jail. He says they are "operatives" who are just crawling all over J. Edgar Hoover looking for our "secrets." * * *

AGAINST LOYALTY PROGRAM

The National Lawyers Guild has also conducted a malicious campaign against the loyalty program, which was inaugurated under Executive Order 9835, on March 21, 1947, in the executive branch of the Government, to rid the Government of subversive and disloyal employees.

Resolutions attacking the loyalty program as illegal and demanding that the courts declare it unconstitutional were adopted at the national convention of the guild held in New York City in May 1950. At a public forum held under guild auspices on February 11, 1948, the loyalty program was attacked as a thought-control measure.

The guild's opposition to the loyalty program was compiled into a 23-page report entitled "The Constitutional Right to Advocate Political, Social, and Economic Changes—An Essential of Democracy," which was sent to Government officials, Members of Congress, the judiciary, the bar, labor and civic organizations. The conclusion of this report charged that "our citizens are denied the right to advocate fundamental social, economic, and political change."

The guild has denounced the Attorney General's listing of subversive organizations to be used in the Federal loyalty program as a menace to the liberty of the American people. The Guild's committee on constitutional rights and liberties has issued a report on the legality of the action of the Attorney General of the United States in issuing

a listing of organizations as subversive pursuant to the President's loyalty order, in which it urged revocation and cancellation of the list.

OPPOSES LEGISLATIVE ACTION ON COMMUNISM

Any legislation which would curb the activities of Communists, regardless of the importance of such legislation to our national security, is faced with bitter opposition from the National Lawyers Guild.

At its first convention, the guild opposed statutes providing that teachers take a loyalty oath or those "making criminal advocacy of or membership in any political party" (Daily Worker, February 23, 1937, p. 5). The latter was directed against pending legislation against criminal syndicalism, affecting the legal status of the Communist Party in various States.

It has opposed legislation directed against the Communist Party, Voorhis registration bill, H. R. 1054; the Tenney law in California barring the Communist Party from the ballot (Lawyers Guild Review, June 1941, p. 66; Daily Worker, May 18, 1942, p. 5).

The National Lawyers Guild denounced the anti-Communist provisions of the Taft-Hartley law on the ground that it was unconstitutional. Leonard B. Boudin, chairman of the labor law committee of the National Lawyers Guild, testified before a labor subcommittee of the House of Representatives concerning the non-Communist affidavit of the Taft-Hartley bill. At that time, Mr. Boudin stated that the non-Communist affidavit was an insult to the American worker because Congress thereby told the workers they were not wise enough to manage their own affairs.

On May 7, 1948, the National Lawyers Guild denounced the Mundt-Nixon bill to control subversive activities. In commenting on the Mundt-Nixon bill, the Lawyers Guild Review, bimonthly publication of the National Lawyers Guild, made the following statement:

> It would be a costly error to treat this measure as merely another unwise legislative proposal to be analyzed and then routinely disapproved. We believe it is far more than that. Its concepts are so hostile to our democratic way of life that its enactment into law would amount to nothing less than a coup d'état in constitutional guise.

The parallel between the above opinion and that of Simon W. Gerson, who represented the Communist Party, U. S. A., before the Committee on Un-American Activities on May 2, 1950, is striking. We quote his comment in part:

> Any bill which seeks such objectives will necessarily do force and violence to the American Constitution and the Bill of Rights. Let us therefore understand the issue clearly: The United States can have the Constitution or it can have the Mundt-Nixon bill. It can't have both.

On May 2, 1950, Harry C. Lamberton, representing the National Lawyers Guild, testified before the Committee on Un-American Activities against the Nixon bill (H. R. 7595).

In the July 14, 1949, issue of the Daily Worker, the National Lawyers Guild was reported as urging the defeat of the Government's bill to fix heavier penalties for unlawful possession of secret documents, as referred to in the Foreign Agents Registration Act, and to lengthen the statute of limitations on prosecution of peacetime spies.

The autumn 1949 issue of The Guild Lawyer listed the following as highlights of the guild's activities:

(*a*) Opposition to S. 595 and H. R. 4703 (internal security bill) as written, and urging drastic revisions to conform to constitutional guaranties;
(*b*) Opposition to S. 1694 and S. 1832 giving Attorney General authority to deport aliens associated with or aiding groups which he finds (without standards or hearings) are "subversive of 'Communist' controlled";
(*c*) Opposition to H. R. 1002 to require labeling, as issued by a "Communist-front organization," of anything mailed by a group which engages in activity which it is reasonable to believe is intended to further the objective of establishing here a Communist government or economic system, or if the group is "under Communist control or influence"

The National Lawyers Guild has submitted a brief *amicus curiae* in an attempt to obtain a Supreme Court reversal of Maryland's Ober law which outlaws all organizations advocating the overthrow of the Government of the United States or of the State of Maryland (The Guild Lawyer, spring, 1950, p. 7).

At its tenth national convention in New York in May 1950, the guild demanded a repeal of the "advocacy sections" of the Smith Act, under which the 11 top Communist officials in the United States were convicted (Daily Compass, May 8, 1950, p. 5).

AGAINST COMMITTEES INVESTIGATING SUBVERSIVE ACTIVITIES

Not only has the guild opposed legislation directed against the Communist Party, but it has also fought every committee which has been effective in exposing Communist activity.

The guild has opposed the Rapp-Coudert committee investigating subversive activities in the public school system of New York City, for example. It has also opposed the York committee investigating subversive activities among State employees of California; the Ellis committee investigating subversive activities in the New York Civil Service; and the Special Committee on Un-American Activities, predecessor of the present House Committee on Un-American Activities.

Abolition of the present Committee on Un-American Activities is called for by the National Lawyers Guild. A resolution to this effect was adopted at the guild's ninth national convention held in Detroit, Mich., in February 1949. Typical of the guild propaganda regarding the Committee on Un-American Activities is the following statement in January 1948 by the then Guild President Robert Kenny:

> For years I have been saying that it was my opinion that the Un-American Activities Committee had no foundation in law, had no power to compel disclosures, and that their procedures were improper.

It would appear that the guild is not so much concerned over alleged violations of "democratic processes" as it is over the possible exposure of the Communist fifth column.

In this connection, it might be recalled that in 1940 the Special Committee on Un-American Activities conducted investigations which led to the exposure of wholesale fraud and corruption in Communist Party election petitions in many States. More than 100 indictments and between 50 and 60 convictions resulted from this investigation. The National Lawyers Guild, however, addressed a communication

to the Attorney General of the United States suggesting an injunction against the committee to restrain it from investigating the petition frauds.

Such obstructionist tactics are a regular part of guild procedure whenever an investigation of communism is concerned.

FOLLOWING THE COMMUNIST PARTY LINE

The National Lawyers Guild has faithfully followed the Communist Party line throughout its existence.

In the mid-1930's when the Communist line called for collective security against the Fascist aggressors, the National Lawyers Guild dutifully called for the repeal of the existing Neutrality Act (Lawyers Guild Quarterly, June 1938, p. 255) and opposed shipments of ammunition to Germany (ibid., September 1938, p. 304).

A crisis arose in this Communist front in February 1939 when non-Communist liberals who had been ensnared into the guild demanded that guild resolutions include condemnation of communism as well as nazism and fascism. To avoid a mass exodus of these liberals, the Communist behind-the-scenes leaders in the guild temporized and permitted a resolution to pass which opposed communism. Shortly thereafter, the Hitler-Stalin pact was signed and the conflict between the Communists and the non-Communists in the guild increased. The conflict was resolved in favor of the Communists when the June 1940 guild convention resulted in the election of the fellow-traveler, Robert W. Kenny, as guild president, and numerous other officers of the same ilk. During this controversy it was announced for the first time, on June 6, 1940, that the executive board had adopted in December 1939 a resolution against the Soviet attack on Finland. But the guild did not again buck the party line during the Stalin-Hitler pact. In fact, until the end of the pact in June 1941, the guild actually aided the Nazi-Communist alliance with thinly veiled attacks on United States legislation dealing with conscription and antisabotage measures.

When the crisis in the National Lawyers Guild was resolved during the Stalin-Hitler pact in favor of the Communists in the guild, non-Communists resigned en masse. In many instances, these non-Communists publicly repudiated the guild as being a Communist organization. Typical of their comments are the following:

From a letter of resignation of Nathan B. Margold, Solicitor for the Department of the Interior, dated May 29, 1940:

> In recent elections for delegates from the District of Columbia to the 1940 convention of the National Lawyers Guild, a group of candidates stood on a platform of unequivocal opposition to nazism, communism, fascism, and other movements which similarly reject the principles of free press, free speech, freedom of assembly, right of religious worship, and fair trials. These candidates understood, if elected as delegates, to cast their votes at the 1940 convention for national officers of the guild who share their views. Of the 20 candidates who stood on this platform, 14 were defeated.

A. A. Berle, Jr., Assistant Secretary of State, resigned with the following statement:

> The National Lawyers Guild was formed in the hope that expression might be given to the liberal sentiment in the American bar.
>
> It is now obvious that the present management of the guild is not prepared to take any stand which conflicts with the Communist Party line. Under these circumstances, and in company, I think, with the most progressive lawyers, I have no further interest in it (Washington Times-Herald, June 5, 1940).

Attorney General Robert H. Jackson had resigned the previous week. Charles Poletti, Lieutenant Governor of New York State, resigned because he understood some members of the guild were "more interested in communism than anything else" (New York Times, June 26, 1940, p. 14).

Paul R. Hays, a prominent New York attorney, summarized the situation as follows in his letter of May 21, 1940, to Prof. Herman A. Gray, which was circularized among members of the New York chapter:

> My experience, and the experience of many others (including the present national and New York chapter presidents), who have been similarly active in the guild and other liberal organizations, has led us to the conclusion that the presence of Communists in policy-making positions in such organizations inevitably results in deflection of the organizations from the liberal ends which they were set up to achieve. This is true because Communists are devoted to achieving the ends of another organization, whose purposes are illiberal and at variance with the purposes of such organizations as the guild.

With Germany's attack on the Soviet Union on June 22, 1941, the Communist Party line changed immediately. The war ceased being imperialistic in the eyes of the Communists, and the National Lawyers Guild suddenly took a similar view of the situation. On October 4, 1941, the guild adopted the following resolution:

> The National Lawyers Guild accordingly gives its unlimited support to all measures necessary to the defeat of Hitlerism and to the present Roosevelt policy of "all out aid" to and full collaboration with Great Britain, the Soveit Union, China, and other nations resisting Fascist aggression and to all further steps necessary for the military defeat of Hitlerism (Lawyers Guild Review, October 1941).

This meeting also urged the repeal of the Neutrality Act.

The end of World War II introduced a new Communist Party line which is one of extreme hostility to the United States Government and all of its defense efforts against the postwar aggressions of the Soviet Union. The present policy of the National Lawyers Guild coincides with this new line almost completely. The guild opposes our military training programs and other internal security measures, and it condemns the entire European recovery program and North Atlantic Pact which are Stalin's chief anathema on the European front. The guild views as "democracies" the new Communist-satellite governments in eastern Europe, and encourages the Communist revolutionary movements in Korea, Indonesia, and China. The guild is demanding United States Government recognition of the Red regime in China. All of these viewpoints are also found in the Daily Worker, official organ of the Communist Party in this country.

There is some evidence to indicate, however, that in recent months a split may be again developing in the membership of the National Lawyers Guild. This time, in contrast to the crisis of 1940, the split is rather between those pro-Communists who support Stalin only, and those on the other hand who want to support Stalin and Tito and call for a united front between the two dictators.

At the tenth national convention of the guild held in New York City in May 1950, a resolution was adopted reversing the action of two guild delegates who voted at Rome to expel the Yugoslav delegates from the International Association of Democratic Lawyers. The latter organization is an international Communist-front for lawyers,

of which the National Lawyers Guild is an affiliate. The international group will be dealt with in a later section of this report.

Apparently the guild conflict between Titoites and Stalinists is not too serious at the present time, for the Daily Worker, official organ of the Communist Party, continues to promote and publicize the National Lawyers Guild. The Daily Worker attributed the guild's pro-Tito resolution to "O. John Rogge, who is admittedly on the payroll of the Tito regime" and gave this warning to the guild:

> If the progressive attorneys who courageously challenged the cold-war blackout of civil liberty here will get the facts on the Tito conspiracy, they will have no difficulty seeing that in falling for the Tito bait they fell for bait planted by the reactionary forces they are opposing (Daily Worker, May 11, 1950, p. 7).

Included in the appendix to this report will be found an exhaustive analysis of propaganda issued by the National Lawyers Guild and that issued on the same subject by the Communist Party. This analysis shows that the guild and the Communist Party have taken the same and sometimes simultaneous stand on a host of important issues and should resolve any doubts regarding the fealty of the guild for the line of the party.

Another early front for lawyers was the International Juridical Association. This was formed in 1931 and its members were closely interlocked with the International Labor Defense as well as the National Lawyers Guild. Among its prominent members was Alger Hiss.

INTERNATIONAL JURIDICAL ASSOCIATION

In 1922, the Communist International established the International Red Aid with the idea that it would have sections in various countries of the world. The purpose of such organizations in the language of the Communist International was—

> to render material and moral aid to the imprisoned victims of capitalism * * * (Resolutions and Theses of the Fourth Congress of the Communist International, published for the Communist International by the Communist Party of Great Britain, p. 87).

In plain language, this meant that the Communists wanted to provide an agency which would protect their subversive agents whenever they ran into difficulties with the law of the various countries in which they were operating.

An American section of the International Red Aid was established in 1925 and it was known here as the International Labor Defense. The International Labor Defense continued to function until 1946, when it merged into a new subversive organization known as the Civil Rights Congress. The International Juridical Association cooperated closely with the International Labor Defense.

The following leaders of the National Lawyers Guild have been actively associated with both the International Labor Defense and the International Juridical Association: Joseph R. Brodsky (deceased), a charter member of the Communist Party; David J. Bentall, Osmond K. Fraenkel, Walter Gellhorn, Herman A. Gray, Abraham J. Isserman, Paul J. Kern, Carol Weiss King, Edward Lamb, Louis F. McCabe, and Maurice Sugar.

The International Juridical Association actively defended Communists and consistently followed the Communist Party line. The Special Committee on Un-American Activities cited the organization as a front in a report dated March 29, 1944.

At the time of its inception, Isadore Polier was executive director, Carol King was secretary, and Joseph Kover editor of the International Juridical Association's monthly bulletin. An examination of the bulletin reveals consistent support of Communist legal cases during its entire career.

In fact, the New York City Council Committee Investigating the Municipal Civil Service Committee in 1940 and 1941 declared:

> The bulletins of the International Juridical Association from its very inception show that it is devoted to the defense of the Communist Party, Communists, and radical agitators and that it is not limited merely to legal research but to sharp criticism of existing governmental agencies and defense of subversive groups.

The International Juridical Association quietly disappeared from the American scene in the early 1940's.

In 1942, the IJA Monthly Bulletin, a publication of the International Juridical Association, was combined with the Lawyers Guild Review, an official organ of the National Lawyers Guild. The December 1942 issue of the IJA Monthly Bulletin, in announcing the merger, indicated that the opportunity for joining forces with the National Lawyers Guild would "greatly widen the area of our influence." It was also announced that writers for the IJA Monthly Bulletin who remained available would go to the board of editors of the Lawyers Guild Review and take primary responsibility for the material in the IJA section of the Review.

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

The current international Communist front for attorneys is known as the International Association of Democratic Lawyers. This organization is sometimes referred to as the International Association of Democratic Jurists.

The idea for the International Association of Democratic Lawyers was conceived during the Nuremberg trials as a threat to all those considered as "war criminals" by Soviet militarists. The first congress met in October 1946 with some 15 countries represented.

The National Lawyers Guild immediately affiliated with the new international front and sent representatives to the first congress in 1946.

Communist leaders in the United States, recently convicted on conspiracy to advocate overthrow of the Government by force and violence, are being vigorously defended by the International Association of Democratic Lawyers.

At the close of its third congress, held in Prague, Czechoslovakia, in September 1948, the International Association of Democratic Lawyers voted to send 25 attorneys to observe the trial of the aforementioned Communist leaders in New York. This proposal was made by Martin Popper, American representative. A resolution was also unanimously adopted expressing "grave concern over the indictment of the American Communist leaders in New York."

The fourth congress of the International Association of Democratic Lawyers met in Rome in October–November 1949, with 30 affiliate national sections. According to the autumn 1949 issue of The Guild Lawyer, quarterly publication of the National Lawyers Guild, Executive Secretary Robert J. Silberstein, and William L. Standard, a member of the guild's national executive board, were sent as guild representatives to the fourth congress.

The following national sections were represented in the congress by their delegations: Albania, Argentina, Austria, French Black Africa, Belgium, Bulgaria, Czechoslovakia, Egypt, France, Germany, Great Britain, Holland, Hungary, Italy, Iraq, Iran, Luxemburg, Poland, Rumania, Republican Spain, Soviet Union, Switzerland, Syria, Tunisia, and the U. S. A. The theme of the fourth congress was "law in the service of peace," in line with the current "peace offensive" of the international Communist apparatus.

The following were among the resolutions which were adopted:

(1) The Resolution on the Necessity of Respect for International Agreements expressed the view that lawyers have the duty to condemn actions which violate international engagements and especially when their own governments are involved. The resolution offered no criticism of Soviet policy but insisted that the North Atlantic Pact, which is supported by the United States, is irreconcilable with the Charter of the United Nations.

(2) Resolution asserting that the prosecution of the leaders of the Communist Party in the U. S. A. is in violation of articles 19 and 20 of the Universal Declaration of Human Rights of the United Nations. An appeal along this line was then made to UN Secretary General Trygve Lie.

(3) Resolution protesting strongly the prison sentences for contempt meted out to the attorneys for the Communist leaders in the United States.

(4) Clearly intended as a measure of support for Communist insurrections in colonial areas, the Resolution on Dependent Countries declared that the actual independence of these countries can only be achieved by national liberation struggle in alliance with the people of the exploiting country and the progressives of all countries. In Communist jargon all efforts to subvert democratic countries are referred to as "liberation struggles." Russia is always the liberator while the U. S. A. is considered the exploiter. The resolution intended to encourage rebellion in the home country is support of Communist uprisings. The meeting also created a permanent Commission on the Colonial, Semicolonial, and Dependent Countries.

Commenting on the afore-mentioned convention, The Guild Lawyer of Autumn 1949 stated that the convention "marked a significant change in the strength and influence of the progressive lawyers of the world."

Reflecting the current line of Moscow and the Cominform in its dispute with Marshal Tito, the Association of Democratic Lawyers voted to expel the Yugoslavian delegates. This proposal was supported by Robert J. Silberstein, American delegate.

The proceedings of the Association of Democratic Lawyers were considered of sufficient importance to warrant a report by Soviet Delegate Kirgin in May 1949 before the Soviet Society for Cultural Relations with Foreign Countries, the Soviet equivalent of the Nazis League for Germandom in Foreign Countries. This was made the subject of a Moscow broadcast on May 11, 1949. In conformance with the current Soviet "peace offensive," Kirgin urged democratic lawyers to intensify their fight against war propaganda. He stated that upon the Soviet delegate's initiative, a resolution was passed by the AODL to identify war criminals and publish their names. The organization has not as yet published the names of those responsible for the assault upon the peaceful South Korean Republic.

It was well known that the drive of the World Peace Congress for endorsement of the so-called Stockholm Appeal and for interference with shipments of material sent by the United States in support of the Atlantic Defense Pact is the main present objective of international communism. The following excerpt from the Moscow Home Service Broadcast of May 21, 1950, therefore demonstrates how the International Association for Democratic Lawyers functions on an international scale to protect the Communist sabotage and espionage apparatus, just as the National Lawyers Guild functions on a national scale:

Among the organizations who have sided with the Stockholm declaration during the last week are the International Association of Democratic Lawyers and others. The International Association of Democratic Lawyers has also addressed dockers and railwaymen refusing to transport war material in a declaration in which they state that they consider their actions are well-founded from a legal and juridical point of view because their actions are aimed at the prevention of war crimes.

It should be remembered that the National Lawyers Guild, as a subordinate of the International Association of Democratic Lawyers, is in duty bound to comply with this directive in our own country.

At the previous Prague Congress in 1948, the International Association of Democratic Lawyers officially solidarized itself with the Wroclaw Congress of Intellectuals, attended by a number of leading American Communists, which devoted itself primarily to assailing the foreign policies of the United States and extolling the "peace policies" of the Soviet Union.

According to the Daily Worker of October 19, 1949, page 10, the Fourth Congress of Democratic Lawyers held in Prague went even further in its service to international communism. Welcomed by Klement Gottwald, Communist President of Czechoslovakia, it worked out a "people's law code," intended as a guide for Communist dictatorships. In concluding the session, Dr. Nordman compared the administration of justice in Communist Czechoslovakia with that of the western democracies.

"The American Constitution," remarked Nordman, "particularly the first amendment, guarantees freedom of thought, but we can see in the trial of the 12 Communists in New York that they are being prosecuted only for their thoughts, only because they are Marxists and the jury is selected not democratically * * *."

Incidentally, Czechoslovakia has been the scene of a number of recent Communist purge trials in which the right to trial by jury and accepted juridical practices were ruthlessly violated, without protest from the Association of Democratic Lawyers for the National Lawyers Guild.

The headquarters of the International Association of Democratic Lawyers is at 19 Quai d'Orleans in Paris, France. The president of the organization at the time of its 1949 convention was D. N. Pritt, K. C., a British lawyer prominent in the defense of Communist causes. Its general secretary is Joe Nordman, who recently defended the French pro-Communist publication, Les Lettres Française.

GUILD COMMUNISTS AND FELLOW TRAVELERS

The files of the Committee on Un-American Activities show that the dominant forces in the National Lawyers Guild have been composed of known Communists and fellow travelers.

The committee notes, for example, that John Abt, Lee Pressman, and Nathan Witt were associated with the National Lawyers Guild from its inception, and have held positions on the guild's executive board or on its various committees. Abt, Pressman, and Witt have been identified as Communist members of an underground group established by the Communist Party for the purpose of infiltrating Federal Government agencies. This identification was made by Whittaker Chambers, confessed former courier for Communist espionage agents. The three indviduals so accused subsequently refused to submit to congressional inquiry regarding their Communist activities on grounds of self-incrimination.

On August 28, 1950, Lee Pressman again appeared before the committee. This time, he answered questions propounded to him by the committee. In the course of the questioning, Pressman admitted his membership in a Communist group in Washington, D. C., during the years 1934 and 1935. He also identified Nathan Witt and John Abt as members of this Communist group. On September 1, 1950, Nathan Witt and John Abt again appeared before the committee and refused to answer all inquiries regarding their Communist activities on the ground of self-incrimination.

Another initial member of the National Lawyers Guild was Charles Recht, who at the same time was attorney for the Soviet Embassy in the United States. Still another charter member was Joseph R. Brodsky, general counsel and charter member of the Communist Party, now deceased. The National Lawyers Guild, at its 1948 national convention, unanimously adopted a special resolution regarding the death of Mr. Brodsky which stated:

> His death is an inestimable loss to the profession and to the National Lawyers Guild of which he was a charter member.

Martin Popper, one of the 1949 vice presidents of the guild whom the Daily Worker of June 27, 1943, credits with being a "founder" of the guild, is a faithful Communist Party liner. His many other Communist-front connections include Civil Rights Congress, American Committee for Protection of Foreign Born, Joint Anti-Fascist Refugee Committee, Committee for a Democratic Far Eastern Policy, American Committee for Spanish Freedom, Emergency Peace Mobilization, National Federation for Constitutional Liberties, National Council of the Arts, Sciences, and Professions, National Negro Congress, Southern Conference for Human Welfare. Popper recently represented the Chinese Communist government.

Thomas J. Emerson, a law professor at Yale University, was elected president of the National Lawyers Guild at its national convention in New York City in May 1950. Mr. Emerson has been associated with the guild from its very beginning, and served on the guild's executive board during its first year, 1937. The records of the Committee on Un-American Activities show that Mr. Emerson has an unusual affinity for Communist-front organizations and that in addition to the National Lawyers Guild he has associated himself with such groups as Civil Rights Congress, Jefferson School of Social Science, Southern Conference for Human Welfare, National Council of the Arts, Sciences, and Professions. He has further associated himself with the Communist-blessed Progressive Citizens of America and with the Communist-dominated United Public Workers of America.

The present executive secretary of the National Lawyers Guild is Robert J. Silberstein, who has held that same position for many years.

Mr. Silberstein's connections with the guild date from its earliest days. The files of the committee disclose that Mr. Silberstein is the signer of a public statement defending the Communist Party and that he has associated with such subversive organizations as the International Workers Order, Committee for Citizenship Rights, Lawyers Committee on American Relations with Spain, and Progressive Committee to Rebuild the American Labor Party.

Clifford J. Durr, 1949 head of the guild, who has appeared before the Committee on Un-American Activities representing clients who declined to answer questions as to Communist affiliations on the grounds of self-incrimination, in August of 1948 attended the World Congress of Intellectuals for Peace behind the iron curtain, at Wroclaw, Poland. In May of 1948, Durr, in a speech before the Federation of American Scientists, charged that United States scientists are forced to "work in an atmosphere of corrosive fear." This was prior to the disclosure regarding the spying of the British atom spy, Klaus Fuchs.

Durr sponsored a committee to defeat the Mundt-Ferguson Communist control bill. He charges that the "loyalty program is above the Constitution."

Durr presently serves as a vice president of the guild.

The 1950 vice presidents of the National Lawyers Guild include the following other individuals with significant records of associations with Communist enterprises:

Osmond Fraenkel: Associated with Consumers National Federation, American Labor Party, National Committee for the Defense of Political Prisoners, American Student Union, Consumers Union, American League Against War and Fascism, New York Tom Mooney Committee, National Emergency Conference for Democratic Rights, International Juridical Association, National Committee for People's Rights, Medical Bureau and North American Committee To Aid Spanish Democracy, Greater New York Emergency Conference on Inalienable Rights, Film Audiences for Democracy, Films for Democracy, Coordinating Committee To Lift the Embargo, Citizens Committee To Free Earl Browder, School for Democracy.

Louis F. McCabe: Associated with Philadelphia School of Social Science and Art, National Federation for Constitutional Liberties, Civil Rights Congress, American League for Peace and Democracy, Joint Anti-Fascist Refugee Committee, North American Committee To Aid Spanish Democracy, National Council of the Arts, Sciences and Professions, American Committee for Protection of Foreign Born, International Labor Defense, National Emergency Conference for Democratic Rights, International Juridical Association, American Student Union.

Bartley C. Crum: Associated with California Labor School, National Committee To Win the Peace, National Federation for Constitutional Liberties, Veterans of the Abraham Lincoln Brigade, Joint Anti-Fascist Refugee Committee, American-Russian Institute, American Slav Congress, American Youth for Democracy, American Committee for Spanish Freedom.

Richard Gladstein: Associated with the Civil Rights Congress. Mr. Gladstein sent Labor Day greetings to the People's Daily World, west coast organ of the Communist Party, in 1947, and sent May Day greetings to the same subversive newspaper in the present year. Mr. Gladstein was one of the attorneys who were sentenced to jail

for contempt of court as a result of their abusive attitudes while defending the 11 Communist leaders recently convicted in New York.

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(As of December 1949)

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Executive secretary

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- Milton Paulson
- Marian Wynn Perry
- Lee Pressman
- Paul L. Ross
- Harry Sacher
- Hon. Nathan R. Sobel
- William L. Standard
- Abraham Unger
- Benedict Wolf
- Arthur G. Silverman

Philadelphia: Saul C. Waldbaum

Pittsburgh: Hyman Schlesinger

St. Louis: Victor B. Harris

San Francisco:
- J. Bruce Fratis
- George G. Olshausen

Seattle: John Caughlan

Washington, D. C.:
- George M. Johnson
- Donald M. Murtha
- David Rein
- Herbert S. Thatcher
- Belford V. Lawson, Jr.

Boston: Arthur L. Brown

Youngstown, Ohio: John F. Kicak

Miami: Harold Tannen

Student division:
- Martin Tucker, Cambridge
- Robert Silverstein, Chicago
- Samuel Rosenberg, New York City

OFFICERS OF THE NATIONAL LAWYERS GUILD

(As of May 1950)

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Thomas I. Emerson, Yale University

Executive secretary

Robert J. Silberstein, Washington, D. C.

Treasurer

Nathan B. Kogan, New York

Vice presidents

Clifford J. Durr, Washington, D. C.
Osmond Fraenkel, New York City
Bartley Crum, San Francisco
Louis McCabe, Philadelphia
Richard Gladstein, San Francisco
Earl B. Dickerson, Chicago
Victor B. Harris, St. Louis
George Slaff, Los Angeles
Henry Weihofen, New Mexico
Martin Popper, New York City
Hon. Ira W. Jayne, Detroit
Elmer Gertz, Chicago
Mitchell Franklin, New Orleans
O. John Rogge, New York City

Executive board

Benjamin Algase, New York City
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I. Duke Avnet, Baltimore
Leonard B. Boudin, New York City
Alan Brown, Detroit
George Patrick Casey, Arkansas
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Earl B. Dickerson, Chicago
Harry Diehl, Gibson City, Ill.
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G. Leslie Field, Detroit
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Irving H. Flamm, Chicago
J. Bruce Fratis, San Francisco
Albert C. Gilbert, New York City
Charles M. Goodwin, Cleveland
Victor B. Harris, St. Louis
Allen Heald, Chicago
Charles H. Houston, Washington, D. C. [deceased]

Executive board—Continued

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Sidney A. Jones, Jr., Chicago
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Carol King, New York City
Belford V. Lawson, Washington, D. C.
John Lightenberg, Chicago
Leo J. Linder, New York City
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Milton Paulson, New York City
Marion Wynn Perry, New York City
Lee Pressman, New York City
David Rein, Washington, D. C.
Samuel Rosenberg, New York City
Paul L. Ross, New York City
David B. Rothstein, Chicago
Harry Sacher, New York City
Hyman Schlesinger, Pittsburgh, Pa.
George L. Siegel, Chicago
Arthur G. Silverman, New York City
Robert Silverstein, Madison, Wis.
George Slaff, Los Angeles
Hon. Nathan R. Sobel, New York City
William L. Standard, New York City
Nedwin L. Smokler, Detroit
Maurice Sugar, Detroit
Hon. Henry S. Sweeney, Detroit
Harold Tannen, Miami
Elsie Tarcai, Cleveland
Euclid L. Taylor, Chicago
Herbert S. Thatcher, Washington, D. C.
Abraham Unger, New York City
Morris Wainger, New York City
Saul C. Waldblum, Philadelphia
Clore Warne, Los Angeles
Richard F. Watt, Chicago
Nelson Willis, Chicago
Benedict Wolf, New York City
Herman Wright, Houston, Tex.

OFFICERS, WASHINGTON CHAPTER, NATIONAL LAWYERS GUILD

(as of July 1950)

President, Harry Lamberton

Vice president, Belford V. Lawson, Jr.
Executive secretary, David Rein
Recording secretary, Selma Salmons
Treasurer, Charlotte A. Hankin
Board of directors: Jack Blume
James A. Cobb
Arthur Christopher, Jr.[1]
Milton Freeman
Samuel Jaffe
Howard Jenkins
Samuel Levine
Harry N. Rosenfeld [2]
Herbert S. Thatcher [3]
Ruth Weyand
Donald M. Murtha [4]

ORGANIZATIONAL DATA

Headquarters of the National Lawyers Guild are located at 902 Twentieth Street NW., Washington, D. C.

The National Lawyers Guild claimed a membership of 3,891 individuals as of June 1, 1950. Its chapters number 14 and are located in the following cities: Baltimore, Boston, Albany, Troy, Schenectady, Chicago, Cleveland, Detroit, Washington, D. C., Hollywood, Los Angeles, New York City, Philadelphia, and San Francisco. For the purpose of comparison, the Journal of the American Bar Association in 1948 estimated the total number of attorneys in the United States at 180,000. To carry the comparison still further, the American Bar Association reported its own membership to be 28,400 in 1937 and 42,000 in 1949, according to the World Almanac.

Since 1946, the National Lawyers Guild has maintained a student division to permit law students to become members of the guild. The 3,891 total guild membership figure as of June 1, 1950, includes 702 individuals who are listed as members of the guild's student division. The guild lists the locations of its student divisions as follows: University of Michigan, University of California at San Francisco, University of Southern California (Boalt Hall), University of Chicago, Harvard University, New York University, Columbia University, Brooklyn Law School, Yale University, University of Washington at Seattle, Wayne University, Washington, D. C. (sic).

Dues paid by its members provides the National Lawyers Guild with some of its funds. Another source is contributions from interested individuals and organizations.

The House Committee on Un-American Activities, in a report dated June 7, 1946, referred to its investigation of organizations which financed communistic and subversive causes in the United States. The committee named the Sound View Foundation, Inc., of New York as a typical example. The National Lawyers Guild received

[1] Dropped membership through nonpayment of dues, April 1949, and refused nomination to board of directors.
[2] Dropped membership through nonpayment of dues, April 1949, and refused nomination to board of directors.
[3] Dropped membership through nonpayment of dues, April 1949, and has not attended a guild meeting for over three years.
[4] Resigned.

$700 from the now-defunct Sound View Foundation, according to the report.

In 1949, the Communist-dominated International Fur and Leather Workers Union contributed $3,000 to the National Lawyers Guild. In 1947 and again in 1948, the Communist-dominated United Electrical, Radio and Machine Workers Union contributed $750 to the National Lawyers Guild.

Another contributor to the National Lawyers Guild was the Robert Marshall Foundation of New York City, which in 1947 contributed $2,000. This foundation was described in the March 29, 1944, report of the Special Committee on Un-American Activities as "one of the principal sources for the money with which to finance the Communist Party's fronts generally in recent years."

Frederick Vanderbilt Field, whose adherence to Communist causes is well known, has also contributed money to the National Lawyers Guild.

Over 40 employees of the Federal Government who are currently carried on the rolls of the National Lawyers Guild as members were contacted by the staff of the committee. The majority of those contacted have, in their opinions, ceased their membership through the nonpayment of dues, although only three had submitted formal letters of resignation. However, the National Lawyers Guild still considers these persons to be members. Two individuals carried as members of the board of directors of the Washington chapter of the National Lawyers Guild are still carried as such even though they refused the nomination to the board of directors and had stopped paying dues. One person carried as a member of the board had neither paid dues since April of 1949 nor attended a meeting in over 3 years.

Many persons interviewed, and these interviews were limited to present Government employees, stated that as a result of their memberships in the National Lawyers Guild they had been receiving literature from Communist-front organizations.

CONCLUSION

The Committee on Un-American Activities recommends that the National Lawyers Guild be placed on the Department of Justice subversive list and that it be required to register as an agent of a foreign principal.

It recommends further that members of the National Lawyers Guild be barred from Federal employment and that the American Bar Association consider the question of whether or not membership in the National Lawyers Guild, a subversive organization, is compatible with admissibility to the American bar. It calls on decent lawyers and those sincerely interested in the liberal principles of American justice to warn the younger members of the bar of the real nature of the guild, as an arm of the international Communist conspiracy.

APPENDIX

COMPARISON OF GUILD PROGRAM WITH COMMUNIST PARTY LINE

Through resolutions of its conventions, declarations of its national executive board, and statements of its officials, the National Lawyers Guild has expressed its position with regard to many foreign and domestic issues. Some high lights of these pronouncements are compared in the following pages with statements on the same issues as found in the Daily Worker, Daily Peoples World, New Masses, The Communist, and Political Affairs. The first four publications mentioned were identified as Communist in the Special Committee on Un-American Activities, United States House of Representatives, report dated March 29, 1944, while the last was similarly described in the same committee's Report No. 1920 dated May 11, 1948, pages 5 and 6.

The only striking example of conflict with the Communist Party line occurred when the guild's executive board denounced the Russian invasion of Finland in December1939, when it still included a sizable number of non-Communists who have since resigned. This resolution was, however, not widely publicized.

A. Domestic Issues

1. Aliens

(Explanatory Note.—Many members of the Communist Party, U. S. A., are aliens subject to deportation proceedings. In some cases Russia has refused to accept Communist deportees from the United States. The Hobbs bill (H. R. 10) therefore provided for the internment of such aliens, just as was done with Nazi deportees during World War II.)

COMMUNIST PARTY, U. S. A.	NATIONAL LAWYERS GUILD
Defeat the Bill for Concentration Camps * * * We are referring to the fact that the "Concentration Camp" Bill introduced by Congressman Hobbs, of Alabama, has just been reported out of Committee. * * * The reactionaries behind it hope to sneak it through before the people have a chance to act. The Bill provides that all foreign-born non-citizens shall be imprisoned for life in concentration camps if they have no passports to the countries of their birth. Such persons will be seized without trial, and without any possibility of appeal to higher courts. * * * We urge that you wire your Congressman now, and urge him to vote "No" to the Hobbs Bill (*Daily Worker*, April 27, 1939, p. 1).	* * * The National Lawyers Guild in convention assembled opposes passage of the Hobbs Concentration Camp Bill, or any similar legislation which would establish concentration camps in America (*Lawyers Guild Review*, vol. 1, No. 4, June 1941, p. 64).

H. Rept. 3123, 81-2——4

(Explanatory Note.—The Smith bill was adopted just prior to World War II as a necessary defense precaution and provided for the registration and fingerprinting of aliens.)

COMMUNIST PARTY, U. S. A.

The Smith Bill—one of the most repressive of a long list of "antialien" measures now hanging fire in Congress—may come up any day. * * *

This is an omnibus bill, combining all the vicious features of a number of measures, and a few of its own. It requires registration and fingerprinting of all aliens, a domestic passport system which, unquestionably would involve the whole population. At the same time, it makes it more difficult for the foreign-born to become citizens * * * (*Daily Worker*, May 29, 1939, p. 6).

* * * The tory members of the Senate Committee on Immigration approved a bill that violates the very fundamentals of the Declaration of Independence and of American democracy.

* * * In providing for the registration of all aliens, the measure strikes a direct blow at the Bill of Rights. Let no one try pretend that such a measure is aimed at aliens alone. Its real purpose is to intimidate aliens and foreign-born citizens in order to weaken the unions and other democratic organizations to which they belong. This is not an "antialien" bill. It is a sedition bill to undermine democracy. The measure is an opening wedge against the rights and liberties of all Americans (*Sunday Worker*, July 2, 1939, p. 6).

Fifth column hysteria swept both houses of Congress today and included in its destructive sweep the civil liberties of the American people and the rights of organized labor as well as the welfare of the foreign born.

Direct consequences of the President's national defense program included:

(1) Passage of the LaFollette oppressive Labor Practices Act. * * *

(2) Unanimous approval by the Senate Judiciary Committee of the Smith Omnibus Anti-Alien Bill. * * *

(3) Approval by the House of the President's reorganization plan transferring the Bureau of Immigration from the Department of Labor to the Department of Justice, thus subjecting the foreign born to persecution by J. Edgar Hoover's FBI * * * (*Daily Worker*, May 28, 1940, p. 1).

NATIONAL LAWYERS GUILD

At its 1940 convention the Guild opposed all proposals to fingerprint or require identification cards of aliens inasmuch as such proposals were deemed discriminatory and necessarily "lead to the registration and fingerprinting of the entire population." (*National Lawyers Guild Quarterly*, vol. 3, No. 2, p. 119, July 1940.)

Guild opposed H. R. 5138, the Alien Registration Act, pointing out that the act not only provided for the registration of aliens but contained a Federal Sedition law and a military disaffection law which it criticized as a violation of the First Amendment to the Federal Constitution (*Lawyers Guild Review*, October 1940, p. 591).

The National Lawyers Guild * * * disapproves all proposals, whether federal, state, or local, to register fingerprint or require identification cards of all aliens, as such proposals are discriminating and must of necessity also lead to the registration and fingerprinting of the entire population; * * * The impending transfer of the Immigration and Naturalization Service from the Labor Department to the Department of Justice; * * * (*National Lawyers Guild Quarterly*, vol. 3, No. 2, July 1940, p. 119).

2. Bridges Case

(Explanatory Note.—Harry Bridges, an alien member of the Communist Party, USA, has been the subject of deportation proceedings for a number of years. He has recently been convicted of perjury for denying his party membership in such proceedings.)

COMMUNIST PARTY, U. S. A.

Bridges, as it is well known by informed people, is not a Communist nor is it against the law to be a Communist. But if the shipowners can get away with the kind of frame-up they are perpetrating against Bridges, what trade-union or liberal leader is safe? For it is progressive unionism and the New Deal which the shipowners are trying to destroy in this frame-up farce against Bridges (*Daily Worker*, July 28, 1939, p. 6).

The victory which has been won by the unions and the people in the Harry Bridges case * * * is a bitter disappointment to the reactionaries (*Daily Worker*, January 2, 1940, p. 6).

And so, after years of persecution and a man hunt of such proportions as this country has never witnessed, with months of coaching and preparation by the FBI, the Department of Justice of this great Nation could produce nothing more against Harry Bridges than the, at best, questionable words of two witnesses * * * (*New Masses*, June 9, 1942, p. 12).

NATIONAL LAWYERS GUILD

H. R. 9766 ordering the deportation of Harry Bridges after he has been found not guilty of any conduct which would justify his deportation under laws applicable to all aliens would be a dangerous precedent for an objectionable practice * * * The National Lawyers Guild disapproves H. R. 9766 as a contravention of the historical American opposition to anything in the nature of a Bill of Attainder expressly prohibited by the Federal Constitution (*National Lawyers Guild Quarterly*, vol. 3, No. 2, July 1949, p. 119).

By letter dated June 28, 1940, to the Senate Committee on Immigration and Naturalization the Guild opposed H. R. 9766, "a bill directing the Attorney General to deport Harry Renton Bridges forthwith to Australia." Described it as an "un-American proposal."

Guild cited the action against Bridges as an attempt by "opponents of the labor movement * * * to thwart the development thereof by prosecuting its leaders." (*Washington Evening Star*, February 25, 1941).

According to the New York Times, March 19, 1945, the Guild sent a legal memorandum and petition to the President urging cancellation of deportation proceedings against Bridges. Stated: "If Harry Bridges, a well-loved leader of a strong American trade-union were permitted to suffer the punishment of exile from a land in which he had lived for almost 25 years * * * would not fair-minded men everywhere tend to suspect the good faith of our commitments and the sincerity of our program for a lasting peace"? (*New York Times*, March 19, 1945).

3. Committees Investigating Communism

HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

COMMUNIST PARTY, U. S. A.

It is with real Hitler brazenness that Dies asks Congress for more funds—to be exact, for $150,000—in order that his gang can help the Nazi bunds and the Wall Street Tories tear down American democracy. Every American should answer this insolence with an increasing stream of protests to his Congressman urging an end to the Dies outfit. Let Congress establish a committee to ferret out the un-American forces which Dies witch-hunters are hiding. (Editorial, *Daily Worker*, January 23, 1939, p. 6).

Attention, All Readers!

Write your Congress today on dissolving the Dies Committee * * * (*National Issues*, January 1939, p. 18, Published monthly by National Committee, Communist Party).

The November 18, 1939, issue of the *Daily Worker*, page 6, editorialized favorably on the Guild pamphlet and concluded:

"Not another cent for Dies: This should be the thunderous demand of the American people upon the January Congress."

Abolish the Un-American Dies and Smith Committees (Resolution Adopted by the National Committee of the Communist Party, U. S. A., February 1940, *The Communist*, March 1940, page 216).

An end must be put to such instruments of fascism as the Dies Committee * * * (Manifesto of the National Committee, Communist Party, USA, adopted at its Plenary Meeting, June 28–29, 1941, *The Communist*, August 1941, p. 681).

But why does the Congress of the United States continue to vote confidence in Mr. Dies, and provide him

NATIONAL LAWYERS GUILD

In January 1939, the New York City Chapter of the National Lawyers Guild sent a resolution to the New York State Assembly and the U. S. House of Representatives stating:

"1. That we urge the resolution to continue the Dies Committee be disapproved and that no further funds be appropriated to it, and

"2. That we urge Congress to request the Department of Justice to carry on an investigation of un-American and subversive activities * * *

"3. That we urge the legislature of the State of New York to memorialize the Congress of the United States to discharge the Dies Committee for the reasons hereinabove set forth" (*Daily Worker*, January 23, 1939, pp. 1 and 4).

In November 1939, the San Francisco Chapter of the National Lawyers Guild released a pamphlet entitled "In the Court of Public Opinion, Indictment, People of the United States of America vs. the Dies Committee." This pamphlet contained the statement: "Propaganda groups such as the Dies Committee must be condemned by the American people, if American democracy and the Bill of Rights are to be maintained" (*Daily Worker*, November 15, 1939, p. 1).

Now, Therefore, Be It Resolved: That the House of Representatives be urged to deny the request of Chairman Dies for an additional one hundred thousand dollars as a supplemental appropriation for the Dies Committee to investigate un-American activities.

That the House of Representatives be urged to discontinue and disband the Dies Committee except for the submission of a report on its activities and that the Dies Committee be directed forthwith to turn over to the Department of Justice or other appropriate governmental agencies any information which might be of aid to such governmental agencies in the performance of their duties (Fourth Annual Convention, National Lawyers Guild, May 29–June 2, 1940, *National Lawyers Guild Quarterly*, vol. 3, No. 2, July 1940, p. 121).

* * * the National Lawyers Guild in convention assembled urges * * * the abolition of the Dies Committee * * * (Resolution, Fifth National Convention, National Lawyers Guild, May–June 1941, *Lawyers Guild Review*, vol. I No. 4, June 1941, p. 67).

By letter of February 7, 1942, the New York City Chapter of the Guild

COMMUNIST PARTY, U. S. A.

with unlimited public funds with which to carry on his work which "helps Hitler's cause, not ours"? (*Victory and After*, Earl Browder, p. 69, International Publishers, Inc., 1942).

Eventual readers of the history of this war will be amazed at the extent and with what insolence this protection of the enemies within our gates had been carried on by members of Congress. The worst thing done in this respect by Congress (so far at least) has been the recommissioning of the Dies Committee and voting it $75,000 with which to continue its subversive work (The Reactionary Offensive and the War, William Z. Foster, *The Communist*, April 1943, p. 306).

The American people must therefore conclude that while the United States can easily dispense with the House Committee on Un-American Activities, it cannot afford to do without the American Communist Party (America Needs the Communist Party, Speech of Eugene Dennis at Madison Square Garden, New York, September 18, 1945, *Political Affairs*, October 1945, p. 875).

Civil Rights:
* * * End the witch hunts, loyalty orders and phony spy scares. Abolish the Un-American Committee (*Political Affairs*, September 1948, p. 941 article: "1948 Election Platform of the Communist Party").

NATIONAL LAWYERS GUILD

sent to each member of the U. S. House of Representatives a report of the record of the Dies Committee in the four years of its life. The letter concluded:

"Wherefore, we respectfully submit that the resolution to continue the Dies Committee and to appropriate additional funds thereto be disapproved" (*Daily Worker*, February 10, 1942, p. 4).

By letter of February 15, 1942, over the signature of Martin Popper, executive secretary, the Guild criticized Representative Dies to President Roosevelt and said:

"We pledge to continue our efforts to convince Congress that the Dies Committee must be discontinued since it represents an impediment and obstacle to American victory" (*Daily Worker*, February 16, 1942, p. 4).

In a letter to U. S. Representative Frank Hook, Michigan, the Detroit Chapter of the Guild urged him to vote down any further appropriation for the Dies Committee, declaring it stands exposed "as a home-made pattern of Hitler's international anti-Comintern technique" (*Daily Worker*, February 28, 1942, p. 3).

At every stage of its career, and especially now in wartime, the Dies Committee has been a hindrance to the honest aspirations of the American people. In the past, he has repeatedly come before Congress and promised to redeem his errors. He has never once fulfilled those promises. There is no reason for risking the public money by trusting a broken promise again repeated (The Dies Committee, *Lawyers Guild Review*, vol. III, No. 1, January–February 1943, p. 28).

The Guild was listed as one of twenty groups which had joined together and pledged a "fight to the finish campaign to abolish the Un-American House Committee" (*Daily Worker*, October 24, 1945).

The Guild was one of several organizations announcing a nation-wide campaign to abolish the Rankin Un-American Activities Committee. The groups' first objective was the completion of signature drives for a petition to abolish the Committee (*Daily Worker*, December 9, 1945).

This Committee, for nine long years has distinguished itself by its utter disregard of the constitutional rights of minorities with whose ideas it disagrees. * * * The Guild urges the House of Representatives to abolish the House Committee forthwith (Guild Resolution, February 23, 1948, *Lawyers Guild Review*, vol. VIII, No. 1, January–February 1948, p. 319).

COMMUNIST PARTY, U. S. A.

The drive against witch hunting must take the form of outright abolition of the Un-American Activities Committee. * * * (Popular Mandate vs. Monopoly Policy in the New Congress, Max Gordon, *Political Affairs*, January 1949, p. 82).

NATIONAL LAWYERS GUILD

On December 13, 1948, the Guild sent a statement to all House Members demanding abolition of the House Committee on Un-American Activities. The statement alleged that the "existence and activities of such a committee are inherently inimical to the most fundamental rights guaranteed by the Constitution" (*Daily Worker*, December 13, 1948, p. 2, *Washington Star*, December 13, 1948).

The House Committee on Un-American Activities * * * should be abolished (Resolution of the National Guild Convention, February 23, 1949, *Lawyers Guild Review*, vol. IX, No. 1, Winter 1949, p. 51).

RAPP-COUDERT COMMITTEE

(EXPLANATORY NOTE.—The Rapp-Coudert Committee was active in 1940 in investigating Communist activity in the public school system of New York City.)

COMMUNIST PARTY, U. S. A.

Contempt proceedings by the Rapp-Coudert Committee against five members of the Brooklyn College faculty are a striking exposure of the fascist character of the committee.

The charge is that the teachers refused to testify before the Committee. But actually, they justifiably refused to attend a secret one-man hearing in which they would be denied benefit of counsel * * * (*Daily Worker*, December 23, 1940, p. 6, editorial).

The Rapp-Coudert Committee, which is taking the lead in the fight to destroy public education in New York State, is this week conducting "little Dies" hearings in New York City against the Teachers Union and its membership.

The Rapp-Coudert Committee and the State Legislature have been carrying the banners of the Middle Ages particularly high during the past few months. The Committee was created to "investigate, study and review State aid, administration, conduct, methods, subject matter and subversive activities in the public schools * * * and every other matter deemed relevant."

What the Committee deemed relevant was to instigate an attack of unprecedented proportions against progressive education and against the Teachers Union, organization of progressive-minded men and women in the New York's school system (*Sunday Worker*, December 1, 1940, p. 5, article by Beth McHenry entitled "Coudert Waves Middle Age Banner in School Attack").

NATIONAL LAWYERS GUILD

* * * The National Lawyers Guild in convention assembled condemns all attacks on academic freedom and particularly condemns the actions of the Rapp-Coudert Committee, the New York Board of Education, the Board of Higher Education, the refusal of the College of the City of New York to review the appointment of Dr. Max Yergan and the termination by Swarthmore College of the appointment of Josephine Truslow Adams (*Lawyers Guild Review*, vol. 1, No. 1, No. 4, June 1941, p. 63).

Lawyers Guild Raps Coudert Witch-Hunt.

Charges Body Failed to Uncover Activity of pro-Fascists.

Although the Rapp-Coudert Committee has spent more than a quarter of a million dollars in public funds, it has failed to unearth a single example of fascist or pro-Nazi activity in our public school system, the New York Chapter of the National Lawyers Guild charged yesterday.

The Lawyers Guild called upon the state legislature to at least give opponents of the Rapp-Coudert Committee an opportunity to be heard before acting upon its extension.

The statement pointed out that the Rapp-Coudert Committee was created to investigate the cost of education in the State and that up to now nothing has been heard of this phase of the inquiry (*Daily Worker*, March 25, 1942, p. 5).

TENNEY COMMITTEE

(Explanatory Note.—The Tenney Committee was the California Joint Fact Finding Committee on Un-American Activities.)

COMMUNIST PARTY, U. S. A.

State Senator Jack B. Tenney today initiated his version of a book-burning crusade against *The Daily People's World.*

Enraged at the paper's forthright opposition to his activities, the senator concluded his Un-American committee hearings late yesterday by receiving rubberstamp approval of a resolution urging a boycott of the Daily People's World. (*Daily People's World.* February 21, 1948, p. 1).

NATIONAL LAWYERS GUILD

The California Tenney Committee on Un-American Activities is the counterpart on a state scale of the Committee on Un-American Activities of the House of Representatives * * * the National Lawyers Guild reiterates its position that the rights of an individual against interference or inquiry into his political, social and economic views and beliefs are inviolate and may not be the subject of inquisition by any agency of government * * * (National Lawyers Guild Convention Resolution, February 1948. *Lawyers Guild Review,* January–February 1948, pp. 329, 330).

4. Trial of Communist Leaders

The destruction of the rights of the Communist is the classical first step down the road to fascism. (1948 Election Platform of the Communist Party, *Political Affairs,* September 1948, p. 940).

End the witch hunts, loyalty orders and phony spy scares.

Abolish the Un-American Committee. Withdraw the indictments against the twelve Communist leaders and the contempt citations against the anti-fascist victims of Congressional inquisitions (1948 Election Platform of the Communist Party, *Political Affairs,* September 1948, p. 941).

As construed and applied to these indictments, therefore, the Smith Act infringes the basic rights of the defendants to speech, press and assembly, destroys their right to organize and assemble with others as a political party, suppresses their right to expound, and advocate a social science—and is therefore unconstitutional. * * *

Martin Popper, an executive of the National Lawyers Guild, addressed the World Congress of International Democratic Lawyers at Prague, September 7, 1948, and proposed that it send a European lawyer to observe the trial of the 12 American Communist leaders. Popper warned that "the indictment of Communist leaders presages the beginning of the end of the Constitutional form of government in America." *Daily Worker,* September 9, 1948, p. 2).

An *amicus curiae* brief, filed by the National Lawyers Guild, October 7, 1948, before U. S. District Judge Murray Hulbert regarding the indictment of the twelve leaders of the Communist Party, contained the following statements:

"These indictments are part of the ominous pattern that has come to threaten the entire Bill of Rights.

"They are a direct outcome of the anti-Communist hysteria, spy hunts, etc., that daily fill the press and every other channel of public information. * * *

"We respectfully urge this court to assert the judicial integrity of our Constitutional system by dismissing these indictments as the clearest violation of the First Amendment." (*Daily Worker,* October 8, 1948, p. 1).

COMMUNIST PARTY, U. S. A.

The indictments should be dismissed (From the Briefs on the Unconstitutionality of the Smith Act, *Political Affairs*, November 1948, pp. 1026–1032).

It is thus made abundantly clear that a government is attempting by the use of the law and courts to eliminate political opposition. This strikes at the vitals of our whole democratic process (Ibid., p. 1015).

What is needed here in an all-out mass campaign that will * * * secure the dismissal of the Grand Jury indictments against our Party, repeal the "Loyalty order" and the Smith Act * * * (The Fascist Danger and How To Combat It—Eugene Dennis, *Political Affairs*, September, 1948, pp. 795, 796).

Our attack is upon the grand jury, the petit jury panels, all panels, all of the lists from which both grand and petit juries are drawn, and indeed, the entire system of jury selection here (*The Federal Jury is stacked Against You*, Marion Bachrach, Communist Party Defense Committee, New York, January 1949).

Immediately after the infamous verdict was rendered the judge "turned to some unfinished business" and, in a manner bristling with hate and sadistic satisfaction, found all the defense lawyers guilty of criminal contempt and sentenced them to severe prison sen-

NATIONAL LAWYERS GUILD

The persecution of the Communist Party and its members has for some time now been an avowed governmental objective. A campaign of calumny and slander emanating from governmental sources has accompanied every legal device used by officialdom to limit the activities and silence the voice of this Party and its members * * * We witness every day * * * the label of "Communist" and "subversive" placed upon persons whose only crime appears to be hostility towards present day governmental policy, domestic or foreign.

There can be no talk of freedom if the ideas of the Communist Party are suppressed. * * * We call for a repeal of the Smith Act and the end of all prosecutions thereunder (Resolutions of February 1949, National Convention, National Lawyers Guild, *Lawyers Guild Review*, vol. IX, No. 1, Winter 1949, p. 52).

* * * The duty of a Court is to see that juries are fair and impartial, and fairly represent a cross section of the community; and to halt a prosecution where such fair and impartial jury does not exist. It is time for Courts, and legislatures to overhaul the entire method of selecting juries to the end that justice shall be fairly administered (Ibid., p. 53).

On March 2, 1949, the New York Chapter of the Guild filed an *amicus curiae* brief in the case of the Communist Party leaders supporting a defense motion to quash the indictment on the ground that the jury lists, which were the source of the Grand and Petit Jury, were illegally selected and constituted (*Guild Lawyer*, Spring 1949, pp. 12 and 13).

A committee of prominent attorneys will shortly begin a study to determine whether the freedom of Counsel effectively to represent the Foley Square defendants has been preserved, it was announced yesterday by the New York City chapter of the National

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tences. This unprecedented procedure in an American court is not only an attack upon the rights and duty of the legal profession faithfully to defend their clients, but it deprives the defendants, who were rushed to jail without bail, of the indispensable services of the lawyers most familiar with the case to carry forward their appeals (Elizabeth Gurley Flynn in Introduction to In Defense of Your Freedom, by Eugene Dennis, New Century Publishers, New York, October 1949).

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Lawyers Guild (*Daily Worker*, September 12, 1949, p. 3).

5. Federal Bureau of Investigation

Investigate the Federal Bureau of Investigation because of "vicious assaults upon civil liberties" Editorial, *Daily Worker*, March 13, 1940, p. 6).

An article in the Daily Worker indicated that the FBI had gone beyond the scope of its authority in conducting general intelligence investigations. Reference was made to the increase in the FBI's appropriation over a period of years, and it was alleged that because of its Director's "absorbing interest in investigating alleged subversive activities" the FBI was falling behind in its regular job of dealing with other types of specific Federal violations (*Daily Worker*, March 25, 1940).

The Nazi Gestapo is Hoover's Model of Conduct for FBI (*Daily Worker*, December 19, 1940, p. 5, columns 5, 6, and 7).

Federal Bureau of Investigation Director J. Edgar Hoover was referred to as "Chief of the national thought police * * * " (Editorial, *Political Affairs*, January 1948, p. 10).

It seems that the FBI * * * is worried that the American people may get wise to its real function— which is thought control on the Gestapo and Japanese police model (Editorial, *The Worker*, June 6, 1948, p. 6).

The FBI and the Department of Justice have developed into a secret political police which exists outside the law and beyond the U. S. Constitution. * * * An aroused nation must stop the FBI effort to replace the American Constitution by the reign of the political spy (Editorial, *Daily Worker*, June 13, 1949, p. 7).

Continuation of * * * protests can turn the rumors about J. Edgar Hoover's resignation into actual and heartening fact (Editorial, *Daily People's World*, June 16, 1949, p. 6).

The FBI's "undercover network" is a menace to the internal security of the nation * * * The American people

* * * the National Lawyers Guild in convention assembled opposes the Gestapo activities of the Federal Bureau of Investigation, calls for the removal of its Director, and urged Congress to reduce its appropriations so as to restrict its jurisdiction to the field of federal crime and to deprive it of authority to act in matters which affect labor or civil rights (National Lawyers Guild Convention Resolution, May–June 1941; *Lawyers Guild Review*, vol. 1, No. 4, June 1941, p. 66).

* * * the FBI has taken upon itself the role of a political police on the Continental model * * * The Guild believes it is not the province or function of the FBI or other police agencies to maintain dossiers of individuals' lawful political activities. The Guild requests the Congress to conduct an investigation into the activities of the FBI * * * (National Lawyers Guild Convention Resolution, February 1948; *Lawyers Guild Review*, February 1948, p. 320).

The American people are entitled to full information on the extent to which the FBI has developed into a dangerous secret police. * * * The National Lawyers Guild recommends "a comprehensive investigation into the operations and methods of the FBI" (National Lawyers Guild release, *Daily Worker*, June 20, 1949, p. 4, c3).

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must rid the nation of this "undercover network," which serves not the nation but a class, the minority of the financial-industrial cliques. The Bill of Rights and the FBI's "undercover network" are incompatible. One or the other must go. We have no doubt which the people will choose (Editorial, *Daily Worker*, June 21, 1949, p. 8).

Surely the American people must see the FBI with new eyes today. The time has come to investigate its methods, its scandal-mongering lists, its blackmailing data, its misuse of public funds, its usurpation of power, its tentacles gripping all parts of our country and its people (*Daily Worker*, p. 10, June 29, 1949, written by Elizabeth Gurley Flynn).

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6. Hollywood Ten

(Explanatory Note.—In 1947 the Committee on Un-American Activities held a hearing in which ten Hollywood writers refused to answer questions regarding their Communist affiliations. They held that the Committee had no such authority. The authority of the Committee on this matter has since been upheld by the U. S. Supreme Court.)

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No Hollywood grade B stinkeroo ever was as hammy in acting, as corny in plot, or as phony in general as the probe now being staged by the headline hunters of the House Un-American Committee.

* * * The men running this show are not the little puppets of the Un-American Committee. These ambitious little ward-heelers are merely the dollar-a-day extras in the business. It is Big Business—the National Association of Manufacturers and the Wall Street labor-hating industrialists — which is writing the script and giving the commands.

* * * Appeasement by this or that Hollywood producer and actor will not satisfy these un-American totalitarians. Only American courage and bold defiance of their book-burning witch-hunt benefit any American worthy of the name * * * (Editorial, Daily Worker, October 22, 1947, p. 9).

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The New York Journal American of October 17, 1947, stated that 18 screen writers, producers, and actors had released an open letter sponsored by the National Lawyers Guild on the issue of "Freedom of the Screen from Political Intimidation and Censorship."

The Washington Post of October 19, 1947, stated that the Guild was to sponsor a meeting October 20, 1947, at the National Press Building, Washington, D. C., to afford the Hollywood personalities summoned by the House Committee on Un-American Activities an opportunity to state their case.

7. Loyalty Program (Under Executive Order 9835.)

The implications of President Truman's executive order for "loyalty" tests among federal employees reach far beyond the 2,200,000 federal workers and their families. The order flashes the signal for inquisitions and intimidation of all who disagree with the government's foreign and domestic policy.

* * * Executive decrees bypassing legally elected bodies were the path taken in many European nations to install police states and fascist rule. To

On June 7, 1947, in testimony before a U. S. House of Representatives Committee concerning proposed loyalty legislation a Guild official objected to the legislation as well as to Executive Order 9835 on the grounds that the FBI would be the investigator, the judge, and the jury. He stated further, "When it is considered that both the House Committee on Un-American Activities and the FBI are sources of information specifically included in the

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bow before these steps would be the height of disloyalty to every principle upon which our nation was founded.

Not only the Communists, but all labor, the Negro people, professionals, small business men, farmers and all who value their right to oppose Wall Street dictation of our foreign and domestic policy—all should call for the repeal of President Truman's executive order. The President and Congressmen should hear from the people back home in letters, telegrams and resolutions (Editorial, *Daily Worker*, March 25, 1947, p. 3).

Nearly two million Americans are going to have their heads examined. Not that they are crazy or anything like that. They are the 1,900,000 Government employees who will all face a "loyalty purge" for which Congress has voted.

There is no greater patriotic duty today than for progressive Americans to stand up to the witch-hunters and to defy them to forbid the "dangerous thoughts" of the American democracy (Editorial, *Daily Worker*, July 29, 1947, p. 7).

Two items in yesterday's news bring home to us the fact that the police state is rapidly taking shape in our land.

The process of checking the "loyalty" of the 2,000,000 government workers was initiated, a check ordered by President Truman and endorsed by the GOP-dominated Congress with an appropriation of $11,000,000.

Loyalty to what? One tip-off is the fact that the "loyalty check" questionnaire goes back to organizational ties of 10 years ago. It was then that millions of Americans, including many government workers, were actively aiding the people of Spain in their heroic battle to prevent Hitler and Mussolini from taking over their land as a fascist satellite.

Such support of democracy is "disloyal" in Washington today, as is allegiance to the ideals of peace and the destruction of world fascism advanced by FDR * * * (Editorial, *Daily Worker*, August 19, 1947, p. 7).

* * * End the witch hunts, loyalty orders, and phony spy scares.

Abolish the Un-American Committee. Withdraw the indictments against the twelve Communist leaders and the contempt citations against the anti-fascist victims of congressional inquisitions * * * (*Political Affairs*, September 1948, p. 941, Article: "1948 Election Platform of the Communist Party").

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Bill * * * the dangers of the Bill are emphasized." He submitted to the Committee a copy of a pamphlet entitled "The Constitutional Right to Advocate Political, Social, and Economic Change—An Essential of American Democracy," and subtitled, "An Analysis of Proposed Federal Legislation and Executive Order 9835." Pamphlet, prepared by the Guild, stated:

"The publication by the Attorney General, pursuant to the 'Loyalty Order,' of a list of organizations which he characterizes as disloyal, is a direct attack on the rights of freedom of association and expression protected by the First Amendment. There is no ascertainable source of power for this action. It is clear that constitutionally no sanctions may be imposed upon political beliefs. * * *"

The Guild urges that the President rescind Executive Order 9835 (*Lawyers Guild Review*, vol. VIII, No. 1, January-February 1948, p. 319).

More than a year has elapsed since the promulgation of the *Loyalty Order* by the Executive arm of the Government. * * * Already, political parties, civic organizations, fraternal organizations, organizations of the most diverse character, have been stigmatized as disloyal and subversive. Tax exemptions have been canceled. Licenses to collect funds for relief have been denied. Each day men and women, good public servants, find themselves facing an inquisition into their lives, both past and present, by loyalty boards, F. B. I. agents, supervisors and a host of other petty officials. * * *

* * * men's ideas, opinions and beliefs are beyond the pale of government interdiction. * * * We urge the revocation of the President's loyalty and all similar test oaths (*Lawyers Guild Review*, vol. IX, No. 1, Winter 1949, pp. 51, 52).

8. Peekskill Incident

(Explanatory Note.—A New York State Grand Jury has found that certain incidents which occurred in Peekskill, New York, on August 27 and September 4, 1949, indicated that they were "used by the Communist Party as proving ground to test its machinery for mobilizing its forces, manipulating public opinion, and, more important, for rehearsing its strong-arm forces.")

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The would-be lynching of Paul Robeson by the Peekskill, N. Y., mob can mean to America what the burning of the books in Berlin, 1933, meant to Germany and the world.

Let no American delude himself into thinking that this was a local affair with local significance only.

This would-be lynching, this burning of books and music to the accompaniment of savage yells against Jews and N——rs impose police state terrorism in the U. S. A. against the entire Negro people and the nation as a whole. * * * (*Daily Worker*, August 29, 1949, p. 7).

* * * Peekskill demonstrated to progressive forces throughout the nation that Fascist forces can be successfully challenged by the people once the people are sufficiently aroused to the Fascist peril. * * * (*Daily Worker*, September 7, 1949, p. 2).

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Lawyers Guild asks McGrath act on Peekskill.

The National Lawyers Guild yesterday called on Attorney General McGrath to investigate the Peekskill attack of August 27 and "to take vigorous action against those responsible" for any violation of federal law.

"So widespread were the rumors and so well-grounded the apprehension that a riot would take place, that we cannot believe the authorities were not fully aware of the situation," says the Guild letter to McGrath (*Daily Worker*, September 5, 1949, p. 9).

9. Prosecution of Gerhart Eisler

(Explanatory Note.—Gerhart Eisler, an agent of the Communist International, was exposed as such by witnesses before the Committee on Un-American Activities and later the subject of proceedings by the Department of Justice on charges of passport violation.)

COMMUNIST PARTY, U. S. A.

The treatment handed out to Gerhart Eisler, noted German Communist and antifascist, by the U. S. Department of Justice is an international disgrace.

* * * the sole "crime" which the authorities could frame him for is a measly alleged technical violation on a passport application to quit the country, and the "crime" of contempt of the House Un-American Committee — a contempt which every decent American will heartily share * * *. (Editorial, *Daily Worker*, May 16, 1949, p. 7).

Eisler, who fled from the United States in May 1949, was during that same month "unanimously elected to the government of East Germany" (Soviet Sector) (*Daily Worker*, May 31, 1949, p. 2).

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The National Lawyers Guild, among others, filed a statement with the United States Supreme Court in behalf of Gerhart Eisler urging reversal of his conviction for Contempt of Congress (*Daily Worker*, March 28, 1949, p. 3 c. 2–3).

10. Non-Communist Affidavit in the Taft-Hartley Act

COMMUNIST PARTY, U. S. A.

* * * it must be made clear that the anti-Communist clause in the Taft-Hartley Act is clearly intended to be used against every trade-union leader who is progressive and militant, whether he be a Communist or not. It is clearly unconstitutional and must also be challenged on that basis, although the main fight must be made by the wokers and the union (Portion of a report delivered by John Williamson at the June 27–30, 1947, meeting of the National Committee CP USA. *Political Affairs*, August 1947, p. 709).

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We call for the immediate repeal of the Taft-Hartley Law with its infamous test oath (National Lawyers Guild Convention Resolution, February 1949; *Lawyers Guild Review*, vol. IX, No. 1, Winter 1949, p. 52).

11. Universal Military Training

The Communist Party is opposed to both universal military training and the peacetime draft. These proposals * * * are not required to defend our nation from any foreign threat * * * The proposal to militarize our youth goes hand in hand with steps toward the militarization of the nation as a whole, and the sacrifice of the people's living standards to the requirements of a war economy * * * Those who today make our bipartisan foreign policy seek to * * * unloose a war of aggression against the Soviet Union and the East-European democracies. (Testimony submitted on April 2, 1948, to the Senate Armed Services Committee, in behalf of the Communist Party; *Political Affairs*, May 1948, pp. 412 and 415).

End the "cold war," the draft, and the huge military budget * * * (1948 Election Platform of the CP USA; *Political Affairs*, September 1948, p. 938).

The proposed military mobilization, if approved by Congress, will greatly accelerate our steady drift toward war * * * The President's message calling for the draft and universal military training has presented no facts to support his charge that American security is threatened * * * no facts have yet been adduced to support the charges of aggression or intervention levelled at the Soviet Union (Statement on Conscription and Universal Military Training by the National Lawyers Guild, April 16, 1948).

The United States Congress should "repudiate the concept of compulsory peacetime military training and repeal the Selective Service Act of 1948 and then reduce appropriations for military expenditures, applying the saving thereby produced to programs needed for the improvement of housing, health, education, social security, and the conservation of national resources" (National Lawyers Guild Convention Resolution, February 1949; *Lawyers Guild Review*, vol. IX, No. 1, Winter 1949, p. 56).

12. Voorhis Act

(Explanatory Note.—The Voorhis Act provides for the registration of certain organizations within the United States which are under foreign control. It was followed by the formal disaffiliation of the Communist Party, U. S. A., from the Communist International for the specific purpose of evading the act.)

COMMUNIST PARTY, U. S. A.

The Voorhis bill —— "is such a diabolical attack on all trade-unions peace and progressive organizations that they dare not give the people any notice * * * no time can be lost, if another blitzkrieg against civil rights is to be prevented." Demand "that the Voorhis Act be killed" (Editorial, *Daily Worker*, July 3, 1940, p. 6, c. 1).

NATIONAL LAWYERS GUILD

* * * the bill is an invasion on the civil liberties and political freedom of American citizens and should be defeated (Statement of the Committee on Civil Rights and Liberties of the National Lawyers Guild, *Daily Worker*, August 2, 1940, p. 2, c. 3–4).

B. Foreign Affairs

1. China

(Explanatory Note.—The line of the Soviet Union and the Communist Party, U. S. A., in 1945 veered against the Chiang Kai-shek Nationalists regime, for open support of the Chinese Communists and against American support of the Nationalists.)

COMMUNIST PARTY, U. S. A.

Workers in the factories, farmers, church groups, all the great democratic organizations of the American people must protest the use of American arms and American personnel in the effort of the Chungking dictatorship to uproot and destroy Chinese democracy (Avert Civil War in China, Frederick V. Field, *Political Affairs*, September 1945, p. 850).

An aroused American people can check the aggressive, interventionalist drive of U. S. imperialism along a course that can only lead to a new world slaughter * * *

Stop the reactionary intervention of the U. S. A. in Chinese internal affairs.

Repudiate and recall Hurley and Wedemeyer.

Withdraw American Troops from China.

Speed demobilization and bring the boys home. (Stop American Intervention in China, Rob Fowler Hall, *Political Affairs*, December 1945, pp. 1067–1068).

Let us end U. S. bribing of Kuomintang reaction and clear our armed forces out of China. (U. S. Imperialist Intervention in China, B. T. Lo, *Political Affairs*, July 1946, p. 613).

A democratic American policy for China must include immediate withdrawal of all U. S. military forces, advisors, equipment, and installations from Chinese soil and Chinese waters. It must cease all financial, industrial, and political aid to the reactionary Nanking government. All forms of relief to China must be stopped because they directly aid Chiang's civil war. The promises of support to a democratic coalition government should be made, but it should not be given effect until such a government has replaced the type of regime which now seeks to control the country (The New China Program of the American Interventionists, Frederick V. Field, *Political Affairs*, January 1948, p. 63).

* * * we must now help organize the widest support and nation-wide demonstrative activity * * * to render the most complete political, moral, and economic aid to the people's democratic movement in China, Latin

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The National Lawyers Guild was one of 15 organizations represented at a meeting November 28, 1945, in the office of U. S. Representative Hugh De Lacy to discuss the fight for an "anti-Chinese intervention resolution" offered in Congress the previous Monday by Representative De Lacy and five other West Coast representatives (*Daily Worker*, November 29, 1945, p. 2).

Withdraw all American armed forces from China (Resolution on American Foreign Policy, Seventh National Convention, National Lawyers Guild, July 4–7, 1946; *Lawyers Guild Review*, vol. VI, No. 2, May-June 1946, p. 518).

A resolution adopted at the February 1948 convention of the National Lawyers Guild urged that—

"1. Aid be given to the Chinese people without regard to their geographical location or political beliefs.

"2. Such aid should be given only through an agency created by the United Nations in accordance with the principles which governed the operation of U. N. R. R. A., and

"3. The United States should immediately withdraw all military and naval personnel from China, and cease operation of air bases and naval installations in that country" (*Lawyers Guild Review*, vol. VIII, No. 1, January-February 1948, p. 317).

COMMUNIST PARTY, U. S. A.

America, and Greece (The role of the Communist Party in the Present Situation, Eugene Dennis, *Political Affairs*, March 1948. p. 211).

The following major issues confront the people in the present election struggles:

* * * for withdrawal of all American military aid and personnel from Greece, China, and Turkey * * * (Draft Resolution for the National Convention, C. P. U. S. A., *Political Affairs*, June 1948, p. 501).

Stop military aid and intervention in China, Korea, and Greece (1948 Election Platform of the Communist Party, *Political Affairs*, September 1948, p. 938).

Be assured, dear comrades, we shall play our part in the united mass struggle for effectuating the Cairo and Potsdam agreements, for stopping Wall Street's imperialist intervention in China * * * (*Political Affairs*, December 1948, p. 1140. From a telegram sent by the Communist Party, U. S. A., to the "Glorious Communist Party of China.")

This month, a new Congress convenes in Washington. It is incumbent on the American people, in the first place the American labor and progressive movements, not to overlook this opportunity to demand an end to all political, military and financial intervention in China. The Chinese people must be allowed to find their own way to freedom, independence, and democracy without American interference in any guise (The meaning of the Chinese Revolutionary Victories, Frederick V. Field, *Political Affairs*, January 1949, p. 73).

The American people have the duty to raise the demand for the withdrawal of all American armed forces and ships from Chinese territory and waters; for an end to all other support of the corrupt, decadent and counter-revolutionary elements; for an end to all imperialist intervention; for the defeat of all current proposals for new aid to the enemies of the Chinese people; for the establishment of a real "Hands off" policy toward China.

The common interest of the American and Chinese peoples, and of world peace, demands the complete recognition of the new Chinese Democracy by the United States Government and the establishment of normal trade relations on the basis of equality (National Committee, C. P., U. S. A., Salute to the Chinese People's Victories, *Political Affairs*, May 1949, pp. 1, 2).

NATIONAL LAWYERS GUILD

Resolution on China

* * * We urge an immediate economic end to the continuing military, economic, and other aid to the Koumintang regime. A great nation in Asia is being reborn and unlimited opportunity exists for restoring the immense reservoir of good will between the American and Chinese people which was once and should be again the keystone of our relations.

We urge that immediate economic assistance be given to the impoverished Chinese people without regard to their geographical location or their political beliefs, such assistance to be given through an agency of, or in cooperation with, the United Nations (Resolution of February 1949, National Convention of National Lawyers Guild, *Lawyers Guild Review*, vol. IX, No. 1, Winter 1949, p. 56).

2. European Recovery Program

COMMUNIST PARTY, U. S. A.

* * * Giving Greece aid through the United Nations—only civilian, not military aid—is the heart of the Pepper-Taylor idea. It reflects the popular fear for the fate of the United Nations, and it should get support from the widest circles, even those who may not agree with Pepper or Taylor on other matters.

And the resolution should provide that the United Nations give aid without strings attached and no help to the monarchist-fascist regime. Failure to mention these points weakens the resolution; we believe these provisions should be added.

But the first thing is to stop the rush on the Truman-Vandenberg monstrosity, and get full public hearings for the alternative—the Pepper-Taylor resolution (*Daily Worker*, March 28, 1947, p. 7).

* * * Stop military aid and intervention in China, Korea, and Greece * * * (*Political Affairs*, September 1948, pp. 938–939, Article: "1948 Election Platform of the Communist Party").

* * * Scrap the Marshall Plan and the Truman Doctrine. Furnish large-scale economic assistance to the war-ravaged victims of fascist attack. Give this aid through the United Nations without political strings * * * (*Political Affairs*, September 1948, pp. 938–939, Article: "1948 Election Platform of the Communist Party").

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The violation of the Charter and the bypassing of the United Nations are fraught with grave consequences to world peace. The legislation to implement the President's proposals is violative of the UN Charter, would tend to undermine the United Nations, and destroy the only hope for world peace. Congress should reject the Greco-Turkish aid bills * * * (Committee on International Law, National Lawyers Guild, *Lawyers Guild Review*, vol. VII, No. 2, March-April 1947, p. 86).

The hearings on the bill indicate that the European Recovery program would retard rather than promote trade and economic relations between the countries of Eastern Europe and Western Europe and foster division among the nations of the world.

ERP fails to fulfill the objectives of a sound plan for genuine aid for European reconstruction.

The unilateral approach of ERP is contrary to the sound policy of utilizing the United Nations organization * * * The direction of ERP may be gauged in the light of American Foreign Policy of which it is a part. The Truman Doctrine, which remains in operation today, sanctions military intervention in Greece, Turkey, and China which serves to maintain in power corrupt and antidemocratic regimes (*Lawyers Guild Review*, vol. VIII, No. 1, January-February 1948, pp. 316, 317).

3. Germany

Boycott all goods to or from Germany, Japan, and Italy. Refuse to load goods on ships going to or coming from Germany, Italy, or Japan.

Not a ton of coal, not a barrel of petroleum, not a bar of steel, nothing for the troops of invasion and the traitor Franco (*Daily Worker*, January 27, 1939, p. 1).

Our government must be held to its obligations under the Potsdam agreement for a Big Four settlement that will assure a democratically unified Germany, able and willing to pay just reparations, and ready to rejoin the family of democratic European nations. Any other course, such as the present maneuvering for control of the Ruhr and for a West European bloc under American cartel domination, would lead away from peace and would strengthen the forces of reaction here at home. (James S. Allen, The Marshall Offensive for Imperializing the Ruhr, *Political Affairs*, vol. XXVI, No. 8 (August 1947), p. 750).

The National Lawyers Guild * * * urges the National Munitions Control Board to terminate the practice of approving munitions exports to Germany and further urges the National Munitions Control Board to modify its practice of denying the public access to approved licenses for munitions exports (Resolution adopted at 3d Annual Convention of the National Lawyers Guild, February 10–13, 1939; *National Lawyers Guild Quarterly*, vol. 2, No. 1, April 1939, p. 86).

Resolved that the Ruhr be placed under four-power control as part of a general settlement looking toward the unification of Germany and the rebuilding of Europe for world peace (Resolution of National Lawyers Guild National Convention, February 1938; *Lawyers Guild Review*, vol. 8, No. 1, January–February 1948, p. 318).

4. Indonesia

COMMUNIST PARTY, U. S. A.

Britain and America * * * are acting to stifle all freedom movements in India, Egypt, Indonesia, etc.

Support the national liberation struggles of the colonial and dependent peoples (Statement issued on March 5, 1946, by the National Secretariat of the Communist Party, USA. *Political Affairs*, vol. XXV, No. 4 (April 1946), pp. 292, 293).

NATIONAL LAWYERS GUILD

The report of the Committee on International Law and Relations, adopted by the National Executive Board of the Guild in February 1946 stated:

"7. We have given support to British-Dutch imperialism in Java and Indonesia by supplying arms for the suppression of national movements in these countries." (*Lawyers Guild Review*, vol. VI, No. 1 (January–February 1946), p. 414).

5. Iran

The Myth of the Iranian "Dispute"

The so-called Iranian issue before the Security Council was a fraud. By March 26, when the Council began discussing it, no dispute existed. The myth of a "dispute" was systematically fabricated by the American and British governments in a deliberate attempt to embarrass the Soviet Union * * * In perpetrating this fraud the imperialists had several interconnected motives. * * *

The myth of the Iranian dispute was invented partly in order to direct world attention from these imperialist policies. It was concocted as part of the entire policy of US-British imperialism to leave unfulfilled the agreements reached at Moscow, Yalta, and Potsdam * * * (Exploding the Iranian Myth, by Frederick V. Field, *Political Affairs*, May 1946, pp. 397, 398).

The Guild's special committee on the United Nations recommended April 13, 1946, that the Iranian question be dropped from the agenda of the Security Council in view of the declaration by Premier Ahmad Ghavam of Iran, and Premier Stalin that the controversy between Iran and the Soviet Union had been settled to the satisfaction of both nations.

The Committee also expressed the opinion that the application of the Soviet delegate to the Security Council for an adjournment to April 10, should have been granted without question, thus eliminating "the friction and the appearance of crisis which was propagated in the press" (*New York Times*, April 14, 1946, p. 46).

6. Korea

What we are faced with in the policy of intervention against Chinese democracy is not a mere aberration in American foreign policy * * * It is part of a general pattern of American imperialism's foreign policy which, while adopting different tactical approaches to different parts of the world, shows a reactionary consistency throughout. This explains * * * the imposition of a coalition of the "Right" upon the Koreans, the obliteration of a "Lidice" in North China and the undermining of Big Three unity and the authority of the Security Council of the United Nations (Frederick V. Field, The Record of American Imperialism in China, *Political Affairs*, vol. XXV, No. 1 (January 1946), p. 31).

Referring to U. S. foreign policy, the National Lawyers Guild's Committee on International Law and relations stated:

"We (the U. S. A.) have opposed the national aspirations of the Korean people" (*Lawyers Guild Review*, vol. VI, No. 1, p. 414 (January–February 1946)).

7. Argentina

COMMUNIST PARTY, U. S. A.

Certainly there can be no thought of inviting Argentina to attend the San Francisco parley. And the American people through all their organizations must make this very clear in Washington (*Daily Worker*, April 11, 1945, (editorial), p. 6).

Molotov Fights Argentine Bid But Conference Approves Entry (*Daily Worker* (headline) May 1, 1945).

Break diplomatic relations with fascist Spain and Argentina * * *.

Remove from the State Department all pro-fascist and reactionary officials (Resolution of the National Convention of the C. P., U. S. A., adopted July 28, 1945; *Political Affairs*, vol. XXIV, No. 9 (September 1945), p. 823).

Even under the liberal Roosevelt regime, when the Latin-American republics were accorded more democratic treatment by the United States Government than ever before, the agents of the great American trusts, most of which were in violent opposition to Roosevelt, busily cultivated fascist-minded reaction throughout Latin America. Their most recent blows against democracy (struck by two big businessmen holding office in the State Department, Rockefeller and Stettinus) were to maneuver fascist Argentina into the Pan-American Union and also into the United Nations * * * (William Z. Foster, Letter to Luis Carlos Prestes, General Secretary, Communist Party of Brazil, September 19, 1945; *Political Affairs*, vol. XXIV, No. 10 (October 1945), p. 916).

NATIONAL LAWYERS GUILD

National Lawyers Guild Urges State Department Bar Argentine at Frisco

Washington, April 22.—Secretary of State Stettinius was urged by the National Lawyers Guild this week to oppose membership of Argentina in the United Nations and to bar its participation in the San Francisco Conference (*Daily Worker*, April 23, 1945, p. 9).

Lawyers Ask U. S. Lead in Breaking With Argentina

Secretary of State Byrnes was urged yesterday by the National Lawyers Guild to institute joint consultation among the American Republics for breaking diplomatic relations with Argentina. The Guild also called for the removal of the State Department officials "responsible for the recognition of the Farrell-Peron dictatorship," and urged that "their places * * * be taken by those who will steadfastly adhere to a policy of fighting fascist and pro-fascist forces and of advancing democracy in the hemisphere and in the world" (*Daily Worker*, August 9, 1945, p. 8).

We urge the following immediate course of conduct by our government.

Sever diplomatic relations with fascist Argentina and move to expel her from UNO (Committee on International Law and Relations, National Lawyers Guild, *Lawyers Guild Review*, vol. VI, No. 1 (January-February 1946) p. 415)

8. Mexico

Full support for the Cardenas government of Mexico in its defense of democracy and its struggle against the financiers of fascism, the oil monopolies and the Tory Chamberlain Government (William Z. Foster, Win the Western Hemisphere for Democracy and Peace, *The Communist*, vol. XVII, No. 7 (July 1938), p. 614 (based on speech delivered at the Tenth Convention of the C. P., U. S. A., New York, May 28, 1938)).

The American imperialists dread the growth of a great mass democratic, peace, national liberation movement in Latin America * * * They seek to make the Good Neighbor policy an instrument of American imperialism, as they did the old Monroe Doctrine, and they are thus bringing the greatest pressure * * * upon Roosevelt to

Mexican Oil Expropriation

Whereas:

(1) The Mexican Government has recently expropriated the oil properties of American and other foreign corporations * * *

Now, therefore, be it resolved:

We request that the Government of the United States shall not engage in any acts of intervention on behalf of said oil companies, because the action of the Mexican Government in this matter affords with respect to the oil companies which have violated the laws and defied the courts of Mexico no ground for protest by the United States (Resolution adopted at Third Annual Convention of the National Lawyers Guild at Chicago, February 10–13, 1939;

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make the American government aggressively support their capitalist interests by violent measures against their imperialist rivals and against the Latin American peoples. This imperialist pressure must be offset by democratic pressure upon Roosevelt by the masses in the United States and Latin America (ibid., p. 612).

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National Lawyers Guild Quarterly, vol. 2, No. 1 (April 1939), p. 86).

(Word-order of last lines in original text was garbled.)

9. Brazil

The Fight for Prestes' Freedom Has Just Begun

The brutal sentence of 30 years imposed upon Luis Carlos Prestes by the Vargas regime in Brazil is a challenge, not only to the oppressed people of this South American country, but to labor and the public here as well.

This is the second out-and-out frame-up against the Brazilian people's "Knight of Hope." He has been languishing in jail under a 16-year sentence for the political "crime" of uniting the people in the progressive National Liberation Alliance The last conviction of Prestes and six of his coworkers was based on the fantastic slander that he was the "intellectual author" of the murder of a 17-year-old girl.

This outrage heralds a fresh wave of attacks against labor and the Brazilian people as the Vargas dictatorship sells out to the war plans of the Roosevelt Administration and Wall Street.

Notwithstanding this long torturous sentence against Prestes, the Vargas dictatorship had intended to murder him instantly with a "legal" death decree. This was prevented by the wave of protests which came from the Brazilian people and from labor and liberals in the United States, Mexico, Cuba and other American countries.

Once these protests are raised to greater volume, they can remove Prestes entirely from the fascist dungeons. Demands for his freedom and that of his co-workers, should deluge the Brazilian embassy in Washington and Vargas (*Daily Worker*, December 2, 1940, p. 6 (editorial)).

Continental Activity in Defense of Prestes, Brazil's "Knight of Hope"

(By Dionisio Encina, General Secretary of the Communist Party of Mexico)

* * * * *

The ferocious persecution organized against him by Public Enemy No. 1 of the Brazilian people, Getulio Vargas, is directed toward physically liquidat-

Lawyers Guild Sends Member to Aid Prestes—Will Act as Observer at Trial of Brazil Popular Leader

The Council for Pan American Democracy announced today that the National Lawyers Guild has decided to send an observer to Brazil to extend legal aid to the defense of Luis Carlos Prestes, Chairman of the National Liberation Alliance and leader of the democratic movement of Brazil.

The Council for Pan American Democracy has learned that the retrial of Prestes has been ordered by President Vargas of Brazil because of the desire of the Vargas dictatorship to secure, via his Special Tribunal, a death sentence for Prestes.

The National Lawyers Guild is now in communication with the Brazilian Embassy in Washington to secure official recognition for its observer, and to guarantee contact with Prestes and attendance at his trial * * * (*Daily Worker*, December 20, 1940, p. 2).

[The Council for Pan American Democracy was cited by the U. S. Attorney General as a Communist organization.]

According to *The Communist*, vol. XV, No. 11 (November 1936), p. 1076, the Communist Party of Brazil issued the call for the formation of the abovementioned National Liberation Alliance.

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ing the best-loved leader of the Brazilian masses. * * *

By means of this trial it is hoped to terrorize the revolutionary movement in Brazil. * * *

The struggle for the liberation of Prestes and his companions is a task for the whole continental anti-imperialist movement. * * *

We can talk, write, agitate, organize meetings and demonstrations. We can bring up problems in trade-union meetings, in political, women's, youth, sport or cultural reunions. We can demand the intervention of our governments against dictator Vargas. We can raise the matter, as in Mexico, in our Parliaments. We can mobilize the lawyers so that they will expose the monstrous legal procedure of the Tribunal of National Safety and the intellectuals in order that they may raise their voices in indignation. * * *

Among us, throughout the continent, there should be a revolutionary movement for Luis Carlos Prestes and his comrades (*Daily Worker*, December 26, 1940, p. 6).

(By way of identification of Prestes, it may be noted that on September 19, 1945, William Z. Foster, Chairman of the Communist Party, U. S. A., wrote to "Luis Carlos Prestes, General Secretary, Communist Party of Brazil" (October 1945) *Political Affairs*, vol. XXIV, No. 10, p. 913)).

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10. New Democracies

Explanatory Note.—The international Communist press refers to the Communist governments of Eastern Europe and Asia as "new democracies."

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The facts are that in Eastern Europe——in Poland, Czechoslovakia, Roumania, Hungary, Bulgaria and Yugoslavia——now anti-fascist democracies are arising. In these countries the U. S. S. R. has great prestige and mass influence. It enjoys this because the Soviet Union respects the national sovereignty of these nations, encourages and abides by the democratic processes of the peoples and their anti-fascist decisions. * * *

It is the Soviet Union, with its pacts of collective security with her East European neighbors, as with France, China and Britain, which * * * obstructs the way to reactionary Bloc formations, including that of the projected Western Boc—an ill-disguised cover for a renewed *cordon sanitaire*. * * *

The Anglo-American bloc postpones or refuses to recognize, and hence to reach diplomatic agreements with, most of the democratic anti-fascist governments that have come to power in these

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The United States continues to use diplomatic and economic weapons to discourage the development of new forms of democratic government in Poland, Yugoslavia, Roumania, and Bulgaria. A recent example of this interventionist policy is the threat of Ambassador Arthur Bliss Lane to the Polish Government that we would withhold economic assistance if Poland continued to carry out a domestic program of appropriation of certain large industries. Another example is the implied threat of withdrawal of diplomatic recognition of Yugoslavia unless internal policy was made to conform with our concepts. In both these instances our activities have been directed against the democratic groups which most actively participated in the resistance to Nazi occupation, and we provided encouragement to the forces of collaboration in their efforts to reconstitute a *cordon sanitaire* around the Soviet Union (Report of the Committee on

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countries. The United States and Britain intervene in a reactionary way in the popular elections and democratic processes in these countries. Alternately, they withhold or withdraw diplomatic recognition or necessary UNRRA aid, and refuse to grant adequate credits or loans on a democratic basis (Eugene Dennis, The London Conference, *Political Affairs*, vol. XXIV, No. 11 (November 1945), pp. 967, 968).

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International Law and Relations; adopted by the National Executive Board of the Guild at its meeting in Washington, D. C., February, 1946; *Lawyers Guild Review*, vol. VI, No. 1 (January-February 1946), p. 414).

11. Philippine Republic

The people need a stop put to military interference in China, repeal of the Ball Act hamstringing real Philippine independence, freedom for Puerto Rico, long-term loans to non-fascist countries that need them without regard to political maneuvering, ratification of peace treaties jointly arrived at with other members of the Big Three (*The Worker*, January 5, 1947, p. 3).

To help maintain the sovereign independence of the Philippine Republic and the development of good neighborly relations, we recommend:

1. Repeal of the Philippine Trade Act of 1946.
2. Repeal of Section 601 of the Rehabilitation Act of 1946 which made payment of war damages conditional on Philippine acceptance of the Trade Act.
3. Execution of a trade agreement with long-time credits providing for the exchange of Philippine products for American industrial equipment (*Lawyers Guild Review*, vol. VII, No. 1, January-February 1948, pp. 317, 318).

12. Puerto Rico

Grant immediate national independence to Puerto Rico (Draft Resolution of the National Board, CPA, as amended and approved by the National Committee on June 20, 1945; *Political Affairs*, July 1945, p. 584).

To begin with, the United States must concede the full right of self-determination to Puerto Rico, without any "ifs," "ands," or "buts." In doing this, the United States must also grant the necessary funds to the Puerto Rican people as indemnification for their long colonial status, as well as make trade agreements of such a character that Puerto Rico may prosper economically (U. S. Relations with Latin America, William Z. Foster; *Political Affairs*, March 1946, p. 209).

Enact legislation acknowledging the complete rights of independence of Puerto Rico with economic assistance (*Lawyers Guild Review*, vol. VI, No. 2, May–June 1946, p. 518).

13. American Neutrality

(Explanatory Note.—Prior to World War II, when the Soviet Union feared Nazi aggression, the line of the Communists was prowar, against neutrality and for a united front of the democracies against Fascism.)

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The camp of peace faces the problem of organizing a serious mass movement against war and fascism. * * * This problem will be solved in the first instance by breaking down the conception of isolation and neutrality as the road to peace and by preparing the masses for active collaboration with the

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The June 1938 issue of the National Lawyers Guild Quarterly (p. 255) urged the repeal of the existing Neutrality Act, while the September 1938 issue (p. 304) opposed ammunition shipments to Germany. The third national convention of the guild held in Chicago, February 10–13, 1939, urged "the

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peace forces of the world upon the basis of a real international policy of peace (Excerpts reprinted from the *Daily Worker* of July 3, 1937, from the Central Committee Resolution on the Report of Earl Browder, National Secretary of the Communist Party of the United States).

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National Munitions Control Board to terminate the practice of approving munitions exports to Germany" (*National Lawyers Guild Quarterly* April 1939, p. 86); warned against "Fascist economic and ideological penetration in Mexico"; and condemned "German military aggression in Spain."

September 1937 issue of the Guild News, official organ of its New York chapter (p. 4): "The Executive Committee has decided that our present neutrality legislation must be condemned for its marked deficiences and has passed a resolution urging Congress to amend the embargo provisions of the Act so as to make them applicable only to aggressors * * *. The Committee has also decided to call upon the President to apply the existing provisions of the Neutrality Act to Italy and Germany on the ground that they are engaged in a state of war with the legitimate Government of Spain."

14. World War II As Imperialist

(Explanatory Note.—The Communist Party, USA, denounced the war as imperialist as soon as the Stalin-Hitler Pact was signed on August 23, 1939.)

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The Communist Party has issued as the slogan of the day: "Keep America Out of the Imperialist War!" In this slogan are implicit what we consider the only correct answers to all those pressing questions about this war.

The course of events since the signing of the Soviet-German Non-Aggression Pact has confirmed a hundred times over the correctness of that action from every point of view except that which incorrigibly against mountains of evidence, considers Chamberlain and the British Empire the full and sufficient foundation for international order and world peace (Speech of Earl Browder, General Secretary, Communist Party, USA, delivered at Town Hall, Philadelphia, September 29, 1939).

For the flower of the American youth the right to life itself is challenged by those who claim the privilege to conscript them and to throw them into reactionary war for the benefit of the propertied classes. * * * But with 11,000,000 Americans unemployed, the Democratic Party Administration is sacrificing all social legislation, unemployment and old-age insurance and educational guarantees for the youth, in order to pour all resources of the nation as well as the blood of our people into the scramble of monopoly capital for domination of the world (Election

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The following active leaders of the National Lawyers Guild, members of the lawyers committee to keep the United States out of war, attended the Emergency Peace Mobilization. From there they sent the President a telegram of protest to condemn the Burke-Wadsworth conscription bill as "unconstitutional and as representing a violent upheaval in the social, political and economic life of our country" and as "a direct step toward American involvement in war": Samuel M. Blinken, Leo Linder, Edward Lamb, Pearl M. Hart, Abraham J. Isserman, Maurice Sugar,

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Platform of the Communist Party, 1940 (p. 3)).

As events have shown, the joint "national unity" drive of the warmongering social reformists and the bourgeoisie has not been crowned with too much success. * * * The anti-imperialist stand of the American Youth Congress, the National Negro Congress, and the nation-wide Emergency Peace Mobilization at Chicago, etc., bear eloquent testimony to this * * * This explains, in part, the discrepancy between the mass opposition which has developed against the interventionist moves and unneutral acts of the government and Congress in foreign affairs, and, above all, to the military conscription bill, and the limited opposition registered against the colossal armaments program and the dictatorial "national emergency" powers granted to and exercised by the President (Eugene Dennis in The Communist, September 1940, pp. 822, 823).

Keep America Out of the Imperialist War! Oppose all war loans and credits to the imperialist warmakers and their lackeys. Repudiate the militarization and armaments program (Resolution of the National Committee of the Communist Party, USA, from *The Communist*, March 1940, p. 215).

Following the Stalin-Hitler pact, the Communist Party denounced the war as "imperialist"; urged a policy of isolation; opposed the national defense program, conscription, and aid to the Allied Nations. It played the leading role in building up the American Peace Mobilization which picketed the White House and in strikes in defense industries such as Allis-Chalmers, International Harvester, North American Aviation, and Vultee Aircraft.

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and Martin Popper, Secretary of the guild (Daily Worker, September 4, 1940, p. 3).

The fourth annual convention of the guild, held May 29, 30, and June 1, 1940, denounced alleged attempts to use the European war as a "shield to cover repression and as an excuse for reaction" (*Daily Worker*, June 2, 1940).

In line with the guild's policy of protecting those engaged in retarding the national defense effort were the resolutions adopted at the meeting of its national executive board on February 22, 24, 1941, against the Model Sabotage Prevention Act, compulsory arbitration in labor disputes, cooling-off periods before resorting to the strike, and anti-strike legislation (*Lawyers Guild Review*, March 1941, pp. 26 to 29).

The position I have taken excludes, of course, the notion that labor disputes shall be settled by compulsory arbitration or that they shall be restrained by "Work or Fight Orders." These methods are unnecessary as they are undesirable (Harry Sacher in the *Lawyers Guild Quarterly*, December 1940, p. 28).

15. Second Front

(Explanatory Note.—Immediately after Hitler's attack on the Soviet Union, Communist forces throughout the world demanded the immediate opening of a Second Front, although these forces had opposed the war as imperialistic prior to that time.)

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While Hitler flings everything into the Eastern Front, labor should urge Washington and London to smash Hitler in the West (*Daily Worker*, October 9, 1941, p. 1).

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"Robert W. Kenny, President of the Guild, sent a letter to President Roosevelt recently declaring that the National Executive Board of the Guild by an overwhelming majority had adopted

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It is our war and it must be won. It must be won in the battle of production, in the battle of delivery, and in the battle of arms for the annihilation of the enemy * * * It means an all-out participation in the Battle of the Atlantic, for its eastern shores, for the freedom of the seas. It means all measures necessary to bring about the opening of a new front in Western Europe (*The Communist*, vol. XX, No. 11 (November 1941), pp. 956, 957).

For a Second Front in Europe! (*The Communist*, April 1942, p. 199).

Open A Western Front in Europe! (*The Communist*, May 1942, p. 296).

* * * fight for and demand the opening of a Second Front against Hitler in Europe immediately (*The Communist*, June 1942, p. 401).

The demand for the Second Front for the all-out offensive to smash Hitler in 1942, embraces ever wider circles of the population and becomes more insistent (*The Communist*, July 1942, p. 488).

No Delay in Opening the Western Front! (*The Communist*, August 1942, p. 579).

It is time to Open the Western Front Against Hitler Without Further Delay (*The Communist*, September 1942, p. 675).

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a statement urging the opening of a second front in Europe without delay." (The latter is quoted—no date given—and a copy of the statement is set forth; it is quoted in part:)

"It seems clear to us that if the present advance of the Axis forces in the Soviet Union is not stopped, victory for the United Nations will at least be delayed for many years with the enormous cost in human life and sacrifice that will entail. Indeed we believe that the security and independence of our nation is critically at stake. It seems evident to us that only the immediate opening of a second front will make it possible to assure the victory of the United Nations * * *" (*Lawyers Guild Review*, Vol. II, No. V (September 1942) p. 45. Article: "The Guild and the Second Front").

16. Spain

* * * Break diplomatic and economic ties with Franco-Spain * * * (1948 Election Platform, CP–USA, *Political Affairs*, September 1948, pp. 938–939).

The National Lawyers Guild called for "severance of all economic and diplomatic relations with Franco Spain" (National Lawyers Guild, Convention Resolutions, February 1949. *Lawyers Guild Review*, Winter 1949, p. 56).

(Vigorous opposition to Franco by both the Communist Party and the National Lawyers Guild, throughout the period of instant survey, is a matter of public record.) *Daily Worker*; *The Communist*; *Political Affairs*; *National Lawyers Guild Quarterly*; *Lawyers Guild Review.*

17. Soviet Union

Red Army hurls back invading Finnish troops, crosses frontier (*Daily Worker* (headline), December 1, 1939, p. 1).

Wall Street Uses Finland for War

The newspapers of the country are giving the American people a heavy dose of war propaganda on the latest developments in Finland.

The press has obviously determined to drug the intelligence of the American people, to paralyze all common-sense

Osmond K. Fraenkel, Guild Vice President, was quoted as saying that the National Executive Board in December 1939 denounced the Soviet invasion of Finland (*New York Times*, June 6, 1940, p. 27).

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questioning in a wave of war hysteria aimed at the Soviet Union.

The remembered lies of the press on the Munich "peace" are being surpassed.

The plain truths are twisted or ignored.

The Finnish bourgeois-landlord rulers, incited and supported by world imperialism, continued their violations of the Soviet borders—they attacked at two points yesterday morning. They were repulsed by the Soviet Union which took the necessary steps in defense of its national interest.

It is the sheerest hypocrisy for the press to pretend moral indignation at "a little country" engaged with a "big country like the Soviet Union." They know that behind the Finnish ruling cliques stand the mighty forces of British and American imperialism, goading, encouraging, supporting the hostile acts of Finland.

The Finnish bourgeois-landlord cliques were willing to play this role of provocateur. They stood at the Soviet borders holding open the doors of war. The Soviet Union yesterday closed the doors. No war dogs of world imperialism will pass through (*Daily Worker*, December 1, 1939 (editorial), p. 1).

Forge the friendship and peaceful cooperation of the American-Soviet-British coalition and all the freedom-loving peoples * * * (Statement issued March 5, 1946, by National Secretariat of the Communist Party, *Political Affairs*, April 1946, p. 291).

End the "cold war," * * * Restore American-Soviet friendship, the key to world peace and the fulfillment of the people's hope in the United Nations * * * (*Political Affairs*, September 1948, pp. 938–939, Article, 1948 Election Platform of the Communist Party).

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Take steps to restore Anglo-American-Soviet unity as the cornerstone of cooperation among the United Nations * * * (*Lawyers Guild Review*, vol. VI, No. 2, May-June 1946, p. 518).

* * * The revitalization of cooperative relations among the great powers and especially between the United States and the Soviet Union, points the path to peace. To aid in the revitalization of the cooperative relations among the great powers it is imperative that the United States and the Soviet Union compose their differences in the briefest possible time and lay the groundwork for the composing of differences among other nations and thus advance the cause of peace and the principles and purposes of the United Nations.

* * * Adherence to the principle of concurrence and cooperation will eliminate the need to consider measures inconsistent with the spirit of the United Nations, such as the contemplated North Atlantic Pact or any other military arrangement by any powers which may breed hostility and suspicion * * * (*Lawyers Guild Review*, vol. IX, No. 1, Winter 1949, pp. 55–56).

18. Atlantic Pact

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Despite all threats and persecutions we will continue resolutely to work for peace. Instead of an aggressive North Atlantic Pact—a resurrected anti-Communist Axis—we shall continue, in company with millions of other Americans, to urge that our nation shall sign a Pact of Friendship and Peace with our great wartime ally, the Soviet Union (*Political Affairs*, April 1949, p. 4; article: "Is the Advocacy of Peace Treason?" by William Z. Foster and Eugene Dennis).

American trade-unionists, workers, all progressives and peace-loving Americans must make their voices heard. End the cold war! Scrap the Atlantic Alliance for aggression! Defend the hard-won democratic rights of the people! Stop the war preparations! Jobs and homes—not guns! For an American-Soviet Peace Pact! (*Political Affairs*, April 1949, p. 17; article: "The Struggle for Peace" by Marvin Reiss).

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The Guild adopted a "Resolution on the Cold War in the Light of the New Concept of International Law" which called for an end to the "cold war" and the "revitalization of cooperative relations among the great powers and especially between the United States and the Soviet Union." "Adherence to the principles of concurrence and cooperation will eliminate the need to consider measures inconsistent with the spirit of the United Nations, such as the contemplated North Atlantic Pact or any other military arrangement * * *" (*Lawyers Guild Review*, Vol. 9, No. 1, Winter 1949).

19. Atomic Energy

COMMUNIST PARTY, U. S. A.

Put an end to atom bomb diplomacy which is paving the way to World War III.

The Churchill-Byrnes-Truman * * * "outlook is to impose their will on the world, including the Soviet Union, by overwhelming military power based on the atom bomb (Statement issued on March 5, 1946, by the National Secretary of the Communist Party, USA; *Political Affairs*, vol. XXV, No. 4 (April 1946), pp. 292–293).

What a country does on a specific issue at home is a pretty good index to how it treats the same issue in its foreign policy. This is particularly true of our government's policy on the international control of atomic energy. The Baruch Plan was designed by the same men who have established monopoly-control over atomic energy at home * * * Their objective, plainly discernible in the domestic and international control policy, is to retain the monopoly of atomic energy at home and abroad, for war or for peace. Here is to be found the real obstacle to atomic disarmament and the effective outlawing of the atomic bomb (*Daily Worker*, Nov. 4, 1946, p. 6; article: "The Trustified Atom" by James Allen).

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The National Lawyers Guild reportedly (1) criticized American secrecy concerning atomic bomb, (2) urged that control of atomic energy be placed with the UN Security Council, (3) stated U. S. Atomic bomb policy "has antagonized the Soviet Government, alarmed the French Government and created disquiet among the English" (*Daily Worker*, December 27, 1945).

Our insistence upon maintaining a monopoly of the "secret" atomic bomb manufacture has caused widespread doubt, throughout the world, regarding our peaceful intentions (*Lawyers Guild Review*, vol. VI, No. 1, p. 415, January–February 1946).

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* * * The main forces in the world today are: * * * the camp of the monopolists who are plotting atomic war and the world-wide peoples' camp of peace in which the Socialist Soviet Union plays the leading role (*Political Affairs*, April 1949, pp. 64–66; article: "The Atom Bomb; Myth and Truth" by Joseph Clark).

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* * * We proposed: That our government announce its immediate readiness to enter into an international agreement providing for the prompt destruction of all atomic weapons and all other weapons adaptable to mass destruction and the complete cessation of all further production thereof. The international agreement should provide for establishing effective compliance with its provisions and prescribe sanctions for violation thereof. The abolition of the veto power should not be required as a condition to reaching an agreement on atomic energy (*Lawyers Guild Review*, May–June 1946, p. 521).

20. Bretton Woods

The labor movement must speak up for the Bretton Woods plan as a whole, and demand that it be reported out of committee intact. The rest of the world is watching the United States on this issue. Our allies will not believe that we have abandoned political isolation if we still permit the narrow, private interests of a handful of bankers to keep us bound to economic nationalism. * * * The passage of the Bretton Woods Plan before April 25, certainly during the San Francisco conference, is the best way of guaranteeing the parley's success (Editorial, *Daily Worker*, April 6, 1945, p. 6).

The failure to ratify the Bretton Woods agreement, without crippling amendments, would speed up the tendencies revealed by the aviation conference. * * * (From Teheran to Crimes, by Joseph Starobin, *Political Affairs*, March 1945, p. 219).

During April 1945, the National Lawyers Guild in San Francisco sponsored a series of talks, under the direction of Benjamin Dreyfus of the San Francisco Chapter. The talks were reported to have followed the Russian views that the Dumbarton Oaks agreement should not be amended and that the Bretton Woods proposals should be adopted as they were.

21. Dumbarton Oaks Agreement

The Dumbarton Oaks draft provides for the settlement of disputes on a regional basis, where possible. But only with the prior authorization of the Security Council itself. We oppose any changes in this respect (Editorial, Discussing Dumbarton Oaks, *Daily Worker*, March 19, 1945, p. 6).

The trade-unions must be particularly alert to back up the Dumbarton Oaks and Bretton Woods proposals, without emasculating amendments. These are the very heart of the Crimean postwar program, and it would be a disaster if the reactionary opposition were allowed to devitalize them as it is now trying to do (Article: "The Danger of American Imperialism in the Postwar Period," William Z. Foster, *Political Affairs*, June 1945, p. 499).

(Please see material set forth immediately above under the caption, "Bretton Woods.")

22. Yalta-Potsdam

COMMUNIST PARTY, U. S. A.

The immediate basic cause for the deterioration of relations between the Soviet Union and the British-American imperialists lies in the fact that Britain and America have refused to carry out the Yalta and Potsdam pledges.

Britain and America have refused to denazify Germany and crush feudal militarist reaction in Japan. They have refused to let the small countries of Europe decide their own fate. They are acting to stifle all freedom movements in India, Egypt, Indonesia, etc.

Carrying out the Yalta-Potsdam agreements would restore Big Three peaceful working relationships (Statement of the Secretariat, CP–USA, *Political Affairs*, April 1946, p. 292).

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* * * at Yalta a new epoch in international law was unfolded through the establishment of the principle of the concurrence or unanimity of the Great Powers * * *.

But it was at San Francisco soon after the present administration took office that the country first witnessed a whole series of official actions constituting a departure from the policies to which the United States had subscribed in the Atlantic Charter and at Moscow, Teheran, Yalta, and Dumbarton Oaks * * *.

The National Lawyers Guild vigorously opposed the whole policy of the United States delegation as a flagrant violation of the spirit and content of United Nations unity (Resolution of the Committee on International Law and Regulations, National Lawyers Guild, *Lawyers Guild Review*, January–February 1946, pp. 412–413).

* * * since February, the pattern of our foreign policy has not been altered. The present trend can and must be halted * * * we urge the following immediate course of conduct by our government:

Take steps to restore Anglo-American-Soviet unity * * *.

Fulfill the Potsdam agreement to complete the destruction of Nazism and militarism. Bring to trial German industrialists as war criminals * * *.

Establish an international war crimes tribunal for the prosecution and punishment of Japanese war criminals, including Japanese industrialists and the Emperor.

Extend financial credits to nations in need without interference in their internal affairs (National Lawyers Guild Convention Resolutions, July 1946, *Lawyers Guild Review*, May–June 1946, pp. 517–518).

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