
**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY 12207-2936 •

John Vidurek, Gerard Aprea, 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 Law¹

Case NO: 1:18-cv-00392 MAD-CFH

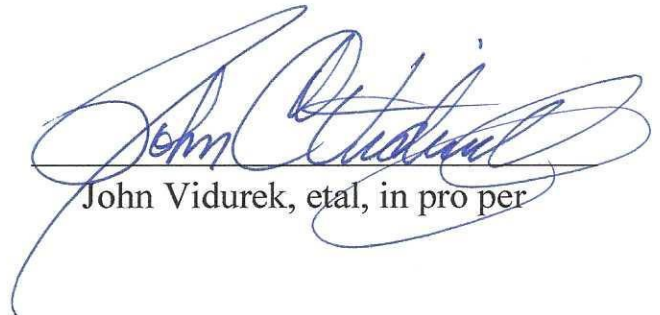
ACTION AT LAW:²

NOTICE OF REMOVAL

To the above named Respondent(s):

You are hereby notified that the above said court is moved to Court of Record, United States District Court for the Northern District of New York Law Case No. 1776-1789-1791-2019; Depository Case No. 1:16-CV-1490 for cause. Respondents have thirty days after completion of service via United States Postal Service to respond. In case of your failure to answer, judgment will be taken against you by default for relief demanded in the show cause.

November 16, 2019


John Vidurek, etal, in pro per

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.

Unified United States Common Law Grand Jury¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²
COURT OF RECORD³

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

Court of Record: Judicial Oversight – Unified United States Common Law Grand Jury
United States District Court for the Northern District of New York
Law Case No. 1776-1789-1791-2019; Depository Case No. 1:16-CV-1490
Proceeding as Sureties’ of the Peace on behalf of Petitioners in the following court:

Court of Origin: United States District Court for
The Northern District of New York
Case NO: 1:18-cv-00392 MAD-CFH

John Vidurek, Gerard Aprea, et al
Petitioners

– Against –

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

IS MOVED FOR CAUSE TO:

United States District Court for the Northern District of New York
Law Case No. 1776-1789-1791-2019; Depository Case No. 1:16-CV-1490

Respondents should take Notice that this is a Common Law Court of Record
Under the rules of Common Law, Rules of civil law do not apply.

¹ **The UUSCLGJ** is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. 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. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it 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.

³ **“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 [natural], 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.

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Plaintiffs

– Against –

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

Jurisdiction: Court of Record, under
the rules of Common Law⁴

Law Case No. 1776-1789-1791-2019
Depository Case No. 1:16-CV-1490

**DECISION AND ORDER
TO MOVE FOR CAUSE**

EXTRAORDINARY ACTION

The petitioners requested the Common Law Grand Jury to move case no 1:18-cv-00392 MAD-CFH for cause. And, after investigating the matter, we found that the plaintiffs, after opening a Court of Record, were carried away to jurisdictions unknown to our Constitution, and therefore granted said case to be moved for cause.

Defendants are herein informed of fraudulent court procedures that have concealed the Peoples' right of Natural Law courts whereas the officers of the aforesaid court have committed fraud upon the court and therefore said case is moved for justice.

The Grand Jury is the "Sureties of the Peace" that we find in the Magna Carta⁵ and was ordained by the People through the 5th Amendment⁶ and, thereby is officially

⁴ "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.

⁵ **Magna Carta 61:** "Move-over, for God and the amendment of our kingdom and for the better calming of the quarrel that has arisen between us and our elected and appointed stewards, we have ordained all these concessions, desiring that they

acknowledged as an unalienable right. The Grand Juries are the posterity of our founding fathers. They are We the People that ordained and established the Constitution for the officers of this court to proceed with authority.

The Grand Jury is one of the ways that We the People Consent to the actions of our government.⁷ If anyone has been deprived of their unalienable right, we will immediately grant full justice therein. The will of the Grand Jury is the opening and manifestation of due process⁸ in a court of law. Therefore, the Common Law Grand Jury, on behalf of the petitioners, hereby moves the originating concealed court of record to the above said Court of Record for fraud on the court whereas Magistrate Christian F. Hummel and Judge Mae A. D'Agostino under color of law conspired to use judicial machinery,⁹ to conceal "Courts of Record" and carry plaintiffs away to jurisdictions foreign and unknown to our Constitution under the "de facto fiction of law," created by rule 2, called "civil law."

"If a government, either by malfeasance or neglect, fails to protect rights or, even worse, if the government itself begins to violate those rights, then it is the right and duty of the people to regain control of their affairs and set up a form of government which will

should enjoy them in complete and firm endurance forever, we give and grant to them the underwritten security, namely, that the twenty-five who shall be bound by oath to observe and hold, and cause to be observed peace and liberties we have granted and confirmed to them by this our present Charter, so that if we, or our justices, or our sheriffs or any one of our officers, shall in anything be at fault towards anyone, and if any of our civil servants shall have transgressed against any of the people in any respect and they shall ask us to cause that error to be amended without delay, or shall have broken some one of the articles of peace or security, and their transgression shall have been shown to four Jurors of the aforesaid twenty five and if those four Jurors are unable to settle the transgression they shall come to the twenty-five, showing to the Grand Jury the error which shall be enforced by the law of the land."

⁶ **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.

⁷ **Declaration of Independence:** 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.

⁸ **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.

⁹ Fraud upon the court: In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "*Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted.*"

serve the people better.” “These rights which have been bestowed by the Creator, they cannot be altered or eliminated at any time; that is, they cannot be taken away or violated without the offender coming under the judgment and wrath of the Creator.”

16TH AMERICAN JURISPRUDENCE, 2ND EDITION, SECTION 177

“The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail. This is succinctly stated as follows:”

“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. As unconstitutional law, in legal contemplation, is as 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 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 valid law. Indeed, in so far as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it.”

Any court, government or government officer who acts in violation of, in opposition or contradiction to the foregoing, by his, or her, own actions, commits treason and invokes the self-executing Sections 3 and 4 of the 14th Amendment and vacates his, or her, office. It is the duty of every lawful American Citizen to oppose all enemies of this Nation, foreign and domestic.

Under federal Law, which is applicable to all states, the U.S. Supreme Court stated:

*“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.”*¹⁰

Such is the condition of the aforesaid jurisdiction foreign and unknown to our Constitution under the “de facto fiction of law, called civil law.”

Since Constitutions must be construed to reference the common law, summary proceedings¹¹ would deny petitioners’ 7th Amendment’s right¹² of trial by jury and, thereby, would be repugnant rendering any such decision null and void.¹³ And the idea that a rule can abrogate Common Law and our Common Law Constitution is absurd, contemptuous and subversive.

¹⁰ 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).

¹¹ **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 see Phillips v. Phillips, 8 N.J.L. 122.

¹² 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.*

¹³ “All laws, rules and practices which are repugnant to the Constitution are null and void” – Marbury v. Madison, 5th US (2 Cranch) 137, 180.

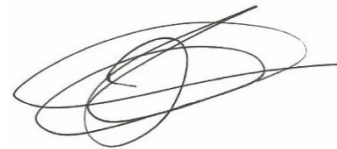
The tribunal herein nullifies repugnant and subversive rule 2 and all rules of civil law courts and accepts the petitioners petition to move for cause. This court will proceed in a Court of Record under the “Rules of Common Law.”

ORDERED The Tribunal nullifies all unlawful decisions made by Magistrate Christian F. Hummel and Judge Mae A. D’Agostino in the aforesaid court of fiction and moves said court to the following Natural Law Court for cause.

Defendants have 30 days to answer in the United States District Court for the Northern District of New York, 445 Broadway; Albany, N.Y. 12207-2936, Law Case No. 1776-1789-1791-2019, Depository Case No. 1:16-CV-1490.

SEAL

November 16, 2019



Grand Jury Administrator

Attachments: Action at Law, 22 pages dated March 31, 2018.
Plaintiffs updated wherefore clause.

The following case attachments with the Action at Law have been moved to Common Law Case No. 1776-1789-1791-2019; Depository Case No. 1:16-CV-1490.

- Memorandum of Law in Support of 2nd Amendment
- Memorandum of Law in Support of Authority
- Memorandum of Law in Support of Article III Courts
- Memorandum of Law in Support of Standing
- Memorandum in Support of Founding Documents
- Memorandum of Facts Concerning Common Law
- Memorandum of Law in Support of the Common Law
- Exhibit (1) Congress Report Lawyers Guild
- Affidavits

NOTE: *Due to enemies foreign and domestic within our government this case may be concealed and therefore can also be found at <https://www.nationallibertyalliance.org/docket>.*

COVER PAGE

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY 12207-2936 •

CONTACT INFORMATION

John Vidurek, et al

Receiver of all responses on behalf of all the plaintiffs

See Action lines 84 – 128

3979 Albany Post Road, Suite 107

Hyde Park, New York, 12538

- against -

Governor Andrew M. Cuomo

N.Y.S. State Capitol Building

Albany, NY 12224

Majority Leader Senator John J. Flanagan

Served on behalf of the entire Senate

Room 330, State Capitol Building

Albany, NY 12247

N.Y.S. Assembly Speaker, Assemblyman Carl E. Heastie

Served on behalf of the entire Assembly

LOB 932

Albany, NY 12248

SEND ALL RESPONSES (ONE COPY) TO:

John Vidurek
See Action lines 84 – 128
3979 Albany Post Road
Hyde Park, New York 12538
Fax: (888) 891-8977
John@NationalLibertyAlliance.org

LIST OF PLAINTIFFS

John Vidurek	Walter K Janczak, Jr
George Gard	Kimberly Vidurek
Betty Gard	William E Conta
Cerus Maarten	Leonard Volodarsky
Charles Karlstrom	David Paul
Danid D Joy	John Schultz
Anthony Futia Jr	Joseph Frioco
Tanya E Parrow	Michelle Frioco
Joseph Atkinson	William R Fox Sr
Mozart D Victor	James Birsen
Gary E Edgreen	Joanne Johnson Smith
Mary Jane Edgreen	Stacey Cumberbatch
Alvin Gonzalez	Don Alan McLaughlin
Gerard Aprea	Michael R Wiehl
Michelle Aprea	Michael Anthony Livecche Jr
Jon E Delong	Jose Ferreira Cruz
Senny Nunez	James Burlinski

LIST OF DEFENDANTS

Governor Andrew M. Cuomo; N.Y.S. State Capitol Building; Albany, NY 12224

New York Senate: c/o Majority Leader Senator John J. Flanagan
Room 330, State Capitol Building; Albany, NY 12247

New York Assembly: c/o Speaker Assemblyman Carl E. Heastie
LOB 932; Albany, NY 12248

CONTACT INFORMATION

VIDUREK, ET AL -A- CUOMO, ET AL

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AFFIDAVITS

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY 12207-2936 •

5

John Vidurek, Gerard Aprea, 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 Law¹

Case NO:

ACTION AT LAW:²

NEW YORK STATE)
) :SS.

10 DUTCHESS COUNTY)

We, John Vidurek, Gerard Aprea, et al, and on behalf of all People³ of New York State, hereinafter plaintiffs, in this court of record, proceeding according to the common law⁴ hereby sues Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly, hereinafter

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 Savannah, 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."

15 defendants, “all” acting under the color of law⁵, 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.*

The New York State Legislature did, under color of law, pass the New York Secure Ammunition and Firearms Enforcement Act a/k/a as the NY SAFE Act. And on January 20 16 2013 Governor Andrew Cuomo did, under color of law, signed it! This was a clear infringement upon the plaintiffs’ and all the good People of New York’s unalienable right, protected by the 2nd Amendment.

In an Act of Terror the New York State Legislature led by Governor Andrew Cuomo did chill the plaintiffs by setting January 31, 2018 as the official deadline for thousands 25 of handgun owners to register their guns with the New York State Police claiming by law, “*anybody who fails to contact state police and share updated information about their firearms could face criminal charges*” thereby making Law abiding people criminals for exercising their unalienable right.

Plaintiffs hereby DEMAND that Governor A. Cuomo, New York State Senate and New 30 York State Assembly, hereinafter defendants, to give a VERIFIED accounting of their 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 35 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.

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.

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 a right to remain silent or a 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 masters 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 COURTS⁶,
Federal Form 7, pg. 106; 113th congress 2nd session

The plaintiffs are People of New York State, under the Common Law (*not a citizen under a corporation*) which is not legislated statutes, nor a collection of Federal District decisions, which is no law; 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; and an infringement upon the right to defend ourselves protected by the New York State Constitution Article XII Section 1 and the 2nd Anendment.

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

“The defense and protection of the state and of the United States is an obligation of all persons within the state.”

“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.”

65

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.

70

OATHS & BONDS

Plaintiff(s) accepts the oaths⁷ and bonds of all the officers of this court to support and uphold the Constitution for the United States of America⁸.

DUE PROCESS

75

Plaintiff(s) rejects and denies all motions for a hearing before defendants answer this action thru a sworn written response in a timely manner⁹ (30 days) or defendant defaults. Summary proceedings¹⁰ are out of the regular course of the common law¹¹,

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.

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

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 plaintiff(s) of the cause and the amount of additional time granted defendant(s).

LAW OF THE CASE

80

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.

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).

85 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 represent wards of the court, infants, and persons of unsound mind¹². A certificate is not a license to practice law as an occupation or to do business as a law firm. A ward is
90 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.

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

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 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.

“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.” - *Schwartz v. Board of Bar Examiners*, 353 U.S. 232 (1957).

100 **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*
105 *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.
110 *Wainwright*, 372 U.S. 335; *Argersinger v. Hamlin*, Sheriff 407 U.S. 425.

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...
115 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.”* - *Schwartz v. Board of Examiners*, United State Reports 353 U.S. pages 238, 239.

120 **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, 125 375 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.

130 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 it cannot license anyone on behalf of the state.

135 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 140 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 145 order to exercise a n 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 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

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.

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."

175

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.*

180

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.

190

Element #1 Legal Duty: 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:

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.

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“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

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Element #2 Breach of Duty: The Governor and legislators of both houses violated 42 USC §1983¹⁵ 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 regulation 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.

205

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 pretend laws such as 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

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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.

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.

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.

215 The Governor and legislators of both houses violated 42 USC §1986¹⁷ 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 regulation 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
220 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
225 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
230 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.

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.

235 The Governor and legislators of both houses violated 18 USC §242¹⁸ 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.

240 **Element #3 Damage as proximate result:** 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 State are not obedient to their will, they will take our arms by force, thereby placing extreme psychological stress and fear of violence upon the plaintiffs and place plaintiffs family in jeopardy of harm and even death.

245 New York Governor Andrew M. Cuomo and both houses have infringed upon plaintiffs’ and all 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

250 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

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.

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.

History reveals that registering arms is the first thing a state does before coming with guns to take our guns and with the existence of a lawless deep state that refuses to
255 relinquish its unconstitutional power to the authorities We the People vested.

Plaintiffs and all the People of New York have been deprived of their unalienable right to be secured, to be armed and now people live in fear that they will be arrested on all these pretend laws if we do not register our guns with the state. The defendants “*have combined with others to subject us to a jurisdiction foreign to our constitution, and*
260 *unacknowledged by our laws; giving Assent to their Acts of pretended Legislation threatening to try us for pretended offences,*” no different than King George in 1776.

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*
265 *people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.*”

WAR

“*...no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.*” -- Sawyer, 124
270 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.*” --
275 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 ordained²⁰ that IN ORDER TO PREVENT MISCONSTRUCTION OR ABUSE OF LEGISLATIVE AND JUDICIAL POWERS RESOLVED that further 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

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.

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.”*

IT HAS BEEN RESOLVED THAT We the Sovereign People established and ordained the Law of the Land²³ through constitutions that govern all elected and appointed servants, outside of which there can be no law making.

300 **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 authorities²⁵ 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

305 **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 prerogative²⁹ is found in His judges', a/k/a the jury, tribunal or the Kings bench.

310 **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.

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 Donovan* (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.

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.

IT HAS BEEN RESOLVED THAT it is *We the Sovereign People* as Petit Jurors who enforce the laws³¹ of God that are written in the hearts of men,³² not written by legislators and enforced by servant judges, turned tyrants.

315 **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 rights³⁴ 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 penalty³⁷ for exercising an unalienable right.³⁸

320 **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 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

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.

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).

325 **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.

330 **IT HAS BEEN RESOLVED** THAT the disarming of **We the Sovereign People** is an ACT OF WAR; in violation of 18 U.S. Code §2381⁴³ - Treason: and 18 U.S. Code §2384⁴⁴ - Seditious conspiracy:

OUR FOUNDING FATHERS ON ARMS

They wrote the “*Second Amendment*”

335 *"The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms."* Samuel Adams,

340 *"This may be considered as the true palladium of liberty.... The right of self defense is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction."* - St. George Tucker, Blackstone's Commentaries on the Laws of England

345 *"The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are*

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.

successful in the first instance, enable the people to resist and triumph over them." - Joseph Story, Commentaries on the Constitution of the United States, 1833

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

350 *"The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes.... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."* Thomas Jefferson

355 *"A free people ought not only to be armed, but disciplined."* George Washington

"Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are inevitably ruined." George Mason

"To disarm the people...[i]s the most effectual way to enslave them." James Madison

360 *"The ultimate authority, wherever the derivative may be found, resides in the people alone."* Noah Webster

365 *"Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom of Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any bands of regular troops that can be, on any pretense, raised in the United States."* Samuel Adams

"The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms." Richard Henry Lee

370 *"A militia when properly formed are in fact the people themselves...and include, according to the past and general assuage of the states, all men capable of bearing arms... "To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them."* Thomas Jefferson

375 “What country can preserve its liberties if their rulers are not warned from time to time
that their people preserve the spirit of resistance. Let them take arms.” Thomas
Jefferson

“The Constitution of most of our states (and of the United States) assert that all power
is inherent in the people; that they may exercise it by themselves; that it is their right
and duty to be at all times armed.” Thomas Jefferson

380 “I prefer dangerous freedom over peaceful slavery.” Thomas Jefferson

One reason why today we should never allow the Government to limit our arms:

“The Deep State”!

CONSPIRACY

385 The false impression given by the enemies of the Sovereign People that the aforesaid
RESOLVED⁴⁵ issues are moot is the propaganda of lawless servants snared by the
poison of the National Lawyers Guild, 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*
390 *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.

395 The BAR has convinced the populous that the United States is a democracy which is a
stepping-stone to totalitarianism⁴⁶ and that by orchestrating popular demand through

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.

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

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 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.

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."

- 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?
- 430
- 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
- 435 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.
- 440
- 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.
- 445
- 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
- 450 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.
- 455
- 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.”

- 460 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”.
- 465 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 as 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.
- 470 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.
- 475 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.
- 480 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.
- 485 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.
- 490 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.

495 **WHEREFORE**, plaintiffs demand and prosecute for; 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.

500 Plaintiffs demand and prosecute for; 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.

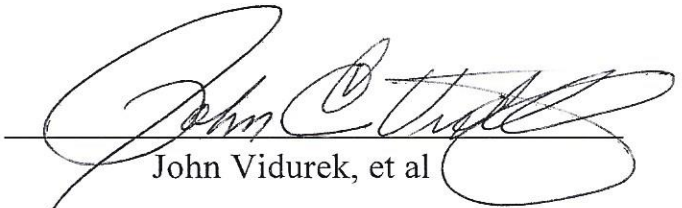
505 Plaintiffs demand and prosecute defendants for \$50,000 in damages for psychological
stress and fear of violence upon my person and for placing my family in jeopardy of
harm and even death. And for violating our unalienable right to keep and bear arms.

510 Plaintiffs with this action will file 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

515


John Vidurek, et al

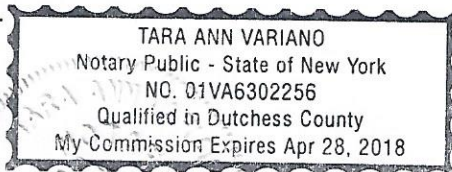
NOTARY

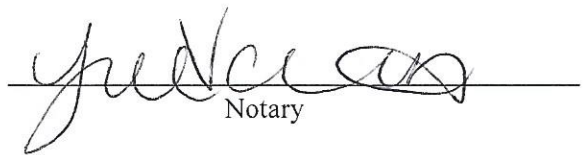
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In New York State, Dutchess County, on March 31st, 2018 before me, Tara Ann Variano,
the undersigned Notary Public, personally appeared John Vidurek, to me known to be the living man described
herein, who executed the forgoing instrument, and has sworn before me that he/she executed the same as his/her
free-will act and deed.

525

(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.

John Vidurek, Gerard Aprea, et al
Petitioners

– Against –

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

UPDATED WHEREFORE CLAUSE:

WHEREFORE, plaintiffs demand and prosecute for; 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 for; 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 \$3,000 in real money¹ 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.

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*²

SEAL

November 16, 2019



John Vidurek, in pro per

¹ Morgan Silver dollars face value.

² Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20.