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

• 445 Broadway; Albany, NY 12207-2936 •

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5 **Unified United States Common Law Grand Jury**<sup>1</sup>

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

**Sureties of the Peace**<sup>2</sup>

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;

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Grand Jury, Sovereigns of the Court

We the People

Jurisdiction: Court of Record, under  
the rules of Common Law<sup>3</sup>

- Against -

Governor A. Cuomo, N.Y.S. Senate  
Majority Leader John J. Flanagan and  
N.Y.S. Assembly Speaker Carl E. Heastie

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

Defendants

## MEMORANDUM OF LAW IN SUPPORT OF AMENDMENT II

## Memorandum in Support of 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.”*

15 “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

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<sup>1</sup> 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.

<sup>2</sup> **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.

<sup>3</sup> "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.

*"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."* -- Benjamin Franklin<sup>4</sup>

## DISARMAMENT IN THE NAME OF INTERNATIONAL SECURITY

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ACTS OF TREASON;

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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.

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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.

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## 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."<sup>6</sup>

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75     *"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

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*"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

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175 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.

"*Both oligarch and tyrant mistrust the people, and therefore deprive them of arms.*" -- Aristotle<sup>9</sup>

180 "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<sup>10</sup>

185 "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<sup>11</sup>

190 "Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun" -- Mao Tse-tung<sup>12</sup>

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<sup>9</sup> 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.

<sup>10</sup> "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.

<sup>11</sup> "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.

<sup>12</sup> 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.

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

• 445 Broadway; Albany, NY 12207-2936 •

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5 **Unified United States Common Law Grand Jury**<sup>1</sup>

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

**Sureties of the Peace**<sup>2</sup>

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;

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Grand Jury, Sovereigns of the Court

We the People

Jurisdiction: Court of Record, under  
the rules of Common Law<sup>3</sup>

- Against -

Governor A. Cuomo, N.Y.S. Senate  
Majority Leader John J. Flanagan and  
N.Y.S. Assembly Speaker Carl E. Heastie

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

Defendants

## MEMORANDUM OF LAW IN SUPPORT OF AMENDMENT II

## Memorandum in Support of 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.”*

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

• 445 Broadway; Albany, NY 12207-2936 •

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5 **Unified United States Common Law Grand Jury**<sup>1</sup>

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

**Sureties of the Peace**<sup>2</sup>

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Grand Jury, Sovereigns of the Court

We the People

Jurisdiction: Court of Record, under  
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- Against -

Governor A. Cuomo, N.Y.S. Senate  
Majority Leader John J. Flanagan and  
N.Y.S. Assembly Speaker Carl E. Heastie

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Magistrate: Daniel J. Stewart

Defendants

## MEMORANDUM OF LAW IN SUPPORT OF AMENDMENT II

## Memorandum in Support of 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.”*

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Department of Justice, Office of Justice Programs, Office of Juvenile Justice and  
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150     Research Summary," p.18, March 1994

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

• 445 Broadway; Albany, NY 12207-2936 •

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P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

**Sureties of the Peace**<sup>2</sup>

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Grand Jury, Sovereigns of the Court

We the People

Jurisdiction: Court of Record, under  
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- Against -

Governor A. Cuomo, N.Y.S. Senate  
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Magistrate: Daniel J. Stewart

Defendants

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the right of the people to keep and bear Arms, shall not be infringed.”*

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*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.*

110 *"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*

115 *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*

120 *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*

125 *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,

130 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

140     “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  
145     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:  
150     Research Summary," p.18, March 1994

155     “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

160     “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

165     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.<sup>7</sup>

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<sup>7</sup> 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.

170 Governments have murdered four times as many civilians as were killed in all their international and domestic wars combined.<sup>8</sup> 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.

175 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.

"*Both oligarch and tyrant mistrust the people, and therefore deprive them of arms.*" -- Aristotle<sup>9</sup>

180 "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<sup>10</sup>

185 "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<sup>11</sup>

190 "Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun" -- Mao Tse-tung<sup>12</sup>

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<sup>8</sup> September 11th, 1999 issue of The Economist magazine, page 7, titled A League of Evil.

<sup>9</sup> 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.

<sup>10</sup> "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.

<sup>11</sup> "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.

<sup>12</sup> 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.