



The Montauk Gazette®

VOL. VII NO. 1 (10,000 PRINTED, 5,100 MAILED), JULY, 2012

PUBLICATION OF RECORD - TOWNSHIP OF MONTAUK

50¢

WWW.MONTAUK.COM

Contents

Quo Warranto 4
 General Association 4
 Tyranny v. Liberty 6
 Constitutional Town Con-
 stables 9
 Sovereign citizens 11
 Liberties at stake... 12
 Quo Warranto! 12
 P.O. Box 2612 12

☆ The Township of Montauk claims sovereign jurisdiction in the making, administering and enforcement of law through a 1686 Colonial Patent and Charter.

☆ The Township of Montauk asserts New York's statutory Town Boards and Incorporated Villages illegal and unconstitutional frauds.

☆ The Township of Montauk asserts that Barack Obama forfeit all claim to Constitutional powers delegated to him by the states as Commander in Chief by signing the NDAA, especially sub-sections 1021 and 1022.

☆ Barack Obama, Hillary Clinton and John McCain, were part of or substantially supported al-Qaeda or associated forces in Libya, and must be detained by the United States Armed forces to uphold and defend the Constitution and restored to pre-civil war amendments.

Supreme Court of the State of New York

Suffolk County Index no. 09-34714

(Also: Town of Montauk v. Vasquez, (Albany, 6703-10))

Seaview at Amagansett, et. al.,
Plaintiffs

against

Town of Montauk,
Intervenor, the Trustees
 of the Freeholders and
 Commonalty of the Town of
 Easthampton, and the Town
 of East Hampton,
Defendants

TOWN OF MONTAUK

PREROGATIVE WRIT OF

QUO WARRANTO

MELVIN TANENBAUM

☆ Quo Warranto I: Township of Montauk demands that Easthampton, the County of Suffolk, and the State of New York show proof of Authority to execute claimed powers over Montauk and Napeague lands adverse to the 1686 Dongan Patent and charter of the Town of Easthampton, Chapter 2 of the laws of 1691 and the Constitution of the State of New York, all statutory claims not withstanding.

☆ Quo Warranto II: Township of Montauk demands Southampton show proof of Authority to build upon the historic Bridgehampton Militia Parade Ground at Ocean Road and Main Street adverse to the 1686 Dongan Patent for the Town of Southampton, all statutory claims not withstanding.

☆ Quo Warranto III: Township of Montauk demands the United States Military show proof authority to arrest and indefinitely detain citizens of the United States of America without charge or trial adverse to the Constitution of the United States of America as originally amended, all acts of Congress or treason not withstanding.

Absent a lawful showing adverse to the aforesaid colonial charters, laws and Constitutions, writs of prohibition and mandamus are ordered to be enforced by the armed nonviolent direct acton of the People as militia.

(Commanders: Suffoik County Sheriff Vincent F. Demarco, US Army Colonel (Ret) Ann Wright, Town of Montauk acting Supervisor Robert A. Ficalora.)

Montauk Representative

Dear Judge Tanenbaum:

if a hearing is granted on the Quo Warranto demands presented, Montauk requests that Mr. Daniel Grimm, a Montauk Trustee and a law student at Rutgers, be allowed to appear before you.

INCORPORATION

In 2011 39 signatures were collected on the Certificate of Incorporation of the Township of Montauk - p5

Last year I was approached by two upstanding young men, one who showed me his New York State Guard ID who approached me while I was collecting signatures in front of the Post Office and the other was a sincerely concerned friend of my two sons.

Both of them wanted to tell me that they understood the importance of my work and to let me know that I could rely on their support.

I am mentioning this in these final notes to this Gazette because it is important for everyone to understand that we will not be successful without the involvement and commitment of all able bodied men and women and those that we are calling upon upon for leadership in these alarming times.

--- Bob Ficalora

A writ of Quo Warranto contemplates enforcement by the people as militia...

Armed nonviolent direct action!

OCCUPATION BY MONTAUK (& SUFFOLK) MILITIA AT BRIDGEHAMPTON MILITIA PARADE GROUND

Without our Law
We have no Liberty
Without our Constitutions
We have no Country
Without our King
In God we Trust

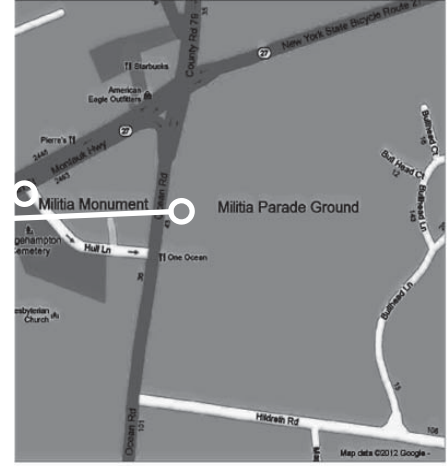
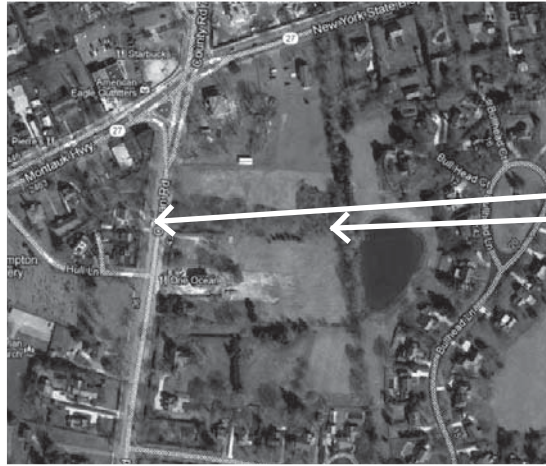
The US is supporting Al Qaeda in Libya
Our homeland is declared a battlefield
Our Military is to arrest citizens and indefinitely detain them w/o charge or trial
Quo Warranto is now served
Enforcement is by the people as militia

The Town of Montauk is back before the New York State Supreme Court asserting a claim into and over 1,100 acres at Napeague (including the harbor) and uphold and defend Montauk's Constitutionally sovereign rights and powers to make, administer and enforce law by issuing *prerogative writs of quo warranto* to be enforced by the people as militia.

Our cause is now expanded beyond Montauk to protecting the threatened rights, liberties and privileges of all Americans.

We are reaching out to Suffolk County Constitutional Sheriff Vincent F. Demarco to take command at the Bridgehampton encampment of the people as militia, to Colonel Ann Wright to take our Constitutional cause up the ranks of the military, and acting Supervisor of the Town of Montauk Robert A. Ficalora (Bob) to provide general supervision and direction (recognizing his poor health).

The Iraq war and the conquest of Libya has revealed the truth about the 911 attack and Al Qaeda. Former CIA/DIA asset and back-channel operative Susan Lindauer who handled Iraq and Libya operations while they were under UN sanctions, has written a



book "Extreme Prejudice" and posted YouTube videos about high level government involvement in the 911 attacks and in Al Qaeda.

The Constitutional Sheriffs and Peace Officers Association organized by Sheriff Richard Mack have taken the lead that we are asking the United States Military should follow.

President Obama signed NDAA sect 1021 into law on December 31st, 2011, establishing our country as a "Homeland Battlefield" and providing for military arrest and indefinite detention of citizens solely upon accusation and without charge or trial. The Quo Warranto presented demands that the military show how they can claim the authority granted in the NDAA in violation of their oath to uphold and defend the Constitution of the United States.

With the stroke of a pen Obama has forfeit all Constitutional legitimacy to command our military forces. In his absence, however, the terms of the NDAA that "the power to detain, via the Armed Forces, any person" (including U.S. citizens) "who was part of or substantially supported al-Qaeda, the Taliban..." must be maintained.

Barack Obama, Hillary Clinton and John McCain must be arrested and rendered to jail at Guantanamo Bay, Cuba.

Without taking action our liberties and our country as we have known them are gone, possibly forever.

This Gazette is being served upon Governor Anthony Cuomo, Chief Judge Jonathan Lippman, Judge Melvin Tanenbaum, the trustees, town boards and villages of Easthampton and Southampton, the attorneys for all parties in the matter of Seaview at Amagansett, et. al. v. Town of Montauk, et. al. (N.Y. Supreme, Suffolk 09-34714), and filed in Town of Montauk v. Cortes-Vasquez, N.Y. Secty of State (Albany, 6703-10),

Copies are also being mailed to Suffolk County Sheriff Vincent Demarco, Colonel Anne Wright, Richard Mack, and the Constitutional Sheriffs and Peace Officers Association.

BOB'S PEACE

Please understand that I suffer from multiple sclerosis and that, although I will do what I can, that I suffer greatly and am not physically fit to lead you.

This Gazette is being served upon necessary and interested parties in order to issue prerogative writs of Quo Warranto and to begin the enforcement of the writs by the people as militia.

I am reaching out to Governor Andrew M. Cuomo to call out the State Guard, to Suffolk County Sheriff Vincent F. DeMarco to secure and defend the Bridgehampton militia parade grounds, and to former State Department official and retired United States Army Colonel Ann Wright to bring our case up the ranks of the military.

In advocating the military arrest of President Obama and others I understand that I am proposing is a military coup d'etat. That being the case, we should use the opportunity to restore constitutional integrity to our republic by returning to the pre-civil war amendments.

- ☆ Nationalizing the Federal Reserve;
- ☆ Eliminating the income tax on wages;
- ☆ Returning the selection of United States senators to the legislatures of the states;
- ☆ Returning to Constitutional money based on gold and silver;
- ☆ Voiding the 13th Amendment federal jurisdictional reach within the states
- ☆ Voiding federal drug laws ;
- ☆ Ending the TSA restoring free travel within the boundaries of the United States;

The above can only be done by a military coup. and will be a good start

toward convening the first legitimate constitutional convention in our nation's history.

I also strongly recommend nationalizing the banks (for stability) and that all voting be recorded in a secure website for individual inspection and published in print locally with the option to keep candidate selections private. For other aspects of this state's rights program, please review the enclosed Charter of the Republican Democracy Party (RDP).

At issue is the protection of the **SOVEREIGN** rights and interest not just of Montauk's proprietors and residents through the 1686 Dongan Patent and Charter but of our entire country under the Constitution of the United States.

Please understand that I am not crazy but that we have no choice, that we have to take armed, non-violent direct action and be ready to defend our positions against the lethal force that may be used against us. This stand was taken in 1682 and 1775 by our forebears in Easthampton and we must be prepared to take it now.

The Founders established our Second Amendment right to bear arms fully aware of our need to be able to defend ourselves against mercenary forces like al-Qaeda.

Signed by President Barack Obama on New Year's Eve, the 565-page NDAA contains a short paragraph, in statute 1021, letting the military detain anyone it suspects "substantially supported" al-Qaida, the Taliban or "associated forces." The indefinite detention would supposedly last until "the end of hostilities."

Delivery of this Gazette will serve as legal notice of the Quo Warranto demands. We are demanding that the United States military arrest

President Obama, Hillary Clinton and John McCain based on their recent "substantial support" of establishing an al-Qaeda government in Libya.

Why me, and why now? I have been before the Supreme Court of the State of New York for decades attempting uphold sovereign rights of jurisdiction established by a 1686 colonial charter. Due to personal and political reasons, however, it has become both impossible and unwise for me to file new cases and the only lawful avenue is serving Quo Warranto demands.

In September 2011 I intervened (as of right) on behalf of the Township of Montauk in the ongoing Napeague beach driving case before Judge Melvin Tanenbaum in Riverhead claiming Napeague as a part of the Township. The matter remains before his court today and presenting the Quo Warranto demands may resolve the issues presented. Judge Tanenbaum may choose to take jurisdiction and enter orders on the first two demands focused on Suffolk County which is depressingly littered with unconstitutional town boards and incorporated (statutory) villages.

The third Quo Warranto demand and its follow on that the military arrest and render Barack Obama and others to Guantanamo Bay, Cuba. is more problematic. Since 911 the military has been set up as a fourth branch of government with Military Commissions and quasi-judicial powers.

It seems like madness, but I believe that there may be an opportunity presented to protect our country and restore constitutional integrity to our government.

And it starts with the establishing of the constitutionally sovereign Township of Montauk.

Bob Ficalora bobfic@montauk.com 360-485-2692(cell)

QUO WARRANTO

A writ of quo warranto is not a petition, but a notice of demand, issued by a demandant, to a respondent claiming some delegated power, and filed with a court of competent jurisdiction, to hold a hearing within 3 to 20 days, depending on the distance of the respondent to the court, to present proof of his authority to execute his claimed powers. If the court finds the proof insufficient, or if the court fails to hold the hearing, the respondent must cease to exercise the power. If the power is to hold an office, he must vacate the office.

The writ is unlike a petition or motion to show cause, because the burden of proof is on the respondent, not on the demandant.

By itself, the writ does not seek the support of the court to order the respondent to cease the exercise or vacate the office. That would be an accompanying writ of prohibito or a writ of mandamus. All such writs contemplate enforcement by the people as militia, although that could include the sheriff or constable as commander of militia. The right

involved is that of the respondent to present his evidence.

These writs are called prerogative writs because they are supposed to be docketed ahead of all other cases except other prerogative writs. The demandant represents the sovereign, the people, and anyone may appear in that capacity, even without a personal stake in the decision.

A writ of habeas corpus may be regarded as a subset of quo warranto, for cases where the claimed power is to hold a prisoner, but with the addition of a requirement to produce the prisoner in court, not just appear to present evidence of authority.

The prerogative writ of quo warranto has been suppressed at the federal level in the United States, and deprecated at the state level, but remains a right under the Ninth Amendment, which was understood and presumed by the Founders, and which affords the only judicial remedy for violations of the Constitution by public officials and agents. Here are a few writings on the subject. Revival of the writs must be combined with reviving standing for private prosecution

of public rights, subverted by the “cases and controversies” doctrine and the decision in *Frothingham v. Mellon*, 262 U.S. 447 (1923), which is discussed in an article by Steve Winter, *The Metaphor of Standing and the Problem of Self-Governance*.

Although some of these writings are copyrighted, we are assured that all the chapters of all the ones still copyrighted have been attached to pleadings in various cases, and thus made part of the public record, thereby putting them into the public domain.

A critical key to achieving federal constitutional compliance is to resurrect quo warranto and other common law writs. This involves reasserting and strengthening the original All-Writs Act and repealing or declaring unconstitutional legislation, such as the Tax Anti-Injunction Act, and those Rules of Judicial Procedure, that have restricted the jurisdiction of federal courts to accept these writs and grant a fair hearing (“oyer”) and a decision on the merits (“terminer”) on such demands.

--- from Constitution.org

GENERAL ASSOCIATION

[Adopted by the Freemen, Freeholders, and inhabitants of the city and county of New-York, on Saturday, the 29th of April, 1775, and transmitted for signing, to all the counties in the Province.]

“Persuaded that the Salvation of the Rights and liberties of America, depends, under God, on the firm union of its inhabitants, in a vigorous prosecution of the measures necessary for its safety; and convinced of the necessity of preventing the Anarchy and confusion, which attend the dissolution of the powers of Government, we, the Freemen,

Freeholders and Inhabitants of..... being greatly alarmed at the avowed design of the Ministry, to raise a Revenue in America, and shocked by the bloody scene now acting in Massachusetts Bay, do, in the most Solemn manner Resolve never to become Slaves, and do associate under all the ties of Religion, honour and Love to our Country, to adopt and endeavor to carry into execution, whatever measures may be recommended by the Continental Congress, or resolved upon by our Provincial Convention, for the purpose of preserving our Constitution, and opposing the execution of the several arbitrary

and oppressive acts of the British Parliament, until a reconciliation, between Great Britain and America, on Constitutional Principles, (which we most ardently desire) can be obtained; and that we will in all things, follow the advice of our General Committee, respecting the purposes aforesaid, the preservation of Peace and Good Order, and the safety of individuals and private property.

“These may certify that every male in the Town of East-Hampton have signed the above Association, that are capable of bearing arms.

By Order of the Committee,
JOHN CHATFIELD, Chairman.

We must always be vigilant and strong in the defense of our liberties.

INCORPORATION

In 2011 39 signatures were collected on the Certificate of Incorporation of the Township of Montauk - p5 explaining the Appellate Division decision in the Matter of Town of Montauk, Inc. v. Governor Pataki, et al. 40 AD.3d 772, 773 (2d Dept. 2007) that held that Montauk wasn't a town because we hadn't filed papers with the State of New York pursuant to certain specified statutes that I explained to people when collecting signatures on the Certificate of Incorporators.

I thank the court for directing me to the law! It was as simple as fill in the forms crossing the t's and dotting the i's, collecting the signatures, writing the checks, documenting the necessary conditions precedent of the Dongan Patent and Montauk's

1852 incorporation. The clerks at the Division of Corporations stamped the checks for deposit - everything was in order.

The Certificate of Incorporation of the Township of Montauk was not filed, however, and instead was returned by the Secretary of State for stupid reasons ignoring the law presented. That the papers were not filed in the State's records after their receipt were acknowledged was a failure to perform a ministerial task, not a fault of the filer (Montauk).

Signatures on a **Petition for an Executive Order** served first on Governor Paterson and then on Governor Andrew Cuomo began early, before the rejected filing had been received. Later, when the Secretary of State refused service of the Petition, I filed a complaint with

the clerk's office in Albany County to get it to accept service and to establish a court record if, somehow, we would want to go that route. After reviewing the documents, they waived the filing fee.

Because I am not an attorney and under state law cannot represent a corporation, I didn't bring on a judge or move the court. The same stalled status was established in the Napeague case after the Town of Montauk intervened in it. Without the relief sought in the Executive Order, Montauk has no recourse to the court.

The situation in Montauk has made issuing the Quo Warranto demands and their enforcement by the people as militia necessary. The NDAA assault on our sovereignty only came up recently. - Bob Ficalora

From the signature pages to the Certificate of Incorporation:

"We, the undersigned taxpaying owners of land in Montauk, understand that by signing this certificate that we are the founding incorporators of the Township of Montauk. It will take effect immediately upon filing with the New York Department of State, Division of Corporations pursuant to N.Y. Business Corporation Law § 403 and certifies our rights and liberties pursuant to the Articulated Rights and Constitution of the Township of Montauk"
(see www.montauk.com).

On December 14th, 2010 Suffolk Supreme Court Justice Patrick A. Sweeney entered judgement voiding a state law requiring a "Recreational Marine Fishing License" in case# 09-38761 against the State of New York in the matter of Trustees of the Freeholders and Commonalty of the Town of Southampton, et.al. Plaintiffs, v Peter Grannis, in his official capacity as Commissioner, NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION, Defendant. In essence, the court claimed the 1686 Dongan Patent to be higher law, a law above government, and inviolable grant of sovereignty.

In May 2012 an injunction against the National Defense Authorization Act protects all, not just the named plaintiffs, a federal judge said, clarifying her order against a "constitutionally infirm" provision that would allow the military to

indefinitely detain anyone it accuses of knowingly or unknowingly supporting terrorism.

U.S. District Judge Katherine Forrest granted the preliminary injunction to block section 1021 of the 2012 National Defense Authorization Act in May 2012. The provision permits the military to detain anyone it suspects "substantially supported" al-Qaida, the Taliban or "associated forces" until the "end of hostilities."

In an eight-page order Wednesday, the judge refused to reconsider the decision and rejected the government's attempt to narrowly limit application of the injunction for the named plaintiffs.

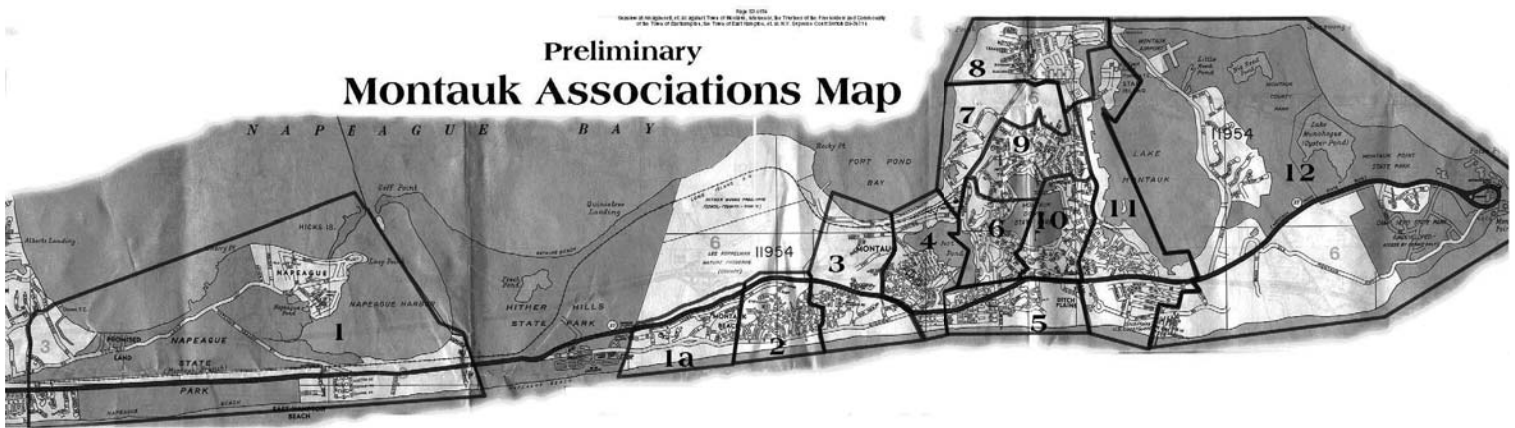
"The May 16 order found Section 1021(b)(2) constitutionally infirm on two bases: the First Amendment and the due process clause of the Fifth Amendment," Forrest wrote. "As set forth below, the law has long provided that this type of finding has provided

relief to both the parties pursuing the challenge, as well as third parties not before the Court. ... Put more bluntly, the May 16 order enjoined enforcement of Section 1021(b)(2) against anyone until further action by this, or a higher, court - or by Congress."

Quoting the injunction, the judge added: "The May 16 order stated that there is a 'strong public interest in ensuring that due process rights guaranteed by the Fifth Amendment are protected by ensuring that ordinary citizens are able to understand the scope of conduct that could subject them to indefinite military detention.'" (Emphasis in original.)

"Therefore, as it stands, a narrower remedy circumscribing the injunction would not afford sufficient protection on the current record before this court," Forrest added.

THE SOVEREIGN TOWNSHIP OF MONTAUK



On September 29th, 2011 Bob Ficalora, acting as supervisor of the Township of Montauk pursuant to the Montauk Constitution of December, 2000, intervened as a defendant with co-defendants the Trustees of the Freeholders and Commonalty of the Town of Easthampton and the Town of East Hampton in a case before the New York State Supreme Court concerning jurisdiction over beach driving at Napeague.

Mr. Arthur W. Benson purchased the entirety of Montauk in 1879 from the proprietors of Montauk who, in turn, had received it from the aforesaid trustees by deed dated March 9th, 1852 (Suffolk deed liber 73 p. 171) pursuant to an 1851 court order against them that divided the lands covered by the 1686 Dongan Patent leaving Montauk without government.

Mr. Benson, therefore, was the sole proprietor and trustee of Montauk with underlying sovereign rights of a Township attached to the land through the 1686 Dongan Patent.

After almost two decades before the court, Montauk continues to assert that the town board government of East Hampton is a long-standing unconstitutional state enabled and supported fraud. The record shows that the Easthampton town trustees established by the 1686 Dongan Patent sold Napeague to

Arthur W. Benson, sole proprietor of Montauk, in 1882. The boundaries of the Town of Montauk were enlarged by the one thousand one-hundred (1,100) acres west to the Amagansett line, and includes Napeague harbor.

Negotiations concerning Arthur W Benson's 1882 purchase of the lands at Napeague appear to have commenced almost immediately after the 1879 purchase. Understanding that Judge Morses' 1851 decision ordered that the Defendant Easthampton Trustee corporation (town government) account for all rents issues and or profits received from Montauk since 1838 and pay the proprietors, and that Montauk was at that time sizeable livestock operation, myself and our current Montauk Trustee corporation had a feeling that there had been a settlement of some kind involving Napeague and adjusted the above Associations map to include it.

The Town of Montauk's September 28th, 2011 answer to the complaint in the Napeague beach driving case concluded noting that claims by the State of New York in Montauk are challenged in the Montauk Constitution and that parklands controlled by East Hampton, Suffolk County, and State of New York are mostly unmanaged and make no contribution to Montauk's quality of life in or to its prosperity.

To them it is expense, to Montauk and the East End, it is our future.

TYRANNY V. LIBERTY

The petition for an executive order before Governor Andrew Cuomo is to compel the filing of the Town of Montauk's Certificate of Incorporation, to affirm our rights through the 1686 Dongan Charter, and most importantly to enable Montauk to go back to the court for settlement of this issues presented.

Due to the unfortunate political nature of the matter we are not only unable to retain an attorney but the probability of success even with one is very low. With the Governor's blessing to go forward, however, that will change.

At a time when our individual liberties are alarmingly threatened, the Township of Montauk is asserting the **sovereign** right to make its own laws, control its own justice court, and to elect its own police. Referred to as the rights of a state within a state, there is no other jurisdiction over us.

QUO WARRANTO: the Town of Montauk demands that the Town of Easthampton show proof of its claim of authority to govern Montauk adverse to the SOVEREIGN authorities granted by the 1686 royal colonial patent and charter (Dongan Patent) divided by an 1851 order of the New York Supreme Court and incorporated by an Act of the legislature (recorded at chapter 139 of the laws of 1852).

The Articulated Rights and Constitution of the Township of Montauk

WE THE PROPRIETORS AND RESIDENTS OF MONTAUK, IN ORDER TO FORM A MORE PERFECT BODY POLITIC, ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, HUSBAND OUR NATURAL RESOURCES, PROMOTE THE GENERAL WELFARE, AND SECURE THE BLESSINGS OF OUR BIRTHRIGHT LIBERTIES TO OURSELVES AND TO OUR POSTERITY, DO HEREBY ESTABLISH THIS CONSTITUTION FOR THE TOWNSHIP OF MONTAUK.

Article I - Rights

I.i. - All of the corporate rights, liberties, privileges, or powers of the proprietors of Montauk established by the Easthampton Town Patent dated December 9th, 1686, the charter enacted by the Assembly of the State of New York on April 2nd, 1852 (Chapter 139), and the corporation of the Montauk Friends of Olmsted Parks (MFOP) established on April 13th, 1994, are hereby assumed and consolidated.

I.ii. - All corporate trust in equitable or legal right, title or interest of the proprietors of Montauk, established by the Town Patent of the Town of Easthampton, or by the various purchases and agreements made with the Montauk tribe of Indians, or by grants of certain roadways and parcels of land made by the Estate of Arthur W. Benson, is herewith assumed.

I.iii. - As successor in interest under the 1686 Town Patent this body corporate and politic is and shall be known as the incorporated Township of Montauk (Township).

I.iv. - All proprietors and residents have a right to full knowledge of and security in the possession of their real and personal property and shall not be molested in same without due process of law.

I.v. - No law or rule shall be enacted or enforced which is repugnant to the laws of the State of New York or of the United States of America or which punishes an individual or group of consenting adults for any action which does not harm the property or person of another, excepting and reserving laws and rules made in the public interest for the regulation of trade, public health and safety, and zoning.

I.vi. - The Township shall administer and review its own elections with a review by certiorari available before the magistrates of the State of New York upon good cause openly shown by three or more proprietors or admitted residents if brought within 30 days of an electoral event.

I.vii. - Each and every personal or civil right set forth in the original Constitution of the State of New York or in the several amendments to the Constitution of the United States of America are adopted herewith as fundamental rights or as restraints upon this corporation, reserving a claim of original jurisdiction.

I.viii. - All candidates for or holders of the offices set forth herein shall stand upon their own merits and no body politic or corporate of any type or nature may organize or provide material or other support to them Any candidate or elected official discovered with, showing or publicizing such affiliations or endorsements shall be immediately disqualified and removed.

I.ix. - An Association may by majority vote at a caucus assembled deny caucus attendance to any persons or parties for disruptive or disrespectful conduct, with an appeal right reserved to the Town Meeting.

I.x. - The Township shall be the only corporation or public entity able to purchase or hold fee title to real property, or easements over real property, in Montauk. Corporations or public entities may, however, apply for approval to purchase or hold fee title, which said application may be approved by majority vote of the Trustees met in Town Meeting. All such approvals are conditional and may be revoked for unapproved uses, for injury or attempted injury to the lands, waters, fisheries, or other resources of Montauk or for injury or attempted injury to the body politic and corporate of the Township.

I.xi. - Approved corporate owners of real property shall have one vote per corporation within one unchangeable association and must either be represented by an attorney or by a legal assignment of its rights to a non-attorney by its board of directors. Shell corporations with interlocking directorates or corporations established for the purposes of affecting

representation within the Township shall be disallowed, extinguished or ejected from the Township.

I.xii. - The Township reserves exclusive right to assess or levy taxes upon real property or its sale and also to have or grant exemption from taxation of Montauk lands allowing, however, the continued exemption of existing churches.

I.xiii. - The Township reserves the exclusive right and power to legislate and adjudicate all matters of criminal justice.

I.xiv. - The Township reserves the exclusive right to police power and eminent domain over all of the lands and waters of Montauk.

I.xv. - The Township reserves any and all right to regulatory and police power over all fishing and shell fishing in its historic waters as appurtenances and a franchise under the 1686 Patent or as otherwise having at any time been previously established either in law or in equity.

I.xvi. - All real property in Montauk shall escheat to the Township for lack of heirs.

I.xvii. - Unless superceded by a law or rule as may be made from time to time by the Town Meeting, or the law to be applied is in any way repugnant to the liberties and privileges claimed or established herein, the laws and statutes of the State of New York or of the United States of America will apply.

I.xviii. - The Supreme Court of the State of New York shall have jurisdiction over this corporation in any proceeding at law or in equity against the corporation or its officers.

I.xix. - For the purposes of initiating and effecting this constitution, the board of directors of the Montauk Friends of Olmsted Parks corporation shall sit as acting Trustees pending the election of Trustees as set forth herein.

In re:Town of Montauk, Inc. Suffolk# 27553/04 had been filed in 2004 after Montauk received a clear and unambiguous order upon intervention, made as a matter of right pursuant to CPLR sect..1012, in the fishing rights case of People v. Stuart Bennet Vorpahl. The high court of Chief Justice Judith S. Kaye that recognized the intervention by the Incorporated Township of Montauk (People v. Vorpahl, (2 N.Y.3d 781, Motion No. 277 May 6, 2004).

The record before the high court in Vorpahl included Mr. Ficalora's 2001 Affidavit as Amicus containing a comprehensive legal history of Montauk and the Articulated Rights and Constitution of the Township of Montauk adopted in December of 2000. The Court of Appeals order granted intervention and recognized the corporation as the governing body of Montauk.

In any event, the Town of Easthampton has two governments: the Trustees of the Freeholders and Inhabitants created by colonial patents and a 1686 charter and a Town Board government of legally undocumented origin or existence. The imposition of a state-supported, but legally fictitious, body posturing as a government over the lands and waters of Montauk constitutes the usurpation of Montauk property owners' longstanding franchise right to tax and to govern under the 1686 Dongan Patent and, therefore, continues to violate Chapter 2 of the laws of 1691.

The May 8th 2007 decision entered by the Appellate Division in Town of Montauk, Inc. (40 A.D 3rd 772, 773 (2d Dept. 2007)) is easily argued against simply by applying the same argument to the Town Board government in Easthampton.

First, it argues that the Town of Montauk, Inc. is not an established corporation because it has filed no incorporation papers with the Department of State. While Montauk was incorporated in 1686 and 1852 and we sought judicial interpretation of them, inquiries

with that department about the town board drew a complete blank. There is nothing there!

Second, the decision states that "the Court of Appeals did not recognize it as a corporation, or as the governing body of Montauk, in People v Vorpahl (2 NY3d 781)". While the acceptance of the intervention made as of right and clear language of that decision indicated to us that it did, it is not for an inferior court to flatly and adversely interpret a high court decision.

Third, the court held that the MFOP/Montauk Trustee Corporation is not successor to the 1852 corporation of the Trustees of Montauk despite its efforts and assertions and a board containing a majority of Montauk property owners.

The argument is more fully presented in attorney Michael H. Sussman's Motion to Reargue which can be read at <http://www.montauk.com>.

When the 1683 Constitution of New York was disallowed in 1686 by King James II for the making of laws, the Dongan Patents granted to townships the sovereign jurisdiction of the feudal tenure of the royal Manor of East Greenwich in the county of Kent (Greenwich Palace, the royal residence at London) over which Parliament had no jurisdiction. The patents granted the liberty and privilege to govern by town meeting for the making, administering and enforcement of law "so always as the said acts and order be in no wayes repugnant to the laws of England and of this Province which now are or hereafter may be established".

The foregoing feudal tenure was issued to most of the English colonies in America (now states or commonwealths), and or that reason the Dongan patents have been referred to as having granted "the rights of a state within a state". The protection of such colonial charters was a central cause in the Declaration of Independence. The 1777 Constitution of the State of New York continued the laws of the province, contained the

entire Declaration of Independence within it, and also expressly protected colonial charters to bodies politic and corporate such as the Dongan Patents.

On January 26, 1788 the draft of the proposed new federal Constitution was before the New York Assembly for ratification when a letter was published in Schenectady by James Madison (as "Publius") in the Independent Journal (now Weekly Gazette, Federalist #45). There was an urgent concern for the sovereign rights of the Freeholders and Inhabitants of the State of New York because they were deemed to be threatened by the proposed new federalist Constitution.

On March 7th, 1788 Chapter 64 of the laws of 1788 was signed into law by Governor George Clinton that either established or affirmed the townships of New York and held that:

"The freeholders and inhabitants of each and every of the said towns... who are or shall be qualified to vote at town meetings, shall forever hereafter have Full power and authority and they are hereby directed and required to assemble together and hold town meetings..."(emphasis added)

A Freeholder in New York (proprietor, yeoman) is a property owner who holds his land in fee simple with a sovereign jurisdiction within its meets and bounds. A township governed by a town meeting of the TRUSTEES of the freeholders and inhabitants assembled is an extension of that sovereignty. Such a government has sovereign jurisdiction within the meets and bounds of the township of the lord of the fee within it: eminent domain, escheat, and the making, administering and enforcement of law.

Our foundational liberties in Montauk have been suppressed by constitutional alterations and deceit, not conquest. With the NDAA the federal government has now crossed that line throwing out the Constitution and declaring war on the people. The courts and governor of the state of New York are aware and on notice of our actions and we pray that they join ranks with us in this effort.

Town Constables

By Resolution of the board of directors of the Montauk Friends of Olmsted Parks corporation adopted June 8th, 1997 (Helen Ficalora and Louise Nielsen, board members and Bob Ficalora, supervisor as Witness) it was determined that

☆1.) pursuant to the purposes for which it was established and to, among other things, hold, administer and establish the first annual Monauk Liberty Festival to be held upon the Olmsted/Benson Bathing Reservation over the three days of the Fourth of July Holiday weekend, and further

☆2.) pursuant to section 202 of the New York not-for-profit law badges were purchased, rules were established and special police (with Mr. Ficalora) were duly sworn to the oath at Section 1 of Article XIII of the Constitution of the State of New York filed with the county clerk and are charged with enforcing the rules for the festival.

Montauk Friends of Olmsted Parks, Inc.

Incorporated April 13th, 1994 under § 402 of the not-for-profit corporation law.

§ 202. General and special powers.

Each corporation, subject to any limitations provided in this chapter or any other statute of this state or its certificate of incorporation, shall have power in furtherance of its corporate purposes:

...

A corporation formed under general or special law to provide parks, playgrounds or cemeteries... subject to the ordinances and police regulations of the county, city, town, or village in which such parks, playgrounds, cemeteries, buildings and grounds are situated, may appoint from time to time one or more special policemen, with power to remove the same at pleasure. *Such special policemen shall have the same powers as town constables to preserve order in and about such parks, playgrounds, cemeteries, buildings and grounds, and the approaches thereto, and to protect the same from injury, and to arrest and prosecute any person making a loud or unusual noise, or committing any breach of the peace, or committing any misdemeanor, or wilfully violating the established rules and regulations of the corporation. Every*

policeman so appointed shall within fifteen days after this appointment and before entering upon the duties of his office, take and subscribe the oath of office prescribed in the thirteenth article of the constitution of the state of New York, which oath shall be filed in the office of the county clerk of the county where such grounds are situated. A policeman appointed under this section when on duty shall wear conspicuously a metallic shield with the word "policeman" and the name of the corporation which appointed him inscribed thereon. The compensation of policemen appointed under this section shall be paid by the corporation by which they are appointed. Any wilful trespass in or upon any of the parks, playgrounds, buildings or grounds provided for the purposes mentioned in the preceding paragraph, or upon the approaches thereto, and any wilful injury to any of the said parks, playgrounds, buildings or grounds, or to any trees, shrubbery, fences, fixtures or other property thereon or pertaining thereto, and any wilful disturbance of the peace thereon by intentional breach of the rules and regulations of the Corporation, is a misdemeanor.

[Montauk has purchased badges and sworn in five parks police officers since 1997 for liberty festivals on the fourth of July weekends.]

New York State Constitution

ARTICLE XIII

Public Officers

[Oath of office; no other test for public office]

Section 1. Members of the legislature, and all officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: ***"I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of Chief of the Montauk Parks Police and the Montauk Constabulary, according to the best of my ability;"*** and no other oath, declaration or test shall be required as a qualification for any office of public trust, except that any committee of a political party may, by rule, provide for equal representation of the sexes on any such committee, and a state convention of a political party, at which candidates for public office are nominated, may, by rule, provide for equal representation of the sexes on any committee of such party. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

REMEMBERING THE JUNE 19TH, 1682

MILITIA ASSEMBLY.

Easthampton's town records reveal an important history of taking a strong armed stand for birthright freedoms and liberties.

In 1640 the first English settlement of what is currently the state of New York was established at Southampton by Puritan settlers from Massachusetts. In 1648 the lands east of Souththampton to Napeague were purchased from the Montaukett Indians by the colonies of Connecticut and New Haven. The towns of Easthampton (then Maidstone) and Southampton joined the Colony of

Connecticut and Southold joined the Colony of New Haven.

In 1648 the Puritan Parliamentary army led by Oliver Cromwell emerged victorious against King Charles I in the English civil war and executed him after a trial for high treason for his negotiations with the Roman Catholic church to raise troops in Ireland.

In 1650 the first international boundary in America was established between the Dutch and the Colony of Connecticut establishing what is now the boundary between Nassau and Suffolk Counties.

The Huntington militia was established in 1653 and regimented as part of Oliver Cromwell's new model army and would see honorable service

in the wars with the Dutch in the 1560's and 70's.

The history of the 1680s both in England and New York is central to our republican system of constitutional government.

In December 1682 a new Governor Thomas Dongan was given instructions to go to New York and convene an Assembly. Convened on October 20th, 1683 it proceeded to enact, on October 30th, what is considered the original constitution of the State of New York

On December 16th 1683 Algernon Sydney was executed after a trial and there is reason to believe that he had a hand in drafting it. His model of republican government has now failed and must be reconsidered.

EASTHAMPTON June ye 19 1682
there being a trayning appointed on this day & ye souldiers with ye inhabitants being asembled Together there was an address or petition presented & read before ye Inhabitants of ye Towne wherein was declared some greivances yt did lie upon ye spirits of ye people in respect of ye present government & it was by a Major vote Concluded & granted yt this foresaid petition should be sighned yt it might be in areadines to be sent upp to to ye Honorble Governor when wee heare of his arrivall at York.

Alsoe upon the 21 day of ye afore-said Instant June there was a towne meeting warned & assembled & it was then & there agreed & Concluded by Majority voate none opposing or Contradicting ye same yt ye Constable & Overseers with Mr Thomas James & Thomas Tallmage should sighne ye fore-mentioned petition in ye behalfe of ye Towne yt is to bee sent upp to the Governor povided yt ye rest of ye Townes generallie upon ye lland doe send likewise to ye governor upon ye same account & alsoe by a major voate it was agreede yt ye Constable & Overseers shall make Choise of some one man who they Conceive most meete for to carrie this petition & to present

it to ye Governor.

EASTHAMPTON October first 1685 Loose Leaf B.

To the Honourable, the Governor under his Royall Highes the Duke of Yorke. The humble address of the Inhabitants .of the Towne of Easthampton upon Long Island sheweth.

Whereas at that time the Government of New Yorke was Established under our Sovereigne Lord ye King by Collonell Richard Niccolls & those gentleman sent in Commission with him wee ye Inhabitants of this Towne, soe well as ye rest of ye Island, being required, sent our messengers to attend their Honor & then both by word & writeing wee were promised & engaged the enjoyment of all Privelleges & liberties which other of his Majesties subjects doe enjoy which was much to our Content & Satisfaction. Alsoe after this being required by these his Majesties Commissioners to send upp our Deputies to meete at Hempsteade, And there the whole Islland being Assembled in our Representatives wee did then & there upon ye renewall of those former promises of our freedome & liberties, grant

& Compact with ye said Collonell Niccolls, Governor under his Royall Highnes, That wee would allow soe much out of our estate yeerely as might defray ye Charge of Publicke Justice amongst us & for killing of wollves &c. But may it please your Honor to understand that since yt time were deprived & prohibited of our Birthright freedoms & Privelleges to which both wee & our Ancestors were borne although we have neither forfeited them by any Misdemeanor of ours, nor have at any time bene forbidden ye due use & exercise of them by Command of our Gracious King yt we know of; And as yet neither wee nor ye rest of his Majesties subjects upon this Islland have bene at any time addmitted since then to enjoy a generall & free Assemblie by our Representatives as other of his Majesties subjects have had ye priveledge of, But Lawes & orders have bene Imposed upon us from time to time without our Consent and therein we are totally deprived of a fundamentall Priveledge of our English Nation Together with ye obstruction of Trafficke & negotiation with others of his Majesties subjects, so yt wee are become very unlike other of ye King's subjects in all other Colloneys & Jurisdictions here in America, And

cannot but much resent our greivance in this respect & remaine discouraged with respect to ye settlement of oursellves & posteritie after us, Yet all this time payments & performance of what hath' bene Imposed uppon us hath not bene omitted on our parts although ye perferance of our Promised priveledges aforesaid have bene wholly unperformed, And what payments from yeere to yeere this many yeeres hath bene made by us, hath bene made use of to other purposes then att first they were granted for & intended by us, so yt wee cannot but feare if ye Pulick affaires of government shall continue in this manner as they have bene, but hope better, least our freedome should be turned into bondage & our Antient priveledges so infringed yt they will never arrive at our pesteritie; And wee ourselves may be Justlie highly Culpable before his Majestie for our subjection to & supporting of such a government Constituted soe contrarie to ye fundamental Lawes of England : It being a principall part of his Majesties antient & Just government, to rule over a free people endowed with many priveledge above others & not over bond men oppressed by Arbitrarie Impositions & executions. These things considered wee cannot but humbly request your Honor to weigh our Condition in ye ballance of equite with all seryousnes, before you proceede to any action of your owne whereby to assert ye proceedings of your Predecessors in government, which wee now with all Christian moderation doe Complain of ; And for ye redresse hereof, an adresse as we understand, hath bene made to his Royall Highnese by a late Court of Assize in behalfe of us & our Neighbors in this Colloney so yt wee are not without hope your Honor hath received Directions to ease us in these our greivances by ye remedies humbly represented by us & Petitioned for by ye Inhabitants of this Island to ye last Court of Assize yt did sitt att New Yorke, to which as yet no satisfactorie answer bath bene made

; If therefore yor Honor may bee an Instrument under God & his majesty our sovereigne Lord ye King to relieve us and ye rest of his Majesties good subject! upon this Island in our greivances & bee a means to helpe us to ye free enjoyment of our Birthright priveledges which ye Fundamentall Constitution of our English Nation Government doth invest us with, which as wee doubt not will be very pleasi:pg to his Majestie and all yor Loyall Superiors, soe yor Honor may be assured it will firmly. engage & oblide us yor humble Petitioners & our Posteritie after us to have yor Prudence & Justice in Honourable Remembrance, as ye first restorer~ of our freedome & priveledges to our great Contentment. But sir, if it shall fall out otherwise which God forbid, & we are very unwilling to suppose, & yt your Honor should by reason of Counsell & suggestions pursue a Contrarie Course to our humble desires, soe as to Continue or augment our greivancees, then we request yor Honor's Pardon & excuse if in our Conscience to God & in Honor & Submission to his Majestie our most gracious sovereigne, we Prostrate ourselves & our state and Condition before ye Throne of his unmatched Justice & Clemencie, where wee doubt not to find reliefe & Reatauration, And can doe noe lesse in ye meane time but resent our forlorne & beareaved Condition : so sir as our prayers are Continued for a happy & glorious Rejgne to his sacred Majestie the King ; Alsoe our prayers shall bee for yor Honr yt you may bee a blessed Instrument under God in yor Wisdome Justice & Equitie over us, and humblie make bold to subscribe oursellves his Majesties poore depressed though Loyall subjects : And yor m01at Humble Servts. (Signatures not clear) .

THO. JAMES

JOHN MULFORD

THO. TALMAGE

WILLIAM_____

Sovereign citizens

The thirteen united States of America in Congress assembled on July 4th, 1776 declared Independence from the English Crown. The 1783 Treaty of Paris ended the ensuing war, the British troops withdrew, and the freeholders and inhabitants of Long Island began to re-establish their towns under the Dongan Charters.

In 1787 a federal Constitution for the United States of America was devised by a Philadelphia Convention of Congress convened to consider revisions to the Articles of Confederation. Two of the three delegates sent by the state assembly, John Lansing, Jr., and Robert Yates withdrew from the convention on the ground that they did not have the deputized authority to consider a new frame of government.

The political situation in the State of New York from 1783 though 1788 was tense as the state Assembly considered the ratification. Governor George Clinton was a staunch and published opponent of the proposed federalist Constitution.

On January 26, 1788 a letter by James Madison (Federalist #45) was published in Schenectady addressed to the People of the State of New York, It held that "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

In apparent reaction to Madison's letter, on March 7th, 1788, the People represented in Assembly passed "AN ACT FOR DIVIDING THE COUNTIES OF THIS STATE INTO TOWNS" at Chapter 64 of the laws of 1788.

Understanding the circumstances and reading the clear language of the law, the idea was to spread the liberties established by the Dongan patents throughout the state as an alternative to the federalist tyranny by which they felt threatened.

The New York State Assembly voted 30 to 27 to ratify the Constitution with 27 members voting to secede!



Montauk's Trustee Corporation
Township of Montauk
Est. 1686/1852/2000

P.O. Box 2612

Montauk, NY 11954

www.montauk.com

Liberties at stake...

Quo Warranto!

*to be enforced by the people as militia
using armed nonviolent direct action*