



The Montauk Gazette®

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**Supreme Court of the State of New York
 Suffolk County**

Seaview at Amagansett,
 et. al.,

Plaintiffs

- against -

Town of Montauk,
Intervenor

Trustees of the
 Freeholders and
 Commonalty of the Town
 of Easthampton, and the
 Town of East Hampton,
 et. al.

Defendants

Suffolk Index no. 09-34714
 (Also: Town of Montauk
v. Vasquez, (Albany, 6703-
 10))

**Affidavit of
 Service**

**Quo Warranto
 Demands**

Melvin Tanenbaum

Non-violent direct action is proposed to uphold and protect the 1686 Dongan Charters and the Constitution of the United States of America.

Governor Andrew Cuomo and Suffolk County Sheriff Vincent DeMarco are asked to take surrenders of all local officials affected and to maintain civil order throughout the transition while the demands are answered before the court.

The federal government has become a domestic enemy to our constitutional republic and to our sovereign liberties.

Take notice: On Friday, October 12th, 2012 this affirmation of service of the July 2012 **Montauk Gazette** containing *Quo Warranto* demands by the Township of Montauk was forwarded by FedEx delivery to Alexander Poole & Co. for service on or about October 15th, 2012 upon the parties joined in the cause of action *sub judice* pertaining to regulatory jurisdiction over beach driving at Napeague, and Governor Andrew M. Cuomo and selected noninclusive claimant governing authorities in Easthampton, Southampton and Suffolk County including Town Boards, Incorporated Villages, Trustee Corporations, and their police forces **demanding proof of right to tax, police and to govern adverse to the 1686 Dongan Patents and Charters.** Oct 12th email service upon former U. S. Army Colonel Ann Wright for selected active duty senior officers.

Copies of affidavits are to be delivered to:

Robert A. Ficalora
 acting Supervisor
 MFOP/Montauk Trustee Corporation
 P.O. Box 2612
 Montauk, NY 11954

&

Judge Melvin Tanenbaum
 c/o Clerk of the Court
 Supreme Court of the State of New York,
 Suffolk County
 One Court Street
 Riverhead, New York 11901

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 108 East Main Street
 Riverhead, New York 11901

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 12 First Street P.O. Bos 1330
 Riverhead, New York 11901

John Jilnicki, Esq.
 Town Attorney, Town of East
 Hampton
 159 Pantigo Road
 East Hampton, NY 11937

Revolution

To overthrow and reestablish our government to support and defend the Constitution of the United States of America.

When in the course of human events it becomes necessary for a people to dissolve those forms of Government that have become destructive of the ends for which they were established it is the Right of the People to alter or to abolish them, and to institute Government by laying its foundation on such principles, and organizing its powers in such a form, as existed when first established by our colonial charters and by the founders of our state and federal Constitutions.

Political revolutions to make major changes in our government must be well understood and strongly taken to the point of ultimate sacrifice.

We need armed support

Events unfolding in Libya, Syria and Afghanistan have revealed significant U. S. support for *Al-Qaeda* and Taliban mercenary terrorists. Our government is now openly saying it is providing “*non lethal support*” to armed and saboteur terrorists while imposing crippling sanctions with massive bombs exploding in the Syrian city of Aleppo, an ancient city and commercial hub the size of Paris.

A military coup d’etat is needed to defend the American people against mercenary terrorist onslaughts like our government is supporting in Syria.

The proposed coup will not violate the soldier’s oath: the plan is to support and defend the Constitution of the United States retroactively to pre-civil war amendments eliminating all the amendments that followed.

American Sovereignty

Montauk’s rights through the 1686 Dongan charters are the bedrock foundation of American sovereignty, a fact understood in December of 2000 when our board of Trustees adopted the *Articulated Rights and Constitution of the Township of Montauk* (Montauk Constitution).

It was submitted to the Court of Appeals in Albany shortly after its adoption as an appendix to the 1924 book entitled “*MONTAUK*” and was later reflected in the 2004 decision in the fishing rights case of People v. Vorpahl 2 N.Y.3d 781 (2004).

Montauk’s case for revolution using armed non-violent direct action: we seek the rule of law and the recovery Montauk’s rightful properties and jurisdictions. I briefed the court enough over the years that they understand that ***the town board is a state supported fraud suppressing our sovereign rights to tax and to govern though a 1686 colonial charter.***

The *Quo Warranto* demand doesn’t require court motions or process and it contemplates enforcement by ***the people as militia.*** When fraudulent governments fail to show before the court that they have a constitutional basis for their claims to govern ***they will have to surrender all claims of taxing and governing authority, including and especially armed police powers.***

Montauk doesn’t have the resources or ability to take this action on our own, so we are depending on our Suffolk County Constitutional Sheriff Vincent DeMarco to take charge (with support from the courts and Governor Andrew Cuomo’s office).

The Township of Montauk has purchased badges and begun the process of swearing in Constables (Peace Officers) under Article XIII of the Constitution of the State of New York. We will work with Sheriff DeMarco and his staff to oversee the

surrenders of badges and equipment and the transfer of authority to legitimate trustee corporations.

The law and Constitutions are on our side, so I think that an orderly fully considered transition will happen.

United States American Army

Our country is an American nation born out of a revolution, a strong American identity that will get us through the upcoming struggle against state sponsored *al-Qaeda* mercenary terrorists.

The *Quo Warranto* demand made upon the United States military is in direct response to the NDAA signed into law by Obama on December 31st, 2011. The looking for it to be answered by senior American officers sworn to uphold and defend the Constitution of the United States of America against all enemies foreign and domestic.

Our country is supporting a war of terror being waged against the Syrian Arab nation using sanctions, “non-lethal aid” and *al-Qaeda* mercenaries. The fight being waged by the Syrian Arab Army against foreign terrorists gets its strength from a Pan-Arabian national identity. The strength of our American identity must be understood and promoted to unify us in the upcoming fight against our government upon the newly-declared homeland battlefield.

A war against Iran is threatened in support of the Zionist Jewish state that is potentially a world war III scenario. Fortunately, Chairman of the Joint Chiefs of Staff General Martin E. Dempsey has recently distanced himself from an Israeli attack on Iran.

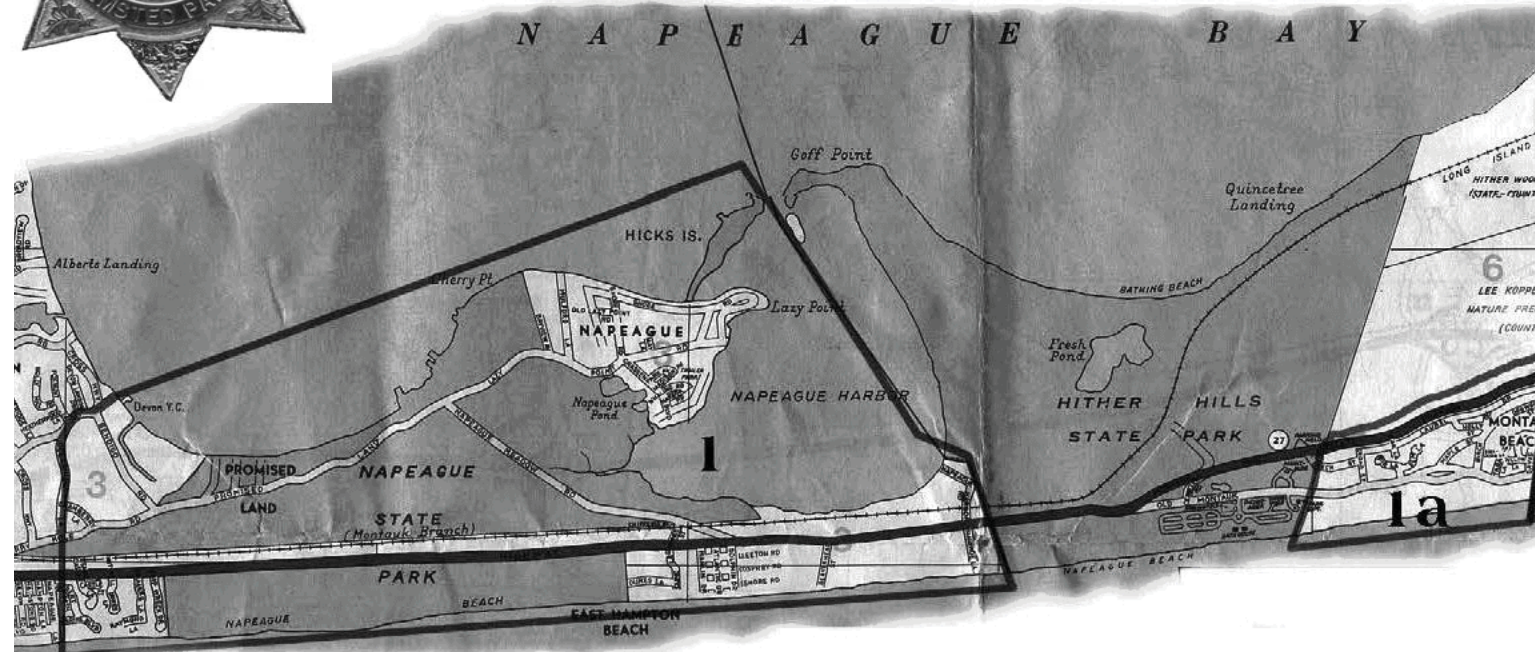
The federal government and Barack Obama have lost all constitutional legitimacy. Our country is seriously threatened by a terrorist domestic enemy and we must take action.

In God we Trust



Seaview at Amagansett, et. al against Town of Montauk, the Town of Easthampton, the Town of Southampton

Preliminary Montauk Association



Township of Montauk

The above map shows the approximate meets and bounds of the Township to include Napeague.

All of the 1909 Town Law Town Boards and the incorporated villages - and their police forces - within the bounds of the Dongan Patents for Towns of Easthampton and Southampton are being served with the *Quo Warranto* demands contained in the July 2012 *Montauk Gazette*.

Service of the demands on the claimant authorities is necessary to be properly before the court of Supreme Court Justice Melvin Tanenbaum in the matter of *Seaview at Amagansett* (suffolk index no. 09-34714).

If Judge Tanenbaum's court recognizes the Township of Montauk, Governor Como and the State of New York will have to help it to obtain its tax revenues and the return of its lands.

We will have to work hard at the association caucuses and the Montauk Town Meeting to set up and operate,

and polish the economic jewel that is rightfully Montauk's.

The protection of these rights were the central cause of the American Revolution. The legal and Constitutional protections of the Dongan Patents and Charters establish sovereign jurisdiction in the making, administering and enforcement of law. The circumstances under which they were attained and the language used establishes that the Dongan Charters established what became the rights of "states within a state".

Eliminating illegal governments and their armed police forces contemplates enforcement by the people as militia. We have begun to swear in the Montauk Constabulary is a start, but our appeal for assistance to Suffolk County constitutional Sheriff Vincent DeMarco is absolutely critical. We need him and his people to work with us.

With the law entirely on our side, and the Governor and judiciary on

notice, there should be no need for guns blazing to reestablish the rule of law and lawful government.

The Battle of Athens

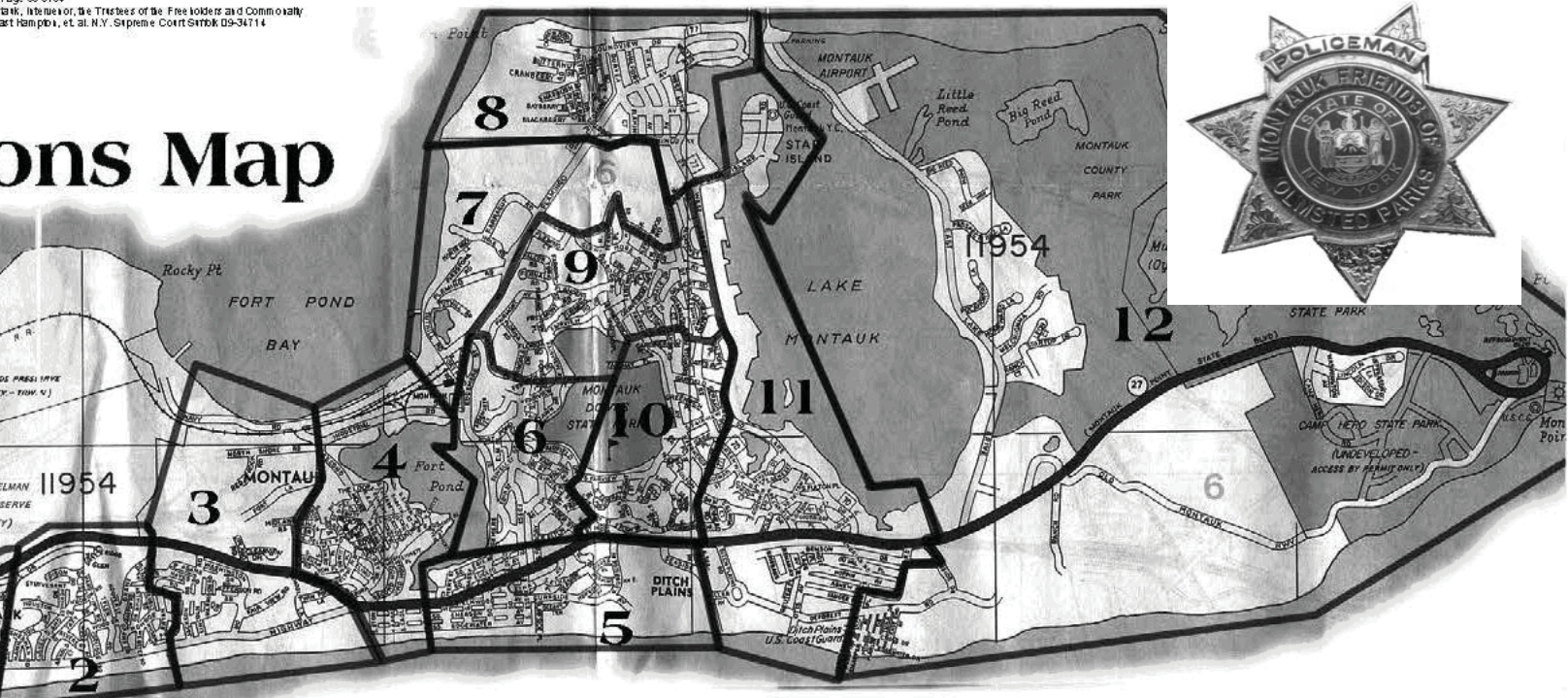
Unlike the 1946 Battle of Athens in Tennessee (see video on www.montauk.com), with support from Governor Andrew Cuomo the matter can be resolved non-violently through simple surrenders and transfers of authority.

The MFOP/Montauk Trustee Corporation has purchased new badges. It has begun to distribute them and swear people in as Town Constables (Peace officers) under the Montauk Constitution of December, 2000 and Article 13 of the Constitution of the State New York using the following language:

"I swear to support the Constitutions of the United States, the State of New York and the Township of Montauk."

We want to swear in a Peace Officer for each of the Associations shown

ons Map



above, and I have begun to approach candidates for the two Captain positions to organize and regiment them to, among other things, begin the Town Meeting process and elect the first twelve (12) Montauk Trustees. So far myself (Bob Ficalora), Zachary Becker, Austin ____, and Richard Monahan have been sworn in. The legally required filing with the Suffolk County Clerk to activate their powers has not yet been done.

The Montauk Constitution uses the above Associations for a participatory representative town meeting process wherein each Association will hold caucuses to elect a trustee and four (4) committee persons to send to a the Montauk Town Meeting, the governing body of the Township of Montauk. All voting is to be by *voce vita* (open vote) and political parties are not allowed to participate (see www.montauk.com).

Civil Preparedness

Our federal government has lost all Constitutional legitimacy by declaring our country a Homeland Battelfield while waging a War of Terror on the Syrian people using al-Qaeda

mercenaries. The domestic enemy is in Washington D. C. so organizing the Montauk Town Meeting is a necessary step to prepare our defenses.

A strong fight is being put up by the Syrian Arab Army against well financed and armed mercenary terrorist forces. Syrian govenment efforts to counter armed gangs, economic sanctions and sabotage should be understood. Syrian English language news broadcasts can be watched at www.syriaonline.sy.

Understanding that we are facing the same terrorist enemy as Syria we must start by establishing the Montauk Constabulary with a Constable in each of the Associations shown on he above map and discovering two Captains to command them. We further request the United States American Army to come foward to assist us in our defence.

Richard Monahan

Many if you know Dick Monahan. He is among our longest serving Trustees of Montauk. I recently swore him in as a Montauk Town Constable (Peace Officer) and have given him badges to issue to men and women

who swear the Constitutional oath to support the Constitutions of the United States, the State of New York and the Township of Montauk.

Dick lives at 1 Bayberry Road Montauk NY 11954, is usually lifeguarding or around the Fire Department and can be reached at 668-0308.

Swear the oath Get a badge Join the Montauk Constabulary

Meet your neighbors, organize your Association, get elected a Trustee of Montauk or a town Committee Person to go to the Montauk Town meeting. Experience sovereign participatory democracy to assess our own taxes, make our own laws, administer the Town Justice Court and to elect our Police.

Read *The Articulated Rights and Constitution of the Township of Montauk* at www.montauk.com

Hedges, et al. v. Obama et al.

On September 17th, 2012 a solitary Federal appeals court judge succumbed to the Obama administration and reauthorized the statutes in the NDAA that grant the government authority to indefinitely detain American citizens simply upon on an accusation and without charge or trial.

Federal Appellate Judge Raymond Lohier of the U.S. Court of

Appeals for the 2nd Circuit issued a temporary stay on Judge Katherine Forrest's permanent injunction to allow the Obama administration to keep enforcing its indefinite detention policy.

The stay of Judge Forrest's injunction was until a three-judge appellate panel enter a decision upon the record as submitted on September 28th. I prepared and served the *Petition for Emergency writ of Prohibition* upon the New

York Court of Appeals and the State Attorney Generals office to get it into the record before the court.

If the AG's office got the *Petition* into the court record on submission to the U.S. Court of Appeals it will have put court process into check and *Hedges v. Obama* will not advance to the U. S. Supreme Court. When issuing the *Writ of Prohibition* the court may include mandamus to compel the court to strike Judge Lohier's order so that Judge Forrest's permanent injunction will be restored.

Court of cognizable jurisdiction

Believing that a direct challenge to a federal claim of jurisdiction to destroy the Constitution should be made in a state court, I filed the petition with the Court of Appeals of the Supreme Court of the State of New York.

I sent the *Petition* by email at midnight of the 27th of September 2012 to the Albany firm of Alexander Poole and Co. for service the next morning on the New York State Court of Appeals and the Attorney General's office.

At around 10:40a.m. on September 28th, 2012 the AG's office received service of the *Petition* and hopefully got it to Judge Forrest's chambers in time to put it into the record to be reviewed on submission by the Federal Appeals Court.

On October 2nd, 2012 the original of the *Petition for Emergency Writ of Prohibition* was filed with the clerk's office in Albany for delivery to the court of Chief Judge Jonathan Lippman.

How this all works

I'll explain the *Petition* paragraph by paragraph *seriatim*:

- 1. The Court of Appeals is the



Petition for Emergency Writ of Prohibition

To Chief Judge Jonathan Lippman and members of the Court of Appeals of the Supreme Court of the State of New York Showeth:

The Township of Montauk does herewith petition that an emergency *Writ of Prohibition* be issued upon the U.S. Court of Appeals for the 2nd Circuit in Hedges et al v. Obama et al, (U.S. District Court for the Southern District of New York, No. 12-cv-331) to be heard on Friday, September 28th, 2012 on the ground of lack of federal jurisdiction.

This petition is made as a matter of right to the high court as successor to the Royal court of England on the ground of the Constitutionally sovereign jurisdiction of the Township of Montauk though a 1686 colonial charter.

Article III section 2 of the United States Constitution states that the judicial power of the Federal courts "shall extend to all cases, in law and equity, arising under this Constitution [and] the laws of the United States..."

The Bill of Rights, however, is integral to the Constitution to which the State of New York is a party and no federal legislative or judicial power can destroy it. The attempt to do so in the matter *sub judice* requires a Writ of Prohibition to issue from your court.

Service of this Petition is being made Friday, September 28th 2012 upon the Court of Appeals of the Supreme Court of the State of New York and the office of New York State Attorney General Eric Schneiderman respectfully requesting that an attorney from his office attend the noted hearing of the Hedges case to present this filing.

Robert A. Ficalora
acting Supervisor
Township of Montauk

highest court of the State of New York and was first established as a Royal provincial court with the first Assembly of New York in 1691.

Chief Judge Johathan Lippman is relatively new but I am well known to the court and to his predecessor, the most honorable Judith Kaye.

2. To petition a state court to issue a *Writ of Prohibition* upon a federal court on the ground of State Sovereignty is extraordinary. There is nothing to prevent the court from serving Writs upon the federal court; the result will be that Judge Forrest's permanent injunction will stand.

3. The Court of Appeals is the direct successor to the Royal court in England and assumed the prerogative powers of the king of England to issue the common law writs after the revolution (all subsequent laws and rules notwithstanding).

4. Article III section 2 grants federal jurisdiction over the

Constitution only to a point short of its abrogation or repeal.

5. The preamble to the Bill of Rights says that:

“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... ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.”

The Bill of Rights, therefore, cannot be abrogated or repealed without a Constitutional Convention. That the Obama administration (and Congress) have pushed this matter so hard in *Hedges* is of great concern, even treason.

States: they are strictly mercenaries killing and destroying people and things for money. Today, the number and price of “private contractors” (mercenaries) hired and paid by the U. S. Department of Defense has skyrocketed to a significant percentage of our military forces and from \$103 billion in 1993 to \$188 billion a year in 2004.

On August 27, 1776 the largest battle of the American Revolution and the first battle in which an army of the United States was engaged, was fought in Brooklyn against 20,000 British troops and 8,000 Hessian mercenaries.

Watching the actions and positions being taken by the former colonial and imperialist nations in Europe, together with the unconstitutional actions being taken by our

The Soldier's oath

The Marine Corps. University Foundation (www.mcuf.org) has resources that we may need to further our cause. The oath sworn by the Marines to support and defend the Constitution of the United States against enemies foreign and **domestic...** must be our focus.

A number of active duty senior officers in the Army and Marines have checked in with our effort. We can expect to rely on highly respected soldiers like Joint Chiefs Chairman General Martin Dempsey to be Oath Keepers when needed.

The federal government has lost all Constitutional legitimacy to govern.

Nobody in office, including and especially President Barack Obama as Commander in Chief of the military, can be accorded any Constitutional authority. Instead, it is our Constitutional duty to arrest them and to take control.

government, makes it safe to argue that the enemy we are facing comes from abroad supported by treason among our government representatives.

Syria, Sovereignty and Terror

Syria is a sovereign Arab nation governed by a secular, ethnically mixed socialist Ba'ath party organization similar to Iraq until 2003 when it was invaded, occupied and systematically eliminated using, among other things, mercenary death squads.

On December 31st, 2011 the president of the United States signed into law the NDAA establishing extraordinary, unconstitutional and tyrannical powers in the “military” (including mercenaries!!!) while declaring our country to be a homeland battlefield.

The War of Terror.

On December 31st, 2011 President Obama signed the “Homeland Battlefield Act” declaring our country to be at war at home. The U.S. is supporting mercenary terrorist bands ravaging Syria, Iraq and Afghanistan and they could be coming here next.

The Council on Foreign Relations (CFR) reports that “The Syrian rebels would be immeasurably weaker today without al-Qaeda in their ranks.”

The United States employs a significant number of private military contractors” around the world.

Military commanders, however, don't have authority over private contractors, and the contractors aren't sworn to uphold and protect the Consitution of the United



Montauk's Trustee Corporation
Township of Montauk
Est. 1686/1852/2000
P.O. Box 2612
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www.montauk.com

War of Terror or Revolution?

All eyes on:

Judge Melvin Tanenbaum

Chief Judge Jonathan Lippman

Governor Andrew Cuomo

Suffolk County Sheriff Vincent DeMarco

The United States American Military