



Montauk's Trustee Corporation  
 Township of Montauk  
 Est. 1686/1852/2000  
 P.O. Box 2612  
 Montauk, NY 11954  
 www.montauk.com



# 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.

# 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

**T**ake 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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## **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 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

# 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.

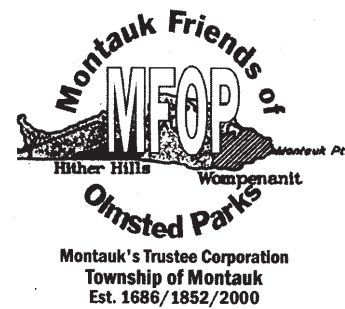
The *Quo Warranto* demand made upon the United States military is in direct response to the NDAA signed into law by Obama on December 31st, 2011. The looking for it to be answered by senior American officers sworn to uphold and defend the Constitution of the United States of America against all enemies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



## **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

