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# The Democratic Republican™

Journal of the RDP/Democratic-Republican Party™  
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## Freeholders and Inhabitants

July 1st 2009

By Bob Ficalora

Hello everyone. The mailing this time goes out not only to the lists mentioned at right, but to the highest levels of government in the state of New York and other officials in local and county government.

The almost 5 year old legal struggle within the courts ended when our last possible motion was denied on February 12th without resolving the causes for which the case was brought. Montauk continue to be governed by a state supported but legally fictitious body that collects Montauk's taxes and controls its land use and police in violation of the "higher" law, a law above government, established at Chapter 2 of the laws of 1691 which protects our charters and our state and federal Constitutions.

In last year's June 2008 Montauk Gazette entitled "**Resolved never to become slaves!**" I listed options should we be unsuccessful in the litigation. The court has now determined that we are not to have the rule of law in the defense of our foundational liberties and that we should, therefore, live as a conquered people, as the slaves of the state. Using a new Article IX in the New York Constitution that established state controlled home rule powers after the purported repeal of the section that protected colonial charters, the legally fictitious town board of East Hampton claims to "own" Montauk's beaches!

How can a fictitious state supported entity claim to own real property in Montauk because of a new but unconstitutional article in the State Constitution? They didn't buy the beaches from anyone and there is a chain of title to them through the 1686 Easthampton

**The Democratic Republican** is being sent with **The Montauk Gazette** to two mailing lists: 1.) the 2005 mailing list of Montauk freeholders (property owners); and, 2.) a list of the signers of a 2003 petition for a Washington State Joint Memorial to the President to reaffirm or nation's commitments to the constitution regarding war powers (see [www.republicandemocracy.us](http://www.republicandemocracy.us)).

The issue that was before the high court of the State of New York in the matter of Town of Montauk, Inc. v. Hon. Pataki, et. al. and the Washington State Joint Memorial (which died in House and Senate committees) is the problem of how to restrain legislatures navigating in Constitutionally unchartered waters.

The intent of this attempt to (re)establish the Democratic-Republican Party is to provide a solution for the issues raised and to spread the foundational process of state and local government rooted in the people assembled in town meetings across the states of New York and Washington.

The central wrongdoer in re: Town of Montauk, Inc. has been the state Assembly and an important option presented is that using the RDP in an orderly fashion we can take their seats.

There is no more powerful force under our constitutional frame of government than the deliberated resolve of the people assembled, and it is only united with a plan that we will prevail in re-establishing good government. The attached charter for the RDP/Democratic-Republican Party is the plan presented.

For good, for law, for liberty, I am



Robert A. Ficalora

for more info see:

**[www.republicandemocracy.us](http://www.republicandemocracy.us)**

Trustee corporation, the 1852 Montauk Trustee Corporation and the 1879 purchase of Arthur W. Benson.

The best and easiest option now is for Montauk freeholders (property owners) to pay their property taxes into a law-firm administered trust account instead of to the Town of East Hampton.

We tried to get the court to order them to show that they had a right to the money, but it refused. We will be accomplishing the same result by not paying them our taxes. We know that the Town Board is a fraud, that Montauk is an Incorporated Township with sovereign jurisdiction through the 1686 Dongan Patent.

I have spent many years and a good deal of money attempting to get the rule of law, and although it seems that the courts have denied us justice at almost every step, nothing that has transpired has changed the facts that the Town Board does not legally exist, that it is a fraud.

It is hard to see any risk to paying property taxes into a trust account. We are taking the appropriate action to take down the illegal status quo. They have made very clear that they have no case to make against our claim. We need your participation! We are making history and it should be exciting to be a part of it.

Our sovereign liberties are being suppressed, our lands are being injured or stolen, and they have no right to Montauk's tax and other monies. I am confident that if we hold firm that we will win, that liberty will prevail, and that it will be the beginning of a beautiful chapter in the history of Montauk, the State of New York and of our country.

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## **A quick review**

The attached v.46 of the Charter of the Republican Democracy Party is intended to be used to guide the functioning of a political organization.

Mandatory agreement with the RDP Covenants are because nobody wants to participate in an organization with people that are disrespectful of others or the law, who take on responsibilities and don't fulfill them, who lie, or who advocate violence.

If someone doesn't want to obey the covenants they don't have to join and we don't want them. If a person violates the covenants, we need an easy to understand and use method of getting rid of them. It's really that simple. Without the covenants the organization won't survive. The constitutional liberty to peaceably assemble for political purposes must be jealously guarded.

The RDP Principles are a guide for platform development and debate that a person doesn't have to agree with to be a member/participant.

The RDP Constitution attempts to establish a bottoms-up structure from the local caucuses to Assembly/Legislative District assemblies.

If you google Bob Ficalora I put up video of a 3/1/07 speech that I gave on the steps of the Washington State capitol building that covers how this all came about and the context of my language.

## **Getting it going**

There is nothing new in the process of caucuses and local assemblies. Participatory democracy is an ongoing process in which we can be involved in decisions about the things that most concern us. While the RDP will be important in any state in the U.S. it is states like New York that it is needed the most.

In the State of New York the RDP will be established as a Washington State foreign corporation. To set it up we need at least one a county chairperson to have our filing accepted. I'm not in New York enough to take on that task so I'm looking for people to volunteer.

Anyone interested in being a County chairperson anywhere in New York or the State of Washington please give me a call.

## **Montauk**

We are seeking at least ten (10) or more property owners to pay their property taxes into trust instead of the town board of the town of East Hampton. While my wife Helen Ficalora owns a fifty percent (50%) interest in the Breakers Motel corporation with her brother Jay Schneiderman, I am not a Montauk Freeholder and cannot personally withhold any taxes.

This last go around with the court cost me five years of effort and over \$30,000. I knew the constitutional importance of the case and had faith in the court, a faith that I still have and must by duty always have. A law clerk told me during the Guarneri matter that they knew that I was right but that judicial politics would stop me. That certainly has been true but makes no sense because the problem presented continues and must and can be fixed. Montaukers are very proud of their country and our liberties. There will be unrest under the preentially corrupt and illegal town board government and further attempts at unreasonable impositions such as that of a statutory village.

I will attempt to put up a lecture that I gave on the jurisdictional importance of English real property law on youtube for your review and consideration.

## **Washington State**

While Montauk is a politically conquered place being governed by an illegal and unconstitutional state supported entity, Washington has its own issues and opportunities that should be dealt with.

While not conquered in the same way as Montauk, the Pacific Northwest has a serious problem with political secret police in our communities (usually FBI or "former intelligence agency" people). They are well funded, highly trained and closely managed. To be a little paranoid is wise, to be very paranoid causes people to shy away and not participate. We can defeat this by understanding, adhering to and using the RDP covenants.

The corporation is set up and current with the State of Washington. If you want to get going with it please call me or Shane Fredrickson and let us know that you want to be a county chairperson. The precinct and legislative district maps are available online or available from state or county offices.

There is nothing to it but to do it and there is no better time to do it than now. I foresee the local caucuses becoming tight working groups and the Assemblies good political incubators for candidates. The RDP process should be a great community builder and alot of fun as it goes forward and we become a presence in government.

## **For the Judges**

To all the Supreme Court judges for Suffolk County, the Appellate Division and the Court of Appeals in receipt of this mailing - Greetings!.

## **Finale**

Now it is up to you.

New York requires at least one county chair to establish the RDP as Washington State foreign corporation. This mailing is going to a long list of judges and state officials including the governor and attorney general. Regardless of your initial reaction to the RDP principles, I think that most people will enjoy regular political assembly to share information and form what is essentially a parallel state legislature of the people met in assembly.

The genesis of this idea can be reviewed by watching two youtube videos that I posted at [www.montauk.com](http://www.montauk.com).

I will provide any and all assistance that I can but please understand that I have MS and need rest. I return to Washington and Montauk only occasionally now but can visit and speak if I am invited to do so.

Anyone interested in starting the RDP can contact me by phone or email at 631-238-5445 (Montauk, Jul-Sept) or [bobfic@montauk.com](mailto:bobfic@montauk.com).

I am working with my board of directors of the Montauk Friends of Olmsted Parks / Montauk Trustee Corporation and, hopefully, you to make the Labor Day assembly of Montauk Freeholders a successful event and a kickoff to the town meeting process.

Please attend the September 6th Assembly and consider the freeholders show cause by paying your property taxes to the Town of Montauk into attorney escrow.

The recovery and exercise of sovereign liberties is not something to be easily dismissed.

# The Republican Democracy Party

## Amended Charter v.46

We the People of the United States of America, being the heirs and successor governors of these lands under God to the original Indian nations and to the Protestant kings and queens of England, are endowed with the inalienable rights of a free and sovereign nation. With affinity for the purposes and accomplishments of the Honorable George Clinton, Thomas Jefferson and John Taylor of Caroline, this Corporation does assume the mantle of, and will also be known as, The Democratic-Republican Party™.

### **I. COVENANTS**

*All members swear to:*

Hold these covenants as higher law and an inviolable contract, accepting membership according to their terms;

Respect the lawful right of other members to dignity, privacy and to peaceable assembly without spying or alienation, and to quietly surrender membership upon a vote of exclusion for breach thereof as more fully set forth in Section V (below).

Fulfill all duties and responsibilities undertaken.

Stand for the rule of law, justice, peace and ecological restoration.

Speak only truth while giving love indifferently and opposing contempt for the rights, liberties and Commonwealth of all people or peoples now or ever cognizable under our system of English law.

Practice and espouse active participation and non-violence.

### **II. PRINCIPLES**

*The RDP/Democratic-Republican Party holds that:*

Republican government is by the People according to constitutions and laws, and not by banks, corporations, posers or monarchy;

Democratic government is of the People with government closest to the People being best;

The RDP/Democratic-Republican Party shall establish strength in state government to assert state sovereignty as a balance to federal power;

All sovereign or prerogative powers not granted to the federal union by the original thirteen independent and sovereign states are reserved to the states or to the People;

Federal currency and taxation must be lawful;

The Bill of Rights amending the Constitution of the United States having been expressly ratified to restrain unintended federal power, all amendments made after the Civil War must be reviewed for possible repeal;

The most fundamental liberty to make our own laws shall not be impinged or surrendered;

Idolatry of religious or political figures is dangerous to our liberties and a threat to the republic;

Constitutional democracy is a contract with all governmental assets of any type or nature being the Commonwealth of the People;

Social security being established by a Federal Insurance Corporation Act (FICA), its funds are non-discretionary to Congress and all funds taken for other purposes must be restored;

The National Guard being the states' militia, must be under the exclusive command of the Governors with foreign adventures only upon their public order;

Military pensions and veterans' benefits must be fully funded and non-political;

Non-citizen soldiers, standing armies, mercenary forces, military tribunals and unaccountable military industrial and intelligence complexes should be abolished;

The exploitation of labor, natural resources and technology being necessary for human sustenance, unions and a living wage, environmental restoration and protections of health and safety are essential;

Victimless crimes and pretexts of war for taking greater authority are to be resisted;

The sanctity of the obligations of contracts, the equal rights and treatment of all persons before the law, and the freedom of conscience in a secular state are essential to our liberty;

All voting in contested partisan elections should be open and published for public inspection with the option provided for privacy;

Acts made or actions taken by governmental bodies without or in excess of their Constitutionally delegated powers to reconstitute government or to extend powers into the states, or over the People, are opposed;

Should the general government of the United States of America continue to operate outside of the powers delegated to it by the federalist Constitution thereof, and the People are strong within their states, a constitutional convention of the states should be convened for the re-constituting of said government, with the Bill of Rights to be considered first and not in any way diminished.

# Constitution, Process and Rules

## III. CONSTITUTION

The RDP/Democratic-Republican Party (Party) is a chartered, active and participatory grass-roots membership organization. The intent is to use our 1st Amendment right to peaceably assemble for its intended purposes. First established under the laws of the State of Washington, this charter is to be used in all of the states of the Union.

The Party shall hold bi-annual County Conventions and use a modified New England-style representative town meeting process of quarterly caucuses followed by Legislative District Assemblies (LDAs) of caucus attendees.

County and LDA chairpersons shall be elected for each body for two year terms. State officers will be voted for a one year term at the subsequent precinct caucuses. The priority will be to grow the Party statewide using this Amended Charter.

Resolutions approved by a caucus shall be voted by all caucuses in the legislative district at the subsequent caucuses.

The priority of LDA business 1.) two minute addresses by caucus participants voted to speak, 2.) tabulation of the caucus voting upon resolutions; 3.) the introduction and discussion of new resolutions approved by caucuses for a vote by the next caucuses in the Legislative District.

Resolutions adopted by a majority vote of a majority of caucuses in the legislative district may be directed to state representatives or to a city, county or state convention for a vote by all included precincts.

The caucus and LDA calendars shall be in a manner most effective in relation to state government.

The LDAs shall administer the required city and

Next RDP CAUCUS/Convention - \_\_\_\_\_ 20\_\_\_\_

PRECINCT \_\_\_\_\_ COUNTY \_\_\_\_\_ LOCATION \_\_\_\_\_

PCO / INFO \_\_\_\_\_ TEL. \_\_\_\_\_

Info: WWW.REPUBLICANDEMOCRACY.US (Coming soon) or \_\_\_\_\_

A financial account shall be established for each legislative district using the RDP's EIN with the state and LDA treasurers as account co-signatories for reporting and accounting purposes. State and County accounts will be funded by either member contributions or by legislative district apportionment.

Precinct caucuses shall be hosted by an officer (PCO) who shall collect a \$3 admission, convene the caucus, and deliver all funds and voting to their LDA.

## IV. PROCESS

County conventions shall be held on the second weekend of January and July. Quarterly precinct caucuses shall be followed by an LDA that is restricted to caucus attendees.

Resolutions may be read and submitted at a caucus for a vote at the subsequent caucus if sponsored by two Party members. A voted resolution or one for a member to speak at the LDA shall be by majority vote whereas a resolution that is urgent or involving process may be approved by a unanimous vote for delivery at the LDA.

Caucus sign-in and voting shall be taken at the door, each vote being changeable until closing of discussion of the agenda item. The priority of caucus business shall be 1.) the deliberation and voting upon pending resolutions and 2.) the introduction of any proposed new resolutions.

state conventions with Charters for state, county or legislative district committees to be approved by a majority vote of the included caucuses.

## V. RULES

In order to protect the members' rights to peaceably assemble for political purposes, a vote may be had upon a motion, properly seconded, for exclusion of a caucus participant for covenant violations, with a written appeal reserved to the LDA or, failing in such an appeal, to the state courts for review by certiorari if brought within thirty (30) days.

RDP processes may be used to endorse candidates of any political party, with candidates standing for the RDP/Democratic Republican Party principles and voted by a majority vote of a caucus assembled to have preferential consideration.

This Amended Charter shall serve until next amended by resolution of the membership initiated at a caucus assembled and approved by a majority vote of a majority of caucuses represented in majority of Legislative District Assemblies assembled in State Convention.

This Charter is a 2-sided 8½ by 11 inch flier for organizing, reference and operational use.