

Supreme Court of the State of New York
Court of Appeals

Town of Montauk, Inc.

Petitioner-Appellant

-against-

Hon. George E. Pataki, Esq., Governor of the State of New York
and, The People of the State of New York Met in Assembly, and The
Town Board gov't of the Town of East Hampton, and The Trustees
of the Freeholders and Commonalty of the Town of Easthampton,
and The Suffolk County Water Authority, Inc., and The County of
Suffolk, and The Brooklyn Historical Society, Inc., and 511 Equities,
Inc., and The Nature Conservancy, Inc.

Respondents-Respondent

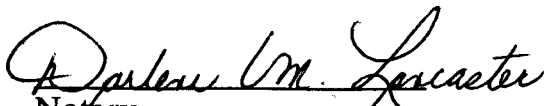
Affidavit of Service

A.D. no. 05-10912
(Suffolk 04-27553)

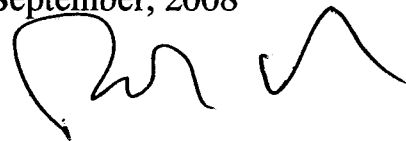
Robert A. Ficalora, founder, CEO and assignee of Montauk Friends of
Olmsted Parks/Montauk Trustee Corporation does herewith affirm and swear
under the pains and penalties of perjury that on September 30, 2008 I did forward
to the attached list of defendants one corrected copy each of June, 2008 Vol. V no.
1 edition of the Montauk Gazette together with its inclusion, The Democratic
Republican™.

This service is made for informational purposes only and is not made as part
of legal process. It is delivered to the court in Albany together with two (2) bound
copies of the Appendix and the Motion for leave to Appeal used on Appeal.

Sworn to before me this 30th day of September, 2008


Notary

DARLENE M. LANCASTER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY
NO. 4890059
MY COMMISSION EXPIRES APRIL 20, 2011



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The Montauk Gazette®

Publication of Record - The Incorporated Township of Montauk
Vol. V no. 1 (5,500 printed, 5,208 mailed), June, 2008
HTTP://WWW.MONTAUK.COM

Resolved never to become slaves!

We truly do pray that this Gazette will serve as a prelude to action being taken by citizens in Montauk, the Towns of Suffolk County, and in New York to recover, defend and use our birthright liberties.

Montauk's lands were jurisdictionally incorporated in 1686 and 1852. The MFOP/Montauk Trustee Corporation assumed and consolidated the corporate rights for Montauk as the Incorporated Township of Montauk with The Articulated Rights and Constitution of the Township of Montauk in December of 2000.

The first incorporation was with a colonial charter granted by Governor Thomas Dongan of the newly Royal Province of New York in December of 1686 known as the Dongan Patent.

On June 10th, 1686 King James II vacated and annulled the Constitution of 1683 eliminating the colonial legislature and imposing autocratic corporate rule. The record shows that Easthampton placed itself in a position of military readiness and most of

Montauk's Incorporations p.2

Bob's peace (redux)

So this is it. After four (4) years of court filings it is uncontested that Montauk is an illegally and unconstitutionally suppressed incorporated township.

Despite never being given a hearing in open court, and that the reasons given were unfounded in either the record or the law, the Appellate Division entered a decision against us.

The consequences may be very, very serious. Your sovereign rights as a freeholder of land in Montauk are of a jurisdiction that is the most powerful attainment of individual liberty constitutionally possible in America.

We have shown that these rights have been denied through a century-long history of fraud, deceit and concealment by the New York State Assembly, which we argue has no jurisdiction over Montauk or any of the other of the towns of Suffolk County.

There is no reason for the Court of Appeals to allow this trampling of our State and Federal Constitutions to continue.

If our Motion for Reargument is denied the question is what we can do next. We must distinguish between civil disobedience and civil duty because what have been suppressed and denied are constitutionally protected

Bob's peace p. 2

The General Association

The 1775 General Association protests legislative acts by the British Parliament and its basis is virtually identical to Montauk's complaint against the New York State legislature.

Montauk's version of the General Association also incorporates applicable sections of the subsequent Declaration of Independence and the Bill of Rights amending the Constitution of the United States of America. Chapter 64 of the laws of 1788 requires us assemble in town meeting.

The state legislature's conquest of Montauk began with a 1906 enabling act that resulted in the closely watched matter of Pharaoh v. Benson, et. al and Montauk's juridical status appeared in the court papers.

A series of events quickly unfolded. In 1907 Frank Sherman Benson died suddenly of an "apoplexy" (stroke). Noticeably absent in the N.Y. Times obituary was his 15 year tenure as a director of the Long Island Historical Society which was undergoing close examination by the Tammany controlled state legislature at the time. Also absent was his ownership almost all of Montauk.

In 1909 the State legislature passed the Town Law of the State of New York with the design of imposing it on the towns of Suffolk County which to that

General Association pg 2

Town of Montauk, Inc. v. Hon. Pataki, et. al.

On May 23rd, 2008, the MFOP/Montauk Trustee Corporation filed a Motion for Reargument with the high Court of Appeals in Albany in the matter of Town of Montauk, Inc., v. Pataki, et. al.

Reargument is sought on the court's dismissal of December 18th, 2007 for failure to perfect the appeal in 60 days, a violation of the court's rules (22 NYCRR Part 500.12[b]).

The motion currently before the court argues that because the court has never found any constitutional or statutory violations, and the court has discretion over the enforcement of its own rules, that the court should vacate its dismissal and grant Montauk a hearing in this hugely important case.

We also point out no hearing was ever allowed at any level in open court. We subsequently collected the 56 signatures on a petition for a hearing that was served and filed with the court.

All defendants have been served with the motion and their answers are due by June 9th. The court will enter a decision, usually in around a month.

If we lose this motion legal precedent will be set. This effort to recover our birthright sovereign liberties will be lost and the ending of an illegal, unconstitutional and despotic government will be set back..

Montauk's Incorporations

the men receiving the patent from Governor Dongan showed military rank.

What Easthampton received, and was forced to pay a good sum of money for, were the same jurisdictional authorities received in its mother colony of Connecticut's historic 1662 charter, considered the most powerful ever granted to a colony. All of the towns of Suffolk County received similar Charters. For this reason, the Dongan Patents have been referred to as granting "the rights of states within a state".

The 1852 second incorporation of Montauk was by the state legislature after the lands covered by the 1686 Dongan Patent for the Town of Easthampton were divided by court order in the matter of Henry P. Hedges, et. al. v. the Trustees of the Freeholders and Commonalty of the Town of Easthampton. It released all claim to Montauk pursuant to the court's order under its corporate seal by deed dated March 9th, 1852. Montauk was then incorporated by an act of the legislature on April 2nd 1852 establishing the Montauk trustee corporation and affirming its power to govern.

The Dongan Patent covers the Towns of Easthampton and Montauk and the Trustee corporations claiming rights through it are the only corporations with the constitutional authority to govern.

The franchise right of the property owners and residents of Montauk, therefore, is to assemble in town meeting and to elect trustees and with the sovereign power to govern.

Bob's peace (redux)

sovereign liberties. If our constitutions and laws don't count, if we can be governed as if we lost a war, we are little more than slaves.

Our options are as follows:

1. Appeal to the United States Supreme Court. All this requires is money and an attorney.
2. Pay all taxes into a trust account naming the Town of Montauk as trustee. If we notice East Hampton of this and make it so that only you have access to this account, they will have to sue the Town of Montauk.
3. Raise the Montauk Militia to consider the General Association and assert jurisdiction. Once oaths have been sworn we can take appropriate action.
4. Establish the Republican Democracy Party in the State of New York. The RDP Charter is included in The Democratic Republican™ flier. If we can't beat them in court, we'll take control of their seats.

A great deal of money, time and effort has gone into getting the case to where it is before the high Court of Appeals today. I honestly do believe, and do pray, that, since we have violated no law or constitutional requirement, the court will use its discretionary powers to hear our case.

If we are otherwise abandoned by our system of justice, I believe that we must consider the above options. If we unite and persist, we will win.

For good, for law, for Montauk, I am



Robert A. Ficalora.
Supervisor

The General Association

point had mostly been governing themselves under the Dongan Patents.

In 1910 Pharaoh v. Benson was summarily dismissed by declaring that the Montauk Tribe of Indians no longer existed to make a claim under the 1661, 1672, 1686 & 1702/3 deeded agreements. Earlier, in 1879, the court had held that the Montauk tribe existed but could claim no ownership of the lands only rights over them; that the fee ownership of the Indian lands remained with the owners of Montauk lands outside of the reservation areas and their heirs, successors and assigns.

Historical circumstance prevented Montauk's proprietors from defending these lands when faced with a State supported, and Al Capone-influenced, mobster named Carl Fisher. The proprietors' rights to these lands have never been extinguished, however, and with the state's liability for enabling the illegal taking of these lands, we believe the matter can be settled without injury to innocent parties, including the Town of Montauk.

In 1911 a fire destroyed the library of the legislature in Albany and all record of its historical understanding of the colonial charters and governments under them. The watchman's body was found dead on the first floor and it is hard to believe that the fire was an accident.

In 1912 the town of Southampton was the first to establish a government under the legislature's 1909 Town Law.

After the conclusion of Pharaoh in 1910, the proprietors treated Montauk as a private estate with the Indian and the Olmsted/Benson reservations as common lands.

The 1918 Last Will and Testament of Mary Benson, however, left no protections. The Executors of the 1918 estate of Mary Benson either renounced or resigned and it was moved to the administration of the Brooklyn Trust Company.

Brooklyn Trust sold the Mary Benson Montauk lands to a man associated with Al Capone (Carl Fisher) who chased the defending proprietors out of Montauk and began the subdivision and sale of the common lands.

It was a classic Capone-style operation but with little or none of his class. Carl Fisher brought the new second government of East Hampton into Montauk, organized under the still unfinished 1909 Town Law.

He created a hotel called "The Manor" at the rail-head in Montauk and held big parties for the state legislators. He carried a large mortgage from the Estate of Mary Benson and went bankrupt in 1930 after the stock market crash. He would die a penniless alcoholic in 1939.

When the Estate of Mary Benson was finally liquidated in 1957 all of the trust lands were sold to a development company. The Town of East Hampton almost immediately passed a zoning ordinance covering Montauk.

The General Association must be read with an understanding of the above history.

Montauk is the conquering state legislature's Achilles heal. The Town Board of the Town of East Hampton has no incorporation papers, it has never been legally established.

Montauk, however, is an incorporated township by rights of succession through the Dongan Patent, chartered rights that run with the land forever.

GENERAL ASSOCIATION

Adopted by the Trustees of the Freeholders and inhabitants of the Incorporated Township of Montauk, on _____, the ___th of _____, 2008, and transmitted for signing to all of the Cities and Towns, and Counties in the State of New York.

Persuaded that the Salvation of the Rights and liberties of America, depends, under God, on the firm union of its People, in a vigorous prosecution of the measures necessary for its safety and the rule of law under our constitutions as originally drawn and intended, and the use of the rights and liberties reserved to the People at Chapter 64 of the 1788 laws of the State of New York, and in the First and Second Amendments to the Constitution of the United States of America; and convinced of the necessity of preventing the Anarchy and confusion which attend the dissolution of the powers of lawful Government, we, the Freemen, Freeholders and Inhabitants of the Town of Montauk being greatly alarmed at the avowed design of the Legislature of the State of New York to take away our Charters, abolish our most valuable Laws and alter fundamentally the Forms of our Governments by imposing governments through conquest under the pretext of unlawful statutes and alterations, amendments or pretended repeals to the Constitution of the State of New York; we do pray for relief in the matter of the Town of Montauk, Inc. v. Pataki, et al., affecting the sovereign rights of freeholders and residents of the Towns of Suffolk County established by colonial charters, currently before the high Court of Appeals of the State of New York, and do, in the most Solemn manner, Resolve never to become Slaves, and do associate under all the ties of Religion, honor and Love to our Country, to adopt and endeavor to carry into execution, for the time being, whatever measures may be recommended without let or hindrance by the Trustees of the Incorporated Township of Montauk, or resolved upon by a suitable state Convention, for the purpose of preserving our Constitutions, and opposing the execution of the several arbitrary and oppressive acts of the legislature of the State of New York, until a reconciliation, between the State of New York and its freeholders and residents, on Constitutional Principles, (which we most ardently desire) can be obtained; and that we will in all things, follow the advice of our provisional board of Trustees, respecting the purposes aforesaid, the preservation of Peace and Good Order, and the safety of individuals and private property.

These may certify that all persons in the Town of Montauk are to be approached to sign the above Association, that are capable of bearing arms.

[The forgoing was adapted from the General Association of the Freemen, Freeholders, and inhabitants of the city and county of New-York, on Saturday, the 29th of April, 1775, and was transmitted for signing, to all the counties in the Province of New York (see: <http://longislandgenealogy.com/append3.html#general>). It was certified locally as follows: "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.]

Montauk's Incorporations (cont.)

Today, however, Montauk is being governed by an unconstitutional and legally fictitious town board entity operating according to a 1909 legislative enactment, the Town Law of the State of New York.

The result of this century old and ongoing fraud has been the usurpation and suppression of the freeholding property owners' franchise right to tax and to govern.

The motion now before the court attaches a document entitled **General Association**, adapted from a 1775 document signed by "all men capable of bearing arms" in the town of East-Hampton. It was initiated and circulated by the Freemen, Freeholders, and inhabitants of the city and county of New-York. (see:

<http://longislandgenealogy.com/append3.html#general>) The motion brief states that:

"...understanding the seriousness of the suppression of the sovereign liberties presented, your appellant is considering a number of options to lawfully attain the rights presented before you, including the distribution of the attached revised 1775 General Association that was a unifying preamble to the American Revolution in the State of New York.

It is amazing that the complaints presented to this court today are very much the same as those presented in the original 1775 document. And so we, too, have resolved never to become slaves"

The General Association received a summary review by members of our board of trustees prior to filing it with the court.

This is to certify that if you are capable of bearing arms that you have been noticed and may sign the copy at left.

Please forward it with your mailing address and phone number to Montauk Trustee Corporation, P.O. Box 2612, Montauk NY 11954. You will be called by phone on or after June 18th with information on a meeting and a formal signing..

MFOP/Montauk Trustee Corp
P. O. Box 2612
Montauk, NY 11954

Acting Trustees: Helen Ficalora, Capt. Bill Grimm, Herbert McKay, Shawn Miller, Richard Monahan

ex-officio: Daniel Grimm, Louise Nielsen, Dr. John Jay Sayers, Dr. Alice Roos and over a decade of others.

Supervisor: Robert A. Ficalora

The Mailing list used for this Gazette is three years old and incomplete.

Extra copies will be distributed in the shops around Montauk to give to property owners that didn't receive their copy.

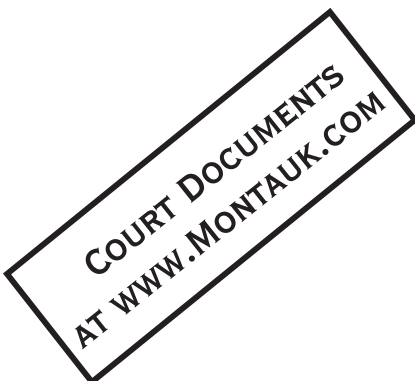
Please support local commerce.



BE IT THEREFORE ENACTED by the Governor, Council and Representatives convened in General Assembly...that all the Charters, Parrants, Grants made, given and granted, and well and truly executed under the seal of this Province, Constituted and Authorized by the late and present Majesties, the Kings of England ... unto the respective Corporations of bodies politick of the Cittys, Towns and Mannors, and also the several and respective freeholders within this Province, are and shall for ever be deemed, esteemed and reputed good and effectual, Charters, Patents and grants Authentic in the Law against their Majesties, their heirs and successors for ever...

-- Chapter 2 of the laws of 1691

We are before the highest court of the State of New York demanding the rule of law and redress of our grievances. We have lost no war or otherwise surrendered our rights, liberties and privileges under the 1686 Dongan patent. Chapter 2 of the laws of 1691 remains the law under Article I Section 14 of the Constitution of the State of New York making violations of the Dongan Patent enforceable against the State of New York as successor to the King.



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The Democratic RepublicanTM

Journal of the RDP/Democratic-Republican PartyTM
June, 2008

TOP TWO PRIMARY UPHELD!

RDP files to commence operations in the State of New York.

June 1st 2008

By Bob Ficalora

This may be a huge year for judicial decisions.

March 18, 2008 the matter of Washington State Grange v. Washington State Republican Party, et. al. regarding the "top two" primary was decided by the United States Supreme Court (552 U.S. 06-713 (2008)).

The Grange initiative will have a transformative effect on Washington State Government by ending the two party monopoly.

RDP is a states' rights party and its charter will bring focus, debate and action on important issues.

Candidates for office will emerge organically from the process, and it should be exciting for everyone involved.

The RDP will become a force in state government.

On May 15 the California Supreme Court filed its decision In re: Marriage Cases (S147999), declaring statutes prohibiting gay marriage to be unconstitutional.

The "gay marriage" decision continues the elimination of laws that deny the basic right of non-discrimination to a significant class of citizens because of their sexual preference.

The biggest case poised for a decision, however, is the matter of Town of Montauk, Inc. v. Pataki, et. al.

It is now at a point where we believe that the New York State Court of Appeals (high court) can

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 affirm the constitution regarding war powers (see www.republicandemocracy.us).

The issue 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 the Town of Montauk case has been the state Assembly and an important option presented is that using the RDP 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

take jurisdiction and hear our case (see: www.montauk.com).

If the high court gives us a hearing, we are confident that we will win. The town board of East Hampton is a legally fictitious entity so if we stand before the court with them the court will be compelled to enter judgment.

Montauk claims to be a constitutionally protected incorporated township with rights through a 1686 colonial patent/charter known as the Dongan Patent.

It established that Montauk's property owners (freeholders) are to elect twelve trustees, govern by town meeting and granted sovereign jurisdiction in the making, administering and enforcement of law. While Montauk relies on the New York state judiciary, its sovereignty is that no other constitutionally established body in America has jurisdiction over it.

The freeholders will make all laws, control all land use, assess all taxes, elect our police, and operate our justice court. These rights run with the land.

The RDP was developed synergistically with the litigation in re: Town of Montauk, Inc. but neither is dependant on the other.

The RDP is ready to go in the state of Washington and will begin operations in Suffolk County, New York as a foreign not-for-profit political party.

contact: bobfic@montauk.com

This writing is dedicated to Naomi Wolf who sees the same threat and is also taking action to stop it.

The RDP Charter uses the historically standard form of a preamble, binding covenants, principles, constitutional structure, process and rules. This summary is intended to describe each section and why it is important.

Covenants

The covenants must be accepted by all members. They are to protect the lawful right of the membership to peaceably assemble with love and compassion in our hearts while protecting us from spies and provocateurs or who advocate violence.

The covenants are intended to build the type of organization we want to be a part of and provide recourse for defending its integrity. While a little paranoia can be a good thing, too much of it serves the purposes we oppose.

Principles

The principles are future focused and taken from our political history as a nation. Much of the thinking and advocacy comes from the English republicans that were so influential to our founding fathers like Thomas Jefferson.

As we assemble in our caucuses and assemblies, the RDP principles are intended to guide us in our deliberations and keep us focused on the ends to which we aspire to accomplish. This has always been a nation of peace-loving people.

The RDP principles emanate from our country's foundation as a republic of Constitutions and Laws. Everything we have as a nation is predicated on the maintenance of that system, yet today it is ignored and we are faced with lawlessness and tyranny.

Constitution

(NOTE: Washington state uses "legislative districts" and New York state uses "assembly districts". They will simply be referred to as districts in this writing.)

The constitution is the organizational structure of the RDP and is intended to be as open and democratic as possible. All funds are to be accounted for at the district level by elected officers.

Process

The RDP process establishes how the quarterly caucuses and district Assemblies will take place.

Set forth is the manner in which resolutions will be submitted and moved for voting and approval by the membership. The RDP process does, in its intended effect, establish an ongoing people's legislature that is

certain to be highly influential in all levels of our government.

Rules

The rules are simple. We must have an orderly manner of easily removing *spies* and *agents provocateurs* from our caucuses and assemblies.

This is not a trivial or unimportant requirement. The police/intelligence agency "sleepers" in our communities are well funded and highly trained and closely managed. The former Soviet Union lost its county through the micro-management of such agents.

Review by certiorari means that the court will only look to see if the caucus vote and appeal were properly had in order to remove a participant or director from participation in the RDP.

All that is required to participate in the RDP caucuses is to adhere to the RDP Covenants. In other words, people can be Democratic Republicans (RDP members) and can support Democrat or Republican party candidates as well. State laws may apply, the State of Washington has no political party registration requirement.

The Bottom Line

There are many among us who believe that our country is currently threatened by a rogue outlaw government. It is the intent of the RDP to bring citizens together to rediscover their rights and their country in order to protect the liberties that we all still enjoy.

The newly Amended Charter (v46) of the RDP/Democratic-Republican Party™ is a living document that can lead us without leaders. Please use the attached two-sided document by becoming your precinct officer by inserting your name and phone number and using it to get the process going in your precinct today.

Although it should be easiest to establish the RDP/Democratic-Republican Party in a caucus state with a top two primary like Washington, it is perhaps even more needed to establish it in the state of New York.

In his powerful February 7th, 2007 address to the New York State legislature in Joint Legislative Session, Assemblyman Greg Ball referred to it as "the most dysfunctional legislature in the United States of America." The importance of establishing the RDP, therefore, cannot be understated because we can change that.

The RDP is intended to be charter driven organization that brings you and your friends and neighbors into a regular process of assembling in your neighborhood precinct and district.

With the RDP Charter in hand, YOU, and each of us individually, will make this happen.

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.
- Amended by founder Robert A. Ficalora in Palm Beach, Florida January 1st, 2008, v46

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.

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 state conventions with Charters for state, county or

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. Resolutions approved by a caucus shall be voted by all

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.

- Amended by founder Robert A. Ficalora in Palm Beach, Florida January 1st, 2008, v46