

No. ____

IN THE
Supreme Court of the United States

GARY METALLIC AND RICK VANGUILDER,
Applicants,

v.

CANADA, FRANCE, NETHERLANDS, PORTUGAL, RUSSIA,
SPAIN, UNITED KINGDOM AND UNITED STATES,
Respondents.

**Motion for Leave to File a Bill of Complaint
& Bill of Complaint**

(Art. III, §2, ¶2 and Rule 17)

GARY METALLIC, *Pro se*
RICK VANGUILDER, *Pro se*
29A Fairmont Street
Nashua, NH 03064
(603) 718-8567
gmetallic@hotmail.com

TABLE OF CONTENTS

<i>Paragraph</i>	MOTION FOR LEAVE	<i>Page</i>
1	JURISDICTIONAL STATEMENT	1
2	STANDING	1
3	SOVEREIGNTY	2
4	AMENDMENTS	2
5	CANADA	3
6	GENOCIDE-IN-PROGRESS	3
7	OMNICIDE-IN-PROGRESS	5

BILL OF COMPLAINT

1	DECLARATIONS SOUGHT	7
---	---------------------------	---

TABLE OF AUTHORITIES

<i>CONSTITUTION</i>	<i>Page</i>
Art. II, §2, ¶2. (Treaty Clause).....	1, 3
Art. III, §2, ¶1. (General Jurisdiction Clause).	2
Art. III, §2, ¶2. (Original Jurisdiction Clause)	1, 3
Art. V. (Amendment Clause).....	1, 3
Supreme Court Rules 9, 18(13) and 22(1).....	3, 4, 5
CONSTITUTIONALLY CONSTITUTIVE PRECEDENTS	
<i>Marbury v. Madison</i> , 5 US 137 (1803)	2
<i>Cherokee Nation v. Georgia</i> , 31 US 515 (1832) ..	2
<i>Scott v. Sandford</i> , 60 US 393 (1856)	2
<i>Worcester v. Georgia</i> , 6 Pet. 515 (1832).....	2
HAGUE SERVICE CONVENTION LAW.....	4
FEDERAL STATUTES	
25 USC §71	4
28 USC §1251(b)(1).....	4
INDIAN TREATIES	
1724 Massachusetts/Mahican Treaty	1
1776 Massachusetts/Mi'kmaq Treaty	2

1

IN THE

Supreme Court of the United States

No. __

GARY METALLIC AND RICK VANGUILDER,
Applicants,

v.

CANADA, FRANCE, NETHERLANDS, PORTUGAL, RUSSIA,
SPAIN, UNITED KINGDOM AND UNITED STATES,
Respondents.

Motion for Leave to File a Bill of Complaint

(1). JURISDICTIONAL STATEMENT. The case is limited to the constitutional question of jurisdictional law alone of Indian tribal sovereignty which—being settled both by specific treaties and by this Court’s original, authoritative and therefore constitutive precedents interpreting the treaty clause Art. II, §2, ¶2 and the amendment clause Art. V—establishes this Court’s original jurisdiction pursuant to Art. III, §2, ¶2 of the *Constitution*.¹

(2). STANDING. Rick Vanguilder and Gary Metallic are descendants of and successors in office to the ambassadors and public ministers of the Mahican Tribe and the Mi’kmaq Tribe at treaties in 1724² and

¹ <http://topics.law.cornell.edu/constitution/overview>.

² H.A. Wright, *Indian Deeds of Hampden County*, pages 116-118. <http://www.archive.org/stream/cu31924028817694>.

1776,³ to the benefit and burden of which the United States and Canada are successors pursuant to the discovery doctrine agreement of the European respondents, identified as the source of the tribes' constitutional right and remedy by this Court in its 1832 precedent *Worcester v. State of Georgia*.⁴ The constitutional duty mutually undertaken—of protecting the tribes pursuant to the rule of law—obliges the respondents to support the complaint.

(3). SOVEREIGNTY. This Court in *Cherokee Nation v. State of Georgia*⁵ settled that “Tribes” are sovereign “States” (Johnson, J, dissenting) albeit not “foreign” (Baldwin, Thompson and Story, JJ, dissenting) and, since the Cherokee complainant explicitly relied exclusively upon the reference in the General Jurisdiction Clause Art. III, §2, ¶1, to disputes “between a state [Georgia] and foreign states [Cherokee Nation],” in the result Marshall, CJ, held for the majority [p.20], “this court cannot interpose; *at least in the form in which those matters are presented.*” [Emphasis added] Gary Metallic and Rick Vanguilder have identified the correct form.

(4). AMENDMENTS. In *Marbury v. Madison*,⁶ and again in *Scott v. Sandford*⁷ specifically with regard to the constitutional question of the constitutional status of the races, this Court settled that neither

³ <http://www.watertowntreaty.org/treatytext.htm>.

⁴ 31 US 515 (1832). <http://supreme.justia.com/us/31/515/case.html>.

⁵ 30 US 1 (1831). <http://supreme.justia.com/us/30/1/case.html>.

⁶ 5 US 137 (1803). <http://supreme.justia.com/us/5/137/case.html>.

⁷ 60 US 393 (1856). <http://supreme.justia.com/us/60/393/case.html>.

Congress, the President nor this Court itself can modify the words used in this Court's original jurisdiction clause Art. III, §2, ¶2 or the treaty clause Art. II, §2, ¶2, as an alternative to compliance with the amendment clause Art. V.

(5). CANADA.⁸ In the year of Canada's confederation 1867 the judiciary of Quebec explicitly adopted the constitutive discovery doctrine agreement identified by this Court in 1832 and, in a pair of cases in the Judicial Committee of the Privy Council (JCPC) in 1888 and 1897, it was settled that §109 of Canada's constitution⁹ continues the paramountcy of tribal sovereignty over the crown's constitutional "Interest" unless and until a treaty contracts otherwise. Tribal sovereignty's constitutional remedy of third-party adjudication via the Standing Committee of the JCPC remains but access to it is blocked by that Court's Registrar's preemptive refusal to file court process without the consent of Canada's Attorney General, which is withheld. In view of the JCPC's interpretation of §109 Canada's Supreme Court did not as did this Court pretend to enlarge the Canadian commerce clause into a plenary (*i.e.*, sovereign) power but, instead, in 2005 the Supreme Court of Canada usurped the Canadian People's sovereignty, by-passing the amendment formula and re-defining the aboriginal right as a primitive practice. The treaty of 1776 obligates the USA to protect Gary Metallic from Canada.

(6). GENOCIDE-IN-PROGRESS. The Clerk ignores Rule 22(1) by not "promptly" giving the applicants' motion

⁸ <http://mightisnotright.org> Doc#2, pp. 21-28.

⁹ http://laws-lois.justice.gc.ca/eng/Const/PRINT_E.pdf.

for procedural directions to the named single judge.¹⁰ Neither has he justified this as required by Rule 18(13).¹¹ Similarly in evasion of that particular judge France preemptively and imperiously has sent a letter¹² denying service by misstating the HAGUE SERVICE CONVENTION LAW identified at APPENDIX B in the Affidavit of Service¹³ filed with the said motion. In this same cause of action the present individual complainants initially signed as ambassadors and public ministers of their tribes. The Clerk rejected the case for filing on the ground Rule 9 requires tribes to be represented by a lawyer. The applicants amended the style of cause to substitute the names of the ambassadors and public ministers as individuals entitled, as such, to file *pro se*.¹⁴ The Clerk then changed the ground to rejection for non-compliance with 28 USC §1251(b)(1).¹⁵ Just as 25 USC §71 repeals the constitutional right of Indian tribal sovereignty without complying with the Art. V amendment clause¹⁶ so also 28 USC §1251(b)(1) repeals that right's constitutional remedy. Whereas the constitution does not restrict the original jurisdiction to cases brought by "foreign" nations or states 28 USC §1251(b)(1) does. This Court in the above-mentioned precedents settled that such chicanery is *ultra vires* Congress,

¹⁰ Note 8. Doc#1, p.1 ¶1; Doc#2, p.2 n.3; and, Doc#8, p.3 ¶11. The evasion is of the designated single judge Thomas, J, who alone has invited the question that the rest of the bench ignores.

¹¹ Note 8. Doc#5.

¹² Note 8. Doc#10.

¹³ Note 8. Doc#4.

¹⁴ Note 8. Doc#9.

¹⁵ Note 8. Case Doc#11.

¹⁶ Note 8. Case Doc#2, at p.2 n.3.

the President and this Court, let alone the Clerk. The Clerk usurps the exclusively judicial jurisdiction to answer the critical constitutional question of jurisdictional law alone to which the case is restricted. Genocidal chicanery in abrogation of the rule of law is the norm, with impunity, because the perpetrators have absolute control over the legal process. Obstructing and ignoring the question and the law answering it are the exquisitely honed criminal weapons by which the genocide is committed. The designated judge to whom objection to filing must be addressed by the Clerk and France for directions is Thomas, J, the only judge since 1871 to take judicial notice of the critical nature of the constitutional question of jurisdictional law alone that otherwise is being blindsided. The particular judge whose Rule 22(1) designated jurisdiction is being evaded is the same judge as invited rather than ignored the constitutional question of genocidal consequence, not in a dissenting opinion but in a concurring opinion adding a reason with which none took exception.

(7). OMNICIDE-IN-PROGRESS. The ancestors of the complainants warned of the omnicide¹⁷ that has reached but perhaps not yet passed its point of no return. Only the rule of law can rescue this earth from humankind's excess if, but only if, the judicial branch of the constitutional democracies that purport to abide by the rule of law actually will read and permit to rule the ground law established by the amendment, defence, court jurisdiction and treaty clauses of their own constitutions. The judiciaries are the only hope remaining that the existing law preventing the omnicide will rule, in time. The political

¹⁷ <http://www.voltairenet.org/article169437.html>.

branches—being in the thrall of empire—will not. The breach began with the invasion of the territories of the Indian tribes of the Americas and continues with the ongoing invasion of the globe by the empire into which its judicial branch has permitted the ostensibly constitutional democracies to morph.

April 20, 2011.



RICK VANGUILDER, *Pro se*
29A Fairmont Street
Nashua, NH 03064
(603) 718-8567
gmetallic@hotmail.com



GARY METALLIC, *Pro se*
29A Fairmont Street
Nashua, NH 03064
(603) 718-8567
gmetallic@hotmail.com

IN THE

Supreme Court of the United States

No. __

GARY METALLIC AND RICK VANGUILDER,
Applicants,

v.

CANADA, FRANCE, NETHERLANDS, PORTUGAL, RUSSIA,
SPAIN, UNITED KINGDOM AND UNITED STATES,
Respondents.

Bill of Complaint

UPON THE BASIS of this Court's affirmation of the constitutional right of Indian tribal sovereignty and its commensurate constitutional remedy of declaratory relief pursuant to this Court's original jurisdiction:—

DECLARATIONS SOUGHT:—

(1). REGARDING THE UNITED STATES. CONFIRMED: Complainants are ambassadors and public ministers of the Mi'kmaq and Mahican Tribes, whose sovereign jurisdiction and possession is exclusive and plenary pending treaty or constitutional amendment.

(2). REGARDING CANADA. CONFIRMED: Same.

(3). REGARDING FRANCE, NETHERLANDS, PORTUGAL, RUSSIA, SPAIN AND UNITED KINGDOM: CONFIRMED: The jurisdictional duty of constitutional democracies under the rule of law is to act, or was to have acted to

prevent the genocide otherwise attributable to judicial inactivity in relation to a valid constitutional question of jurisdictional law alone.

April 20, 2011.



RICK VANGUILDER, *Pro se*
29A Fairmont Street
Nashua, NH 03064
(603) 718-8567
gmetallic@hotmail.com



GARY METALLIC, *Pro se*
29A Fairmont Street
Nashua, NH 03064
(603) 718-8567
gmetallic@hotmail.com