

MAHICAN AND MIKMAQ TRIBES

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JUNE 30, 2011

TO: United States Senate  
Committee on the Judiciary  
& Subcommittee on the Constitution  
& Subcommittee on Human Rights and the Law  
224 Dirksen Senate Office Building  
Washington, DC 20510

AND TO: United States House of Representatives  
Committee on the Judiciary  
& Subcommittee on the Constitution  
& Subcommittee on Courts, Commercial and Administrative Law  
2138 Rayburn House Office Building  
Washington, DC 20515

IN THE MATTER OF a petition of 100 law professors for an act of Congress regulating the ethics of the judges of the Supreme Court of the United States.

AND IN THE MATTER OF a petition in opposition and prayer for relief against war and genocide attributable to the obstruction of the Clerk of the Court in usurping the judicial function of answering the constitutional question of jurisdictional law alone of Indian tribal sovereignty identified and invited by Associate Justice of the Supreme Court Clarence Thomas.

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OPPOSITION AND PRAYER FOR EXTRAORDINARY  
RELIEF IN EXTRAORDINARY CIRCUMSTANCES

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PLEASE TAKE NOTICE of the appended reproduction dated June 30, 2011, of a commentary in opposition taken from the "Commentary" section of the Internet website <http://mightisnotright.org/> of the Mahican and Mi'kmaq Tribes and their Ambassadors and public Ministers Rick Vanguilder and Gary Metallic.



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GARY METALLIC, MI'KMAQ TRIBE



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RICK VANGUILDER, MAHICAN TRIBE

PLEASE REPLY BY EMAIL TO: W'Lawpsh at: <[mightisnotright@gmail.com](mailto:mightisnotright@gmail.com)>.

COPY TO: Clerk of the Court William K Suter  
& Chief Justice of the Court John Roberts  
& Associate Justice of the Court Clarence Thomas  
Supreme Court of the United States  
1 First Street, N. E.  
Washington, DC 20543

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Washington, DC 20071  
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Dallas, TX75219

AND TO: Chairman of the Board and Chief Executive Officer Charles G Koch  
& Executive Vice President David H Koch  
& Executive Vice President Richard H Fink  
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AND TO: President and Director Nan Aron  
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Washington, DC 20036

AND TO: Chairman, Executive Director and President Eugene B Meyer  
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AND TO: Director Ellen Yaroshefsky  
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AND TO: Eric H. Holder, Jr.  
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United States Department of Justice  
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Washington, DC 20530

AND TO: Neal Katyl  
Acting Solicitor General  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

## APPENDIX

[From: "Commentaries" at <http://mightisnotright.org/>]

JUNE 30, 2011

Please also consider R Jeffrey Smith, "Professors ask Congress for an ethics code for Supreme Court, *Washington Post*, February 23, 2011, and Adele M Stan, "Clarence Thomas Must Step Down: Plagued by ethical breaches and links to groups calling for armed insurrection against the US government, Clarence Thomas must resign his seat on the Supreme Court," *Reader Supported News*, June 24, 2011. Available at:

<http://www.washingtonpost.com/wp-dyn/content/article/2011/02/23/AR2011022304975.html>

<http://www.readersupportednews.org/news-section2/341-193/6371-clarence-thomas-must-step-down>

### COMMENTARY:

(1). On February 11, 2011, the *Washington Post* reported, "Thomas and Scalia have been criticized by a public interest group for attending private political meetings sponsored in January 2007 and 2008 by David and Charles Koch, conservative billionaires who made large contributions during last year's election and have financially backed the tea party movement. Precisely what happened at those meetings remains

unclear, but neither of the justices' routine financial disclosures mentioned that the Kochs had organized the events."

(2). On June 24, 2011, that public interest group's viewpoint was cited in support of the *Reader Supported News* opinion, "But if there's any one big lesson to be learned from the saga of Clarence Thomas and the sullyng of the high court, it's that Supreme Court justices are not bound by the code of ethics that applies to other members of the federal bench; it seems they are not legally bound by any code of ethics at all. In the wake of the Thomas problems, that fact has led more than 100 law professors to sign a letter calling on Congress to make the ethics code for federal judges apply to those who grace the bench of the highest court in the land."

(3). Please read the Home page and Case Court Document 1 of this website <http://mightisnotright.org/> in order to understand how very much depends upon this Case coming before Justice Thomas and how shocking and devastating is the Supreme Court Clerk's refusal to put the Case before him and the other Judges as required by the Court's own rules. Case Court Document 2 adduces the constitution's articles and their original and authoritative and therefore constitutive precedents that the Clerk's culpable obstruction of justice perversely and with genocidal consequence is withholding from the Court. Case Court Document 3 identifies the legal ethics governing the situation, with which only Judge Thomas so far has complied.

(4). The ancestors of Gary Metallic fought and died pursuant to the Treaty of 1776 signed by them on behalf of the Mi'kmaq tribe and by Massachusetts on behalf of the United States of America. They and Rick Vanguilder and the Mahicans of the treaty of 1724 also with Massachusetts on behalf of the Crown to whose constitutional claim the United States succeeded have a treaty right as well as a constitutional right to protection by the judicial branch against unconstitutional war and genocide being perpetrated by the political branch.

(5). They have the right, the duty and the legal standing publicly to write to "the House and Senate Judiciary committees" in opposition to the reported law professors' letter to the committees in which "A group of more than a hundred law professors from across the country has asked Congress to extend an ethical code of conduct to the Supreme Court—for the first time—and clarify when individual justices should step away from specific legal cases."

(6). The Supreme Court is not like the lesser courts precisely because the *Constitution* created it as the only constitutional court, charged as such with the duty of upholding the principle of constitutional supremacy upon which depends the existence of the Union specifically as a constitutional democracy under the rule of law. As such, the Supreme Court Justices' ethical obligation is to comply with [Article VI, §§2&3](#), and to strike down any and all lesser laws that seek to exercise a measure of control over the Justices.

(7). The Clerk of the Supreme Court should be directed by the Chief Justice at the request of the Judiciary Committees not to obstruct the Justices from addressing the critical constitutional question of the conflict of jurisdictional law alone BETWEEN the *Constitution's Amendment, Defence, Oath of Office and Treaty Clauses* AND the *Appropriations Act of 1871 (now 25 USC §71) and War Powers Act of 1973 (now 50 USC §1541)*.

(8). If the Chief Justice will not fulfill his duty as the Clerk's supervisor by instructing the Clerk not to usurp the judicial function by prejudging that critical constitutional question of jurisdictional law alone by refusing to file the Case on the ground 25 USC §71 preempts it, Congress should do its duty by impeaching the Chief Justice because otherwise the Clerk's chicanery abrogates the principle of constitutional supremacy, which terminates constitutional democracy and, in culmination, since Justice Clarence Thomas is the only (see, Case Court Document 2 page 2 note 3) Judge who has done his constitutional duty the President similarly should do his, by rewarding Justice Thomas with the vacated office of the Chief Justice.

(9). This will reinstate the Republic as a constitutional democracy under the rule of law in time to lead the world out of the shadow of death.

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