RICK VANGUILDER, MAHICAN TRIBE & GARY METALLIC, MI'KMAQ TRIBE
29A Fairmont Street, Nashua, NH 03064 (Mail: Box 604, Nashua, NH 03061)
(613) 864-8256 gmetallic@hotmail.com

William K. Suter, Supreme Court Clerk
1 First Street, NE
Washington, DC 20543

September 20, 2011

To the Attention of: **John G. Roberts, Jr.**, Chief Justice of the United States
Antonin Scalia, Associate Justice of the Supreme Court
Anthony M. Kennedy, Associate Justice of the Supreme Court
Clarence Thomas, Associate Justice of the Supreme Court
Ruth Bader Ginsburg, Associate Justice of the Supreme Court
Stephen G. Breyer, Associate Justice of the Supreme Court
Samuel A. Alito, Jr., Associate Justice of the Supreme Court
Sonia Sotomayor, Associate Justice of the Supreme Court
Elena Kagan, Associate Justice of the Supreme Court

Re: A REQUEST PURSUANT TO 28 USC §671(a)¶2[1] and Rule 1[2] of the *Rules of the Supreme Court of the United States* for the removal of William K. Suter, Clerk of the Supreme Court of the United States, on the ground of culpable excess and abuse of jurisdiction in virtue preemptively of rejecting a constitutional challenge to 25 USC §71¶1[3] and 28 USC §1251¶(b)(1)[4] by chicanery[5] *on the ground* ***of*** 25 USC §71¶1 and 28 USC §1251[6]; thusly preempting the question and usurping the strictly judicial jurisdiction to answer it with judicious reasons for judgment. The rejected Case establishes on its face: (***a***) the questioned statutes are "affecting" the complainant "public Ministers" within the meaning of the Court's original jurisdiction clause; (***b***) it identifies an irreconcilable conflict between those statutes and the constitution's amendment, commerce, defence and treaty clauses read together as the legislative scheme regulating jurisdiction vis-à-vis Indian tribes and foreign Nations as settled by the original, authoritative and therefore constitutionally constitutive interpretive precedents; (***c***) it manifestly complies with Rules 17(3), 17(4), 22(3), 22(4), 33(1)(d), 33(1)(g)(i) and 33(h) read as a set[7] although the Clerk, without providing reasons, baldly says it does not comply with Rule 17[8]; and (***d***) it establishes the reasonably foreseeable, probable and actual result of the Clerk's excess and abuse of jurisdiction is war and genocide-in-progress in consequence of the inauguration of unconstitutional empire above the rule of law instead of constitutional democracy under the rule of law.

Dear Justices:

Please see the rejected case and full particulars at http://mightisnotright.org/.

Sincerely,

Gary Metallic

Gary Metallic
Public Minister, Mi'kmaq Tribe

Rick Vanguilder
Public Minister, Mahican Tribe

Encl.: **10 sets.**

ENDNOTES

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[1] **28 USC §671(a)¶2**. "The clerk shall be subject to removal by the Court."

[2] **Rule 1**. "The Clerk receives documents for filing with the Court and has authority to reject any submitted filing that does not comply with these Rules."

[3] **25 USC §71¶1**. "No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired." See, Document 2, page 2, note 8, "Case Court Documents," http://mightisnotright.org/. And see Documents 1, 2 and 3 for the constitutional legislation and precedents not considered in the *Lara* case and which establish that case's *per incuriam* status and therefore irrelevance for *stare decisis* purposes.

[4] **28 USC §1251¶(b)(1)**. "The Supreme Court shall have original but not exclusive jurisdiction of: All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties." ***N.B***: The restriction in the federal statute to "foreign states" is not in the Court's original jurisdiction clause, constitution **Article III§2¶2**, which stipulates, "In all Cases affecting Ambassadors, other public Ministers and Consuls…the Supreme Court shall have original Jurisdiction." In ***Cherokee Nation v. State of Georgia***, 30 US 1 (1831), **this Court settled Tribes are States** (Johnson, J, dissenting) albeit not "foreign" (Thompson and Story, JJ, dissenting) and, since the Cherokee complainant explicitly relied exclusively upon the reference in the general jurisdiction clause, constitution Article III§2¶1 to disputes "between a state [Georgia] and foreign states [Cherokee Nation]," in the result Marshall, CJ, held [p.20], "this court cannot interpose; at least in the form in which those matters are presented." The case to be at bar herein of ***Mahican Tribe and Rick Vanguilder and Mi'kmaq Tribe and Gary Metallic* [or any of them] *v. Canada, France, Netherlands, Portugal, Spain, Russia, United Kingdom and United States*** corrects the defect in the form adopted by the Cherokee Nation in 1831. See, Document 8, page 1, paragraph 4 DETERMINATIVE PRECEDENT, "Case Court Documents," http://mightisnotright.org/.

[5] "Case Court Documents," http://mightisnotright.org/, read in *pari materia* and *in toto* establish the intent of the Clerk to evade the constitution and, in aid thereof, to evade Justice Thomas becoming seized of procedural matters pursuant to **Rule 22** that require the Clerk to deliver the case to a Single Judge of the Court for procedural directions, which he refused to do. The Clerk fully was informed of the constitutional law precluding his ground for rejection; of the genocidal consequence of his rejection; and of his abuse of the constitution's supremacy and oath clauses: **Article VI¶2**. "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." **Article VI¶3**. "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." See, *e.g.*, Document 1, page 9, paragraph 3(*h*) JUDICIAL DUTY.

[6] Note 5, Document 14.

[7] Note 5, Document 1, page 1.

[8] Note 6.