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

September 30, 2011

Judicial Conference of the United States
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, D.C. 20544

Re: Victims of war and genocide defend Justice Clarence Thomas and call instead for a Judicial Conference Inquiry into the Clerk of the Supreme Court

Dear Members:

In "Democrats Call for Inquiry of Clarence Thomas," *Roll Call*, columnist Jessica Brady (*RSN* http://www.readersupportednews.org/news-section2/341-193/7650) says some House Members have written to you on the ground "it is vital that the Judicial Conference actively pursue any suspicious actions by Supreme Court Justices."

As have each of you, each of the House Members has sworn or affirmed to uphold the constitution including by necessary implication of law alone its commerce, defence and treaty clauses' foreign policy stipulation the government can regulate commerce with Indian tribes and foreign Nations, make treaties with them for permission militarily to enter their sovereign territory and, if they invade first, then in self defence declare and wage war back.

Also like you, they know the *Appropriations Act of 1871* 25 USC §71 ¶1 and 28 USC §1251 ¶(b)(1) and the *War Powers Act of 1973* 50 USC 1541 purport to repeal the sovereignty of Indian tribes and foreign Nations. The 1871 statute prohibits the President making Indian treaties and the 1973 act authorizes him to make war against foreign Nations by declaring an emergency if he feels they pose a threat to the economy.

Since the statutes reverse the previously settled foreign policy of the constitution they are null and void for non-compliance with the amendment clause, that being the clause that incorporates the sovereign power of the People with regard to their government's jurisdiction. In breach of that sovereignty the Chief Justice of the United States John G. Roberts, Jr., in the case of *United States v. Lara*, 541 US 193, 200 (2004) said, in blindness to the settled interpretation of the commerce, defence and treaty clauses as a set, that the commerce clause's delegation of jurisdiction to regulate commerce "with" Indian tribes signifies "plenary power" *i.e.* sovereignty "over" them. If that were true it would dispense with the need to make treaty clause treaties to gain territorial concessions from Indian tribes and foreign Nations, and also with the need not to invade them other than in self defence as required by the defence clause. Although it is not true it nevertheless falsely leads the People of the United States into wars round the globe and, in the result, converts the United States of America from a constitutional democracy based upon self defence and persuasion into an unconstitutional empire based upon war and dictating.

Only Associate Justice of the Supreme Court Clarence Thomas has defended constitutional democracy against the unconstitutional empire. Of his own motion in the *Lara* case he took judicial notice of the *prima facie* conflict between the *Appropriations Act of 1871* and the treaty

clause. He therefore asked the Court thoroughly to investigate the constitutional question of jurisdictional law alone of Indian tribal sovereignty. There is no urgency to investigate Justice Thomas the only judge since 1871 who has tried to defend the People's constitutional democracy against the unconstitutional empire built by judicial blindness to the usurpation of the People's sovereignty by Congress, the President and the Judicial Branch's recent inventions. The empire they collectively maintain in breach of the trust the constitution places in them presents an emergency far, by far, more threatening to the United States of America than a husband and wife tax return question. I trust the Honorable Members of the Judicial Conference can expedite an answer from the Supreme Court to the constitutional question of jurisdictional law identified by Justice Thomas, the continuing judicial blindness to which constitutes a dire and present threat to the security and survival of the United States and the world it greatly influences.

That threat should already have been removed by the Supreme Court's answer to the constitutional question posed by Justice Thomas in 2004. Early in 2011 that very question was returned to the Court accompanied by the full answer to it in the form of the identification of all of the governing legislation and determinative precedents, by the Case of *Mahican Tribe and Rick Vanguilder and Mi'kmaq Tribe and Gary Metallic v. Canada, France, Netherlands, Portugal, Spain, Russia, United Kingdom and United States.* Precisely because it is a simple and straightforward question of jurisdictional law alone there are no facts and evidence to take up time. All the Court has to do is read the law and having read let the law speak for itself. It speaks plainly, unambiguously and unequivocally. And that is the reason it has not been permitted to speak. It dismantles the basis for the unconstitutional empire by re-instating constitutional democracy. From all that appears William Suter, Clerk of the Supreme Court of the United States, does not wish to disrupt the empire. He is obstructing the access of the Justices of the Supreme Court to the information needed by them to compel their urgently needed declaration the *Appropriations Act of 1871* and the *War Powers Act of 1973* are null and void *ab initio* for conflict with the constitution's commerce, defence and treaty clauses and their precedents.

Please see the Appended letter to the Supreme Court and, having seen it, make sure the Justices of that Court also see it. It had to be addressed to them in care of the Clerk and he may not deliver it. You can ensure the Justices do get it.

Sincerely,

/s/ "W'Lawpsh"
W'Lawpsh

APPENDIX

RICK VANGUILDER, MAHICAN TRIBE & GARY METALLIC, MI'KMAQ TRIBE
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September 20, 2011

William K. Suter, Clerk of the Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

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 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 with full particulars at http://mightisnotright.org/.

Sincerely,

Gary Metallic
Public Minister, Mi'kmaq Tribe

Rick Vanguilder
Public Minister, Mahican Tribe

ENDNOTES

[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.