In The

Supreme Court of the United States

FERISSA TALLEY,

Plaintiff,

JACK JORDAN,

Petitioner,

v.

UNITED STATES DEPARTMENT OF LABOR,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a federal court may disbar an attorney without instituting a separate proceeding for such purpose, apprising the attorney of all material facts reasonably far in advance of a hearing, and without affording the attorney reasonable opportunity to conduct discovery and to confront all witnesses against him at a hearing.

2. Whether, when in a written submission to a court an attorney provided information about a judge abusing his office and official powers to knowingly violate any right of any person under the U.S. Constitution or federal law, such court may discipline such attorney without justifying such discipline by expressly stating the controlling legal authorities and expressly applying such authorities to the material facts.

3. Whether criticism of a judge for abusing his or her office and official powers may be punished in any way before such criticism was proved by clear and convincing evidence to have materially impeded, disrupted or interfered with a lawful government function or to have been false regarding a material fact and asserted with actual malice.

DIRECTLY RELATED PROCEEDINGS

U.S. Court of Appeals (8th Cir.):

Ferissa Talley, Jack Jordan v. U.S. Dept. of Labor, No. 20-2494 (Nov. 2, 2021), motion to recon. denied, Nov. 17, 2021

INDIRECTLY RELATED PROCEEDINGS

U.S. Court of Appeals (8th Cir.):

Robert Campo v. U.S. Dept. of Justice, No. 20-2430 (Jul. 30, 2021), petition for reh'g denied, Nov. 2, 2021

Ferissa Talley v. United States Dept. of Labor, No. 20-2439 (Jul. 30, 2021), petition for reh'g denied, Nov. 2, 2021

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Jack Jordan respectfully petitions for a writ of certiorari to review his disbarment by the U.S. Court of Appeals for the Eighth Circuit.

DECISIONS BELOW

The order of the U.S. Court of Appeals for the Eighth Circuit summarily disbarring Petitioner (App. 6) is unreported. An order denying reconsideration (App. 7) is unreported. Two prior orders (App. 2, 4) emphasizing that Eighth Circuit judges retaliated against Petitioner because he exposed judges' criminal misconduct are unreported. The opinion (which Petitioner criticized) purporting to justify (with knowing falsehoods and other criminal misconduct) three judgments entered against Petitioner and Petitioner's clients is captioned *Campo v. U.S. Dept. of Justice*, *Talley v. U.S. Dept. of Labor, Talley and Jordan v. U.S. Dept. of Labor* (8th Cir. 2021) and is reported at 854 Fed. Appx. 768 and is available at 2021 U.S. App. LEXIS 22610, 2021 WL 3235867.

JURISDICTION

The Eighth Circuit's disbarment order was entered on November 2, 2021. *See* App. 6. A timely-filed motion for reconsideration was denied on November 17, 2021.

See App. 7. This Court has jurisdiction pursuant to 28 U.S.C. 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

The U.S. Constitution, Amendment I, provides:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The U.S. Constitution, Article III, Section 1, provides:

> The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

The U.S. Constitution, Article VI, clauses 2 and 3, provide:

> 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.

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.

5 U.S.C. 3331 provides:

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." This section does not affect other oaths required by law.

STATEMENT OF THE CASE

Petitioner's clients sought records under the Freedom of Information Act, 5 U.S.C. 552 ("FOIA"). To conceal records, government attorneys and Judge Smith (Mo. W.D.) knowingly misrepresented their contents and knowingly violated FOIA and Federal Rules of Civil Procedure. In court filings, Petitioner stated and showed such conduct was criminal, for which Judge Smith and Chief Judge Phillips fined Petitioner "$1,500." 854 Fed. Appx. at 769.

Without addressing any (and in knowing violation of many) provisions of the Constitution and federal law and flouting copious Supreme Court precedent governing imposition of criminal penalties, Eighth Circuit judges (Judges Gruender, Benton and Stras) merely contended that such fines "did not violate" Petitioner's "First or Fifth Amendment rights." *Id.* (deceitfully citing decisions that such judges knew could not support their contentions).

Eventually, unidentified Eighth Circuit judges—hiding behind anonymity—disbarred Petitioner in one short sentence devoid of any fact or legal authority. *See* App. 6. In two prior orders, Eighth Circuit judges revealed they were retaliating against Petitioner because of the content of Petitioner's speech in written petitions filed with two courts.

Initially, such retaliation was based on three contentions, two of which were obviously false. The judges misrepresented that Petitioner "accuse[d]" judges on two courts "of being liars, criminals, and 'con men.'"

App. 2. The judges merely summarily contended that such accusations were "scurrilous and unfounded" and somehow "unbecoming of an officer of the court." *Id.* They used the foregoing obvious falsehoods to attempt to cause "the Kansas and New York bars" to disbar Petitioner for "unethical behavior" by "serv[ing] copies of this order" on such "disciplinary bar authorities." *Id.*

Petitioner immediately informed the judges that nearly all contentions above were demonstrably false as to fact and law. Petitioner did not state any judge was a liar or a criminal, and he did not violate any standard of conduct. He stated (and showed) that judges lied and committed crimes in 18 U.S.C. 241, 242, 371, 1001, 1512(b) or 1519. Petitioner repeatedly provided detailed briefing (including copious Supreme Court precedent) showing why and how his briefing was protected by the Constitution, Articles III and VI and Amendments I, V and X and 18 U.S.C. 241, 242, 1512(b).

Within days, the judges changed their assertions. They accused Petitioner of merely asserting "unfounded, scurrilous allegations." App. 4. That vague conclusory contention was the only potential justification for "disbarr[ing]" Petitioner. *Id.*

Petitioner moved the panel to apply and comply with this Court's precedent (applying the Constitution), but such motion was summarily denied and further filings by Petitioner were barred. *See* App. 7. Petitioner petitioned the court *en banc* (and the panel)

for rehearing, but such petition was "stricken" because of "the [foregoing] order." App. 8.

REASONS FOR GRANTING THE PETITION

For many compelling reasons, this petition should be granted, including "because of the public importance of the issues presented and the need for their prompt resolution." *United States v. Nixon*, 418 U.S. 683, 687 (1974). If this Court fails to address the issues, at least the highest courts in two states and five circuit courts (in addition to the Eighth Circuit) must address such issues. *See* pages 38-40, below. This Court also must address such issues because Petitioner is an officer of this Court. *See* Sup. Ct. R. 8.1. *See also Cohen v. Hurley*, 366 U.S. 117, 137 (1961) (Black, Douglas, J.J., and Warren, C.J., dissenting):

> [T]he important role that lawyers [] play in our society [makes it] imperative that they not be discriminated against with regard to the basic freedoms that are designed to protect the individual against the tyrannical exertion of governmental power. For [] one of the great purposes underlying [such] freedoms was to [afford] independence to those who must discharge important public responsibilities. [Lawyers], with responsibilities as great as those placed upon any group in our society, must have that independence.

The legal authorities and issues are clear and compelling. Federal judges clearly and knowingly violated

judges' duties and Petitioner's rights under many provisions of the Constitution and federal law. Such judges pretended to have the power to thwart, flout, violate and undermine their own courts, this Court, the President, Congress, federal law and the Constitution. They implied they had the power to do the foregoing *because* federal judges committed crimes and Petitioner provided information to federal judges about such crimes. Eighth Circuit judges so far and so deliberately departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power.

The facts are clean and straightforward. The disbarment order failed to address any fact, evidence or legal authority or attempt to state any justification whatsoever. Multiple prior orders irrefutably established that at least five judges criminally retaliated against Petitioner solely because of the content of his speech (providing information to federal judges about judges' crimes).

I. The Constitution Compels this Court to Remedy Eighth Circuit Judges' Criminal Misconduct.

The brightest "star[s] in our constitutional constellation" are in the Preamble and Article VI. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). They show that "no official" can be allowed to undermine the Constitution "by word or act." *Id.* Judges inevitably lead by example. They lead either by supporting

and defending the Constitution or by undermining it. So a judge's knowing violation of the Constitution is "evil" that "spreads in" many "directions." *Allentown Mack Sales and Service, Inc. v. NLRB*, 522 U.S. 359, 375 (1998). It "is hard to imagine a more violent breach of" judges' constitutional duties "than" knowingly "applying [any purported] rule of primary conduct" that was "in fact different from the rule or standard formally announced" in the Constitution. *Id.* at 374. Each judge "must be required to apply in fact the clearly understood legal standards that" the Constitution "enunciates." *Id.* at 376.

All judges must "support and defend the Constitution" against "all enemies," including "domestic" enemies. 5 U.S.C. 3331. Any judge knowingly violating such oath is "worse than solemn mockery." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 180 (1803) (Marshall, C.J.). Any judge who "usurp[s]" any power "not given" in the Constitution commits "treason to the Constitution." *United States v. Will*, 449 U.S. 200, 216, n.19 (1980) (Burger, C.J.) quoting *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 404 (1821) (Marshall, C.J.).

"[I]n declaring what shall be the *supreme* law of the land, the *constitution* itself is first." *Marbury*, 5 U.S. at 180. The Constitution repeatedly emphasized that judges are bound by the Constitution and federal law. *See* pages 9-11, below. "Thus, the particular phraseology of the constitution" emphatically and repeatedly "confirms" that "*courts*" always "are bound by" the Constitution and any judicial contention or conduct "repugnant to the constitution is void." *Marbury* at 180.

Irrefutably, "the constitution controls any" judicial "act repugnant to it." *Id.* at 177. Any act "repugnant to the constitution" is "void." *Id.* No "act repugnant to the constitution, can become the law of the land." *Id.* at 176. Many judges below pretended otherwise.

When any judge in any matter subject to this Court's jurisdiction acts in "opposition to the constitution," this Court must "decide" the case "conformably to the constitution." *Id.* at 178. "This is" the "very essence of judicial duty" under the Constitution. *Id.* "It is emphatically" judges' "duty" to "say what the law is." *Id.* at 177. When applying any "rule," judges "must" expressly "expound and interpret that rule." *Id.* "Article III of the Constitution establishes" judges' "duty" to "say what the law is" in "particular cases and controversies." *Bank Markazi v. Peterson*, 136 S. Ct. 1310, 1322-23 (2016).

Clearly, "the constitution" must "rule" the "government of *courts*." *Marbury*, 5 U.S. at 179-80. Every litigant "has a right to resort to the laws of his country for a remedy." *Id.* "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection." *Id.* at 163. Judges "cannot" maliciously "sport away" litigants' "vested rights," as the judges below did. *Id.* at 166.

Allowing such judicial misconduct clearly "would subvert the very foundation of" the Constitution. *Id.* at 178. "It would declare, that" judges may "do what is expressly forbidden" by the Constitution, giving them "a

practical and real omnipotence." *Id.* at 178. Such conduct "reduces to nothing" our "greatest improvement on political institutions—a written constitution." *Id.*

The Founders "pledge[d]" literally their "Lives," their "Fortunes" and their "sacred Honor" (Declaration of Independence of 1776 ¶32) to "secure" our "rights" by ensuring judges "deriv[ed only] just powers" exclusively "from the consent of the governed" (*id.* ¶2). They emphasized that "whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government." *Id.*

The Founders emphasized their determination to preclude particular "abuses and usurpations" used to subject the people to "absolute Despotism." *Id.* ¶2. They emphasized their determination to preclude particular "injuries and usurpations" that establish "absolute Tyranny" over the people. *Id.* They emphasized that such abuses and usurpations gave "the governed" the "right" and the "duty, to throw off such Government, and to provide new Guards for their future security." *Id.* The abuses they listed presaged the guardians they created in and with the Constitution.

They precluded judges with the "Character" of "a Tyrant" and "unfit to be" a "Ruler of a free People." *Id.* ¶30. They ensured "Judges" (judicial decisions) were not "dependent on" the mere "Will" of any person's tyrannical impulses. *Id.* ¶11. They precluded judges' powers "foreign to our Constitution, and unacknowledged

by our Laws" giving "their Acts" some "pretended" power to illegally make law. *Id.* ¶15.

They precluded judges' effectively "abolishing our most valuable Laws, and altering fundamentally the Forms of our Government." *Id.* ¶23. They precluded judges' "suspending" laws "and declaring" (or implying) "themselves invested with Power to legislate." *Id.* ¶24. They precluded creation of "arbitrary Government" by judges imposing "absolute Rule" over the people. *Id.* ¶22. They precluded "Officers" (including judges) from "harass[ing] our People." *Id.* ¶12. They precluded "protecting" public officials with mere "mock Trial." *Id.* ¶17. They precluded efforts "for the sole Purpose of fatiguing" the people "into Compliance with" abusive "Measures." *Id.* ¶6. They precluded prosecuting or persecuting people "for pretended Offences." *Id.* ¶21.

They ensured "the Administration of Justice" with "Laws" regulating "Judiciary Powers." *Id.* ¶10. They facilitated "Laws [] necessary for the public Good." *Id.* ¶3. They required "Laws" ensuring "the Right of Representation" which would be "formidable to Tyrants." *Id.* ¶5. They ensured representative government "for opposing" with "Firmness" any "Invasions on the Rights of the People." *Id.* ¶7. They ensured "the Benefits of Trial by Jury." *Id.* ¶20. They ensured the right of "Petition[ing] for Redress" and precluded "answer[ing]" such "Petitions" with more "injury." *Id.* ¶30.

To such ends, the Founders and their families risked everything they had or ever could have had to establish particular protections for the "people." As

profoundly as any legislator possibly could, the Framers meant every word of the Constitution below.

Every exercise of federal judicial power must further the purposes of the Constitution, the federal government and this country, itself, *i.e.*, to "establish Justice" to "secure the Blessings of Liberty" to "insure domestic Tranquility" to "form a more perfect Union" to "provide for the common defense" to "promote the general Welfare" of "the people" as a whole, including "posterity." U.S. Const. Preamble. The foregoing is established in the text and structure of much of the Constitution.

Every branch of government was carefully crafted to operate with the advice and consent of the people as the ultimate sovereign. Every branch of government and even the people participate in creating, staffing and operating lower federal courts to support the foregoing purposes.

The "people" did "ordain and establish this Constitution," in significant part to "establish Justice" and "secure the Blessings of Liberty." Preamble. They did so to ensure all "Citizens" are afforded "all Privileges and Immunities of Citizens." Art. IV, §2. All "powers" relevant here that were "not delegated to the United States by the Constitution" were expressly "reserved" to "the people." Amend. X.

"No person" (citizen or not) ever may "be deprived" by any judge "of life" or any "liberty" or any "property, without due process of law." Amend. V. Such law clearly includes the "Constitution" and federal "Laws," which

"shall be the supreme Law of the Land," so all "Judges" (state and federal) "shall be bound thereby" in all official conduct. Art. VI. All federal "Judges, both of the supreme and inferior Courts," may "hold their Offices" only "during good Behaviour." Art. III, §1. Their "judicial Power" (good behavior) "shall extend" no further than permitted "under this Constitution" and federal "Laws." *Id.*, §2.

"The President" must always "to the best of" his "Ability, preserve, protect and defend the Constitution." Art. II, §1. "[H]e shall take care that the Laws be faithfully executed, and shall Commission all" judicial "Officers" for such purposes. *Id.*, §3. All "Senators and Representatives," all "members" of "state legislatures, and all [federal or state] executive and judicial Officers," in all official conduct, "shall be bound" to "support this Constitution." Art. VI.

Congress has broad power "[t]o make all Laws which shall be necessary and proper for" executing absolutely "all" the "Powers vested by this Constitution in the [federal] Government" or "any Department or Officer thereof." Art. I, §8. Congress may "constitute Tribunals inferior to the supreme Court." *Id.* "Congress" may "ordain and establish" all federal "Courts" below the "one supreme Court." Art. III, §1.

In exercising any power, however, "Congress shall make no law" (and delegate no power) "abridging the freedom of speech" or "the right of the people peaceably to assemble" and "petition the government" to "redress" any "grievances." Amend. I. No authority

(federal or state) has any power to actually or effectively "make or enforce any law which shall abridge" any "privileges or immunities of citizens" under the First or Fifth Amendments. Amend. XIV. No judge in this country should be able to believe (or pretend) he has the power to make or enforce any court rule or ruling purporting to do the opposite of what the Constitution expressly forbids or compels.

In America, the people are not merely the governed. They are the sovereign. They are participants in their own government, as government employees sworn to support the Constitution and much more. Everything, above, in the Constitution and the Declaration of Independence emphasizes this fact. Specifically for such purposes, "the freedom of speech" and "the right" to "assemble" and "petition the government" exist and permeate the Constitution. Amend. I.

The "Members" of the "House" are "chosen" by "the People." Art. I, §2. "Senators" are "elected by the people." Amend. XVII. Their "Speech or Debate in either House" (on behalf of the people) is so protected that it "shall not be questioned in any other Place." Art. I, §6.

To protect the people, Congress has the power to censure and remove judges. Congress arguably has the duty to do so if this Court fails to remedy judges' knowing violations of the Constitution. All federal "Judges, both of the supreme and inferior Courts," may "hold their Offices" only "during good Behaviour." Art. III, §1. "Judgment in Cases of Impeachment" may be used for "removal from Office" of any judge. Art. I, §3. "The

House of Representatives" has the "Power of Impeachment." *Id.* §2. "The Senate" has the "Power to try all Impeachments." *Id.* §3.

The people equally clearly have direct power to censure judges and limit their powers. The people have the power of juries of various types in various contexts. *See* Art. III, §2; Amend. V, VI, VII. Trials must be public and be conducted by and before the people most directly affected. *See* Art. III, §2; Art. IV, §2; Amend. VI. The people also have "the freedom of speech" to criticize judges and judicial conduct, and they have "the right" to "assemble" and "petition the government" for "redress of grievances" regarding judges and judicial conduct. Amend. I.

The people also have "the right" to "have the assistance of counsel" in "all criminal prosecutions." Amend. VI. In civil cases in which government is a party, such right flows from "the freedom of speech" and "the right" to "assemble" and "petition the government" for "redress of grievances." Amend. I.

Clearly, attorneys and even the people are integral parts of the judicial branch. Indeed, every attorney practicing before any federal court must act "according to law" and "support the Constitution." *See* https://www.uscourts.gov/forms/attorney-forms/attorney-oath-admission. Each "became an officer of the court, and, like the court itself, an instrument or agency to advance the ends of justice." *Theard v. United States*, 354 U.S. 278, 281 (1957).

No judge has the power to punish Petitioner for his criticism of judges and judicial decisions (providing information to federal judges and courts about judges' crimes). But many judges have cowed and conned many people into believing that judges on even the lowest courts can punish any criticism of any judge that a judge might find offensive. They make themselves supreme above the "one supreme Court" (Art. III), "the supreme Law of the Land" (Art. VI) and "the [sovereign] people" (Preamble).

The conduct of each judge responsible for disbarring Petitioner was so extremely unconstitutional (antithetical to our justice system) that Congress made it criminal. Federal judges and attorneys are, themselves, criminally obstructing justice. Any judge or government attorney "knowingly" using "intimidation" or "threatening" Petitioner "with intent" to "hinder, delay, or prevent the communication" (including by Petitioner) to any federal "judge" of any "information relating to" even the "possible commission of" any "Federal offense" commits a crime. 18 U.S.C. 1512(b)(3).

It is a crime for any judge or government attorney (state or federal) to "conspire" with any other person to "injure, oppress, threaten, or intimidate" Petitioner "in the free exercise or enjoyment of any right or privilege secured to" Petitioner "by the Constitution" or federal "laws," or because Petitioner "exercised" any such "right or privilege." 18 U.S.C. 241. It is a crime for any judge or government attorney (state or federal) to act "under color of" any legal authority to "willfully" deprive Petitioner "of any rights, privileges, or

immunities" that are in any way "secured or protected by the Constitution" or any federal "laws." 18 U.S.C. 242.

"Even judges" can "be punished criminally" under Sections 241 or 242 "for willful deprivations of constitutional rights." *Imbler v. Pachtman*, 424 U.S. 409, 429 (1976). "Both" sections cover all "rights or privileges secured by the Constitution" or federal "laws." *United States v. Price*, 383 U.S. 787, 797 (1966). "The language" is "plain and unlimited" and it "embraces all of the rights and privileges secured to citizens by all of the Constitution and all of the laws of the United States." *Id.* at 800. The "qualification with respect to alienage, color and race" in Section 242 "refers only to differences in punishment and not to deprivations of any rights or privileges secured by the Constitution." *United States v. Classic*, 313 U.S. 299, 326 (1941).

No judge or government attorney has the power to retaliate against Petitioner for fulfilling his oath or for holding judges to their oaths to comply with and support the law and the Constitution. *Cf.* 5 U.S.C. 3331; 28 U.S.C. 453. "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it." *Butz v. Economou*, 438 U.S. 478, 506 (1978). But commit crimes by knowingly violating the Constitution is exactly what the judges below and government attorneys pretended to have the power to do.

II. The Constitution Compels this Court to Ensure Lower Courts Respect this Court's Precedent.

The Constitution expressly vested the ultimate "judicial Power of the United States" in this "one supreme Court," so no "inferior Courts" that "Congress" may "ordain and establish" have the power to flout this Court's precedent. U.S. Const. Art. III, §1. No federal "judicial Power shall extend" any further than permitted "under [the] Constitution." *Id.* §2.

This Court repeatedly has emphasized that "if the same judgment would be rendered by" another "court after" this Court "corrected its views of" controlling legal authority, then this Court's "review could amount to nothing more than an advisory opinion." *Coleman v. Thompson*, 501 U.S. 722, 729 (1991). In fact, many times many judges below treated many of this Court's decisions as "only advisory." *Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418, 450 (1911). Judges in and under the Eighth Circuit *sub silentio* made themselves "judge of the validity of orders which have been issued" by this Court, and each in an "act of" willful "disobedience set them aside," flaunting his pretense that this Court is "impotent" and the federal "judicial power" in "the Constitution" is "a mere mockery." *Id.* That has happened in every case or appeal involving Petitioner in or under the Eighth Circuit.

Some might think we "run no risk of returning to the days when a President" might say that this Court "has made [its] decision; now let [this Court] enforce

it!" *Bush v. Gore*, 531 U.S. 98, 158 (2000) (Breyer, J., dissenting). But there can be no doubt that many lower court judges openly flaunt that very attitude. Eighth Circuit and district court judges openly flouted copious precedent of this Court.

Only three years ago this Court emphatically reminded Eighth Circuit judges that they must start with "a careful examination of the ordinary meaning and structure of the law itself" and when "that examination yields a clear answer" all "judges must stop." *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356, 2364 (2019). At the same time, this Court emphasized that each "court must apply all traditional methods of interpretation" to all controlling legal authorities, and then it "must enforce the plain meaning" that "those methods uncover." *Kisor v. Wilkie*, 139 S. Ct. 2400, 2419 (2019). This Court emphatically reiterated that each court "must exhaust all the 'traditional tools' of construction" of controlling legal authorities. *Id.* at 2415 quoting *Chevron U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 843, n.9 (1984). And when "the law gives an answer—if there is only one reasonable construction of" the law "then a court has no business" choosing "any other reading, no matter how much" anyone "insists it would make more sense." *Id.*

III. Eighth Circuit Judges Flouted and Allowed District Court Judges to Flout Copious Clear, Emphatic Precedent of this Court.

Regarding any "forfeiture of the privilege" to criticize public officials' official conduct, any material fact is "not presumed but is a matter for proof." *New York Times Co. v. Sullivan*, 376 U.S. 254, 284 (1964). The "proof presented to show" each material fact must have "the convincing clarity which the constitutional standard demands." *Id.* at 285-86. The "First Amendment mandates a 'clear and convincing' standard" of proof regarding each material fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986). The "clear-and-convincing-evidence requirement must be" applied whenever "*New York Times* applies." *Id.* at 244. Anyone wishing to repress (punish, penalize or preclude) any criticism of any judge's official conduct "must bear" the "actual quantum and quality of proof necessary to" comply with "*New York Times*." *Id.* at 254. The judges failed to bear their burden of proof regarding either falsehood or actual malice. Judges even criminally concealed and helped criminally conceal evidence of the truth, which conduct engendered the very criticism for which Petitioner was disbarred. *Cf.* 18 U.S.C. 1001(a)(1), 1519.

"It is imperative that, when the effective exercise of" First Amendment "rights is claimed to be abridged," all "courts should 'weigh the circumstances' and 'appraise the substantiality of the reasons advanced' in support of the challenged regulations" or

punishment. *Thornhill v. Alabama*, 310 U.S. 88, 96 (1940). "[W]hen it is claimed that" First Amendment "liberties have been abridged," subsequent courts "cannot allow a" mere "presumption of validity of the exercise of" any prior court's "power to interfere with" the subsequent court's "close examination of the substantive claim presented." *Wood v. Georgia*, 370 U.S. 375, 386 (1962). The mere conclusory contentions by judges below "may not preclude" or in any way diminish any other court's "responsibility to examine" all relevant "evidence to see whether" the evidence "furnishes a rational basis for the characterization" that was previously "put on it." *Id.* at 386.

Here, the disbarment order failed to even assert any characterization, and the two prior orders asserted only mere characterization (and one fact, *i.e.*, Petitioner stated Judges Gruender, Benton and Stras were con men). Due process requires more than the mere "enunciation of a constitutionally acceptable standard" purportedly "describing the effect of" Petitioner's "conduct." *Id.* at 386. But the judges below did not even state any constitutionally acceptable standard. They certainly "did not" even "indicate in any manner how" Petitioner's criticism "interfered with" anything implicating "the administration of justice." *Id.* at 387.

"Unlike those cases in which elaborate findings have been made to support such a conclusion, this record is barren of such findings." *Id.* The court "called no witnesses to show that the functioning of" any court "was in any way disturbed; no showing was made that" anyone "upon reading" Petitioner's "comments" was for

any reason "unable or unwilling to complete" his or her "assigned task because" Petitioner's criticism "interfered" with any court function. *Id.*

"There is" literally "nothing in the record to indicate that" any legitimate function of any court officer "was not ultimately successful or, if it was not, that" Petitioner's "conduct was responsible for" any such "failure." *Id.* "What interference to" any proceeding "or what harm" any Petitioner "assertion might inflict on the administration of justice is not stated in" any "opinion. Nor is there any evidence of either in the record." *Id.* at 388. Courts purporting to punish or penalize Petitioner's criticism of judges must at least "cite" and "discuss the *Bridges*, *Pennekamp* or *Harney* cases" (and *Wood*, *New York Times*, *Garrison*, *Pickering*, *Button* and *Primus*) and "display an awareness of the standards enunciated in those cases to support a finding of clear and present danger." *Id.* at 387. No court can "find" any "such danger in the record." *Id.* at 388.

Courts may prevent or punish misbehavior "in the presence of" any court "or so near thereto as to" demonstrably "obstruct the administration of justice." *Bridges v. California*, 314 U.S. 252, 267 (1941). Clearly, "neither 'inherent tendency' nor 'reasonable tendency' is enough to justify a restriction of free expression." *Id.* at 273. The expression in or "near" the "presence of the court," *Nye v. United States*, 313 U.S. 33, 44 (1941), must "be construed as geographical terms" *id.* at 48. Such expressions pertain exclusively to physical misbehavior that is in "physical proximity" to persons constituting the "court," *i.e.*, the judge(s) or "jury" while

they perform court functions. *Id.* at 48-49. It clearly does not apply to mere statements in court filings.

Courts must "weigh the right of free speech" against any demonstrated "danger of the coercion and intimidation of courts in the factual situation presented by" the "record." *Pennekamp v. Florida*, 328 U.S. 331, 346 (1946). *See also id.* at 348-49:

> Certainly this criticism of the judge's inclinations or actions in these pending nonjury proceedings could not directly [even] affect such administration. This criticism of [a judge's] actions could not [even] affect his ability to decide the issues. Here there is only criticism of judicial action already taken, although the cases were still pending on other points or might be revived by rehearings. For such injuries, when the statements amount to defamation, a judge has such remedy in damages for libel as [does everybody].

Even an actual court employee's "tendency to anger" a judge by criticizing judges for abusing their positions cannot justify any tactic used to repress any of Petitioner's efforts to expose and remedy judges' crimes. *Pickering v. Bd. of Ed.*, 391 U.S. 563, 571 (1968). Such "anger," if any, occurred "after" the decision being criticized had been made. *Id.* "It could, therefore, have had no effect on the ability of" any court to function exactly as it was required to function, and certainly "there was no showing" by anyone that it actually did. *Id.*

Even a "judge may not" punish any criticism "that [merely] tends to make [a judge] unpopular or to belittle him" even by using "strong language, intemperate language" or even "unfair criticism." *Craig v. Harney*, 331 U.S. 367, 376 (1947). Even the "vehemence of the language used [also] is not alone the measure of the power to punish [such criticism; it] must constitute an imminent [] threat to the administration of justice. The danger [] must immediately imperil" the ability to administer justice. *Id.*

Judges' power to punish or prevent physical interruption of or interference with judicial processes was "not made for the protection of judges who may be sensitive []. Judges are supposed to be" people "of fortitude, able to thrive in a hardy climate." *Id.* No court "can" merely "assume that" any "judge was not a" person "of fortitude." *Id.*

Any mere sentiment that "criticism" of a judge was not in "good taste falls far short of meeting the clear and present danger test." *Id.* at 377. When "criticism of the court's procedure" or judges' official conduct is not "reduced to lawyer's language," that is "of trifling consequence. The fact that it was put in layman's language, colorfully phrased for popular consumption" and published "might well have a tendency to lower the standing of the judge in the public eye. But it is hard to see on these facts" anything that "could obstruct the course of justice." *Id.* at 377.

"One" such "criticism was that a layman rather than a lawyer sat on the bench. That is legitimate

comment; and its relevancy could hardly be denied." *Id.* at 376-77. There was nothing in or about the text of the disbarment order or the two orders directly retaliating for Petitioner's speech that indicated they were written by anyone with any knowledge of or respect for the Constitution or this Court's precedent.

Clearly, "there was here no threat or menace to the integrity of [any] trial." *Id.* at 377. Regardless of "whether made prior or subsequent to the final disposition of a case," Petitioner's statements "would likely reflect on the competence" and integrity "of the judge in handling cases. But" any "power to punish" speech "depends on a more substantial showing." *Id.* No Petitioner criticism "could in any realistic sense create an imminent and serious threat to the ability of" any "court to give fair consideration to" any legal issue. *Id.*

Courts may prevent or punish "conduct" that "tends directly to prevent the discharge of" a court's "functions." *Wood*, 370 U.S. at 383. For that particular substantive reason judges have the "power to maintain order in their courtrooms and to assure litigants a fair trial." *Id.* Here, however, the only potential "danger" presented by Petitioner's statements exposing judges' lies and crimes was "precisely one of the types of activity envisioned by the Founders in presenting the First Amendment for ratification." *Id.* at 388. "Those who won our independence had confidence in the power of free and fearless reasoning and communication of ideas to discover and spread" the "truth" especially regarding public officials' official conduct. *Id.* quoting *Thornhill*, 310 U.S. at 95.

No "group in power" may "impose penal sanctions on" Petitioner's "peaceful and truthful discussion of matters of public interest." *Thornhill*, 310 U.S. at 104. "The freedom of speech" irrefutably "embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment." *Id.* at 101-02. As the Founders emphasized, such freedom exists so that "oppressive officers are ashamed or intimidated, into more honourable and just modes of conducting affairs." *Id.* at 102 (citation omitted).

"Abridgment of the liberty of such discussion can be justified only where the clear danger of substantive evils arises under circumstances affording no opportunity to test the merits of ideas by competition." *Id.* Petitioner's briefing in court filings during court proceedings exposed judges' lies and crimes, so Petitioner afforded every relevant judge ample opportunity to test the merits. They all chose not to even try.

"Truth may not be the subject of" any type of "either civil or criminal" (or quasi-criminal) "sanctions where discussion of public affairs is concerned." *Garrison v. Louisiana*, 379 U.S. 64, 74 (1964). All courts must apply "the *New York Times* rule, which absolutely prohibits" any type of "punishment of truthful criticism" of any public official's official conduct. *Id.* at 78.

Clearly, "only those false statements made with the high degree of awareness of their probable falsity demanded by *New York Times* may be the subject of either civil or criminal [or quasi-criminal] sanctions. For

speech concerning public affairs" is "the essence of self-government. The First and Fourteenth Amendments embody" our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open" and it "may well include vehement, caustic" and "unpleasantly sharp attacks on government and public officials," including, specifically, judges. *Id.* at 74-75 quoting *New York Times*, 376 U.S. at 270.

"The public-official rule" in *New York Times* "protects the paramount public interest in a free flow of information to the people concerning public officials, their servants. To this end, anything which" even "might touch on an official's fitness for office is relevant. Few personal attributes are more germane to fitness for office than dishonesty, malfeasance, or improper motivation." *Id.* at 77 (pertaining specifically to criticism of judges).

The mere fact that "judicial officers are involved" and any "concern for the dignity and reputation of the courts does not justify the punishment" of "criticism of the judge or his decision." *New York Times*, 376 U.S. at 272-73. "Such repression can be justified, if at all, only by" evidence of "danger" of "the obstruction of justice" that is both "clear and present." *Id.* at 273.

Moreover, regarding written criticism of judges' official conduct, the "constitutional guarantees" in the First, Fifth and Fourteenth Amendments "require" a universal "federal rule that prohibits a public official from" punishing, penalizing or precluding any

criticism (because it purportedly was, *e.g.*, false, meritless, frivolous, unfounded, defamatory, offensive or scurrilous) "relating to" any "official conduct" except a "falsehood" asserted with "actual malice," *i.e.*, "with knowledge that it was false or with reckless disregard of whether it was false." *Id.* at 279-80.

Only a lie or reckless falsehood could be punished or penalized in any way. "[S]uch a privilege is required by the First and Fourteenth Amendments." *Id.* at 283. All "public men" are in this respect "public property," and "discussion cannot be denied and the right, as well as the duty, of criticism must not be stifled." *Id.* at 268. "The interest of the public here outweighs the interest" of any public official "or any other individual. The protection of the public requires not merely discussion, but information." *Id.* at 272. *See also id.* at 272-73 citing *Bridges*, *Pennekamp*, *Harney*, *Wood.*

"The judicial system" plays "a vital part in a democratic state, and the public has a legitimate interest in their operations." *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1035 (1991). "Public vigilance serves" America "well" because "[w]ithout publicity, all other checks are insufficient: in comparison of publicity, all other checks are of small account." *Id.* Indeed, public criticism of judges and judicial proceedings "has always been recognized as a" vital "safeguard against any attempt to employ our courts as instruments of persecution. The knowledge that" judicial conduct is "subject to contemporaneous review in the forum of public opinion" is intended be "an effective restraint on possible abuse of judicial power." *In re Oliver*, 333 U.S. 257, 270

(1948). *See also Bridges*, 314 U.S. at 270-71 (footnote omitted):

> [Any] enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion, and contempt much more than it would enhance respect.
>
> [Moreover,] disorderly and unfair administration of justice, is more plausibly associated with restricting publications which touch upon pending litigation. . . . [Courts] cannot start with the assumption that publications of the kind here involved actually do threaten to change the nature of legal trials, and that to preserve judicial impartiality, it is necessary for judges to have [any] power by which they can close all channels of public expression to all matters which touch upon pending cases.

Twenty years ago this Court reversed the Eighth Circuit and emphasized the following about a rule abridging judges' and attorneys' freedom of speech. *See Republican Party v. White*, 536 U.S. 765, 774-75 (2002) (citations omitted):

> [The rule] both prohibits speech on the basis of its content and burdens a category of speech that is "at the core of our First Amendment freedoms"—speech about the qualifications of candidates for public office [or public officials]. The . . . proper test to be applied to determine the constitutionality of such a restriction is [] called strict scrutiny . . . [*i.e.*, the government

> must] prove that the [rule] is (1) narrowly tailored, to serve (2) a compelling state interest.

To "show that the" rule "is narrowly tailored," the court "must demonstrate that it does not 'unnecessarily circumscribe protected expression.'" *Id.* at 775. Clearly, "it suffices to say that" no judge below "carried the burden imposed by [the] strict-scrutiny test" regarding any material fact. *Id.* at 781. They "offered" (only in mere prior orders) mere "assertion and conjecture" and even obvious falsehoods. *Id.* quoting *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 841 (1978).

This Court repeatedly has stated as much and more regarding purported discipline of attorneys representing clients in litigation. The right to petition is "among the most precious of the liberties safeguarded by the Bill of Rights." *United Mine Workers of Am., Dist. 12 v. Illinois State Bar Ass'n*, 389 U.S. 217, 222 (1967). Indeed, "litigation may well be the sole practicable avenue open" to "petition for redress of grievances." *NAACP v. Button*, 371 U.S. 415, 430 (1963).

The "Constitution protects" attorneys' freedom of "expression and association without regard" to "the truth, popularity, or social utility of the ideas and beliefs which are offered." *Id.* at 444-45. Courts certainly "may not prohibit, under" the mere general "power to regulate the legal profession," any "modes of expression and association protected by the First and Fourteenth Amendments." *Id.* at 428-29. Every court must specifically and clearly identify a "substantial

regulatory interest, in the form of substantive evils flowing from" purportedly prohibited "activities." *Id.* at 444.

Clearly, "only a compelling" court "interest in the regulation of a subject within" courts' "constitutional power to regulate can justify limiting First Amendment freedoms. Thus it is no answer to the constitutional claims asserted by" Petitioner "that the purpose of" any "regulations was merely to insure high professional standards." *Id.* at 438-39. Courts "may not, under the guise of prohibiting professional misconduct, ignore constitutional rights" of lawyers or litigants. *Id.* at 439.

Attorney action irrefutably "comes within the generous zone of First Amendment protection" when "litigation" is used as Petitioner and his clients used it, *i.e.*, "as a vehicle for effective political expression and association" or "as a means of communicating useful information to the public" about matters of public concern. *In re Primus*, 436 U.S. 412, 431 (1978). Such attorney action is within "core First Amendment rights," and any court "action in punishing" it "must withstand" the "exacting scrutiny applicable" to repression of "core First Amendment rights." *Id.* at 432.

The "standards of permissible [regulatory] vagueness are strict in the area of free expression." *Button*, 371 U.S. at 432. Against "First Amendment freedoms," any "government may regulate" (under any label of law) "only with narrow specificity." *Id.* at 433. Moreover, the court must prove with "evidence" in the

"record" that its regulations narrowly address demonstrated substantive evils. *Id.* at 433.

Mere contentions and characterizations (such as were offered by the judges below) clearly will not suffice and are suspect. "Broad prophylactic rules" or rulings "in the area of free expression are suspect." *Id.* at 438. "Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms." *Id.*

"If the line drawn by" one court "between the permitted and prohibited activities" of "lawyers is an ambiguous one," a subsequent court must "not presume that the" earlier court "curtails" any "constitutionally protected activity" only "as little as possible." *Id.* at 432. "If there is an internal tension between proscription and protection" of First Amendment freedoms and rights, courts "cannot assume that, in its subsequent enforcement, ambiguities will be resolved in favor of adequate protection of First Amendment rights." *Id.* at 438. The conduct of the judges below proves that point clearly and convincingly. They did not even attempt to identify, much less apply, any legal authority.

Any rule, ruling or "statute broadly curtailing" First Amendment "activity" in or "leading to litigation may easily become a weapon of oppression, however evenhanded its terms appear. Its mere existence could well freeze out of existence all such" First Amendment "activity" advancing a disfavored viewpoint. *Id.* at 435-36. "It makes no difference whether" repression via "prosecutions or proceedings would actually be

commenced. It is enough that a vague and broad statute," rule or ruling even "lends itself to selective enforcement against unpopular causes." *Id.* at 435.

Clearly, a court "cannot foreclose the exercise of constitutional rights by mere labels" or merely by changing labels, regardless of whether the label is applied to the law, the oppressor or the oppressed. *Id.* at 429. Whatever label a court may assign to any form of repression or to the repressed is irrelevant. No "regulatory measures," no justification, "no matter how sophisticated," can "be employed in purpose or in effect to stifle, penalize, or curb the exercise of First Amendment rights" that Petitioner exercised. *Id.* at 439.

The "objectionable quality of vagueness and overbreadth" depends "upon the danger of tolerating" the mere "existence of" any statute, rule or ruling that is "susceptible of sweeping and improper application" penalizing exercises "of First Amendment freedoms." *Id.* at 432-33. "These freedoms are delicate and vulnerable, as well as supremely precious in our society. The threat of sanctions may deter their exercise almost as potently as the actual application of sanctions." *Id.* at 433.

The "First Amendment" clearly "protects vigorous advocacy, certainly of lawful ends, against governmental intrusion." *Id.* at 429. "'Free trade in ideas' means free trade in the opportunity to persuade to action, not merely to describe facts." *Id.* at 437.

Petitioner's and his clients' "litigation is not" merely "a technique of resolving private differences; it

is a means for achieving the lawful objectives of equality of treatment by" judges who lie, criminally conceal evidence and commit other crimes to oppress unpopular or disfavored causes and litigants who present them. *Id.* (emphasis added). "It is thus a form of political expression." *Id.*

This Court repeatedly has emphasized that "broad rules" purporting "'to protect the public and to preserve respect for the administration of justice' must not work [any] significant impairment of 'the value of [First Amendment] freedoms'" of attorneys or their clients. *Primus*, 436 U.S. at 426 quoting *Mine Workers*, 389 U.S. at 222. "The First and Fourteenth Amendments require" court "protection" for "advocating lawful means of vindicating legal rights." *Id.* at 432.

"Disciplinary Rules" that may be used to repress speech are designed to "sweep broadly." *Id.* at 433. Their very breadth compels careful and conscientious consideration of constitutional limits. "Rules" used to justify punishing lawyers or litigants irrefutably "have a distinct potential for dampening the kind of" core First Amendment "activity that would make advocacy of litigation meaningful," and "for permitting discretionary enforcement against unpopular causes." *Id.*

In applying any rules repressing Petitioner's speech, courts "must demonstrate" a "subordinating interest which is compelling" and then "demonstrate" that "the means employed in furtherance of [the demonstrated] interest" are "closely drawn to avoid unnecessary abridgment of" First Amendment "freedoms." *Id.*

at 432. Failing to demonstrate the foregoing is fatal. Whatever a judge merely "contends" is irrelevant. *Id.*

"The record" must "support" any "contention that" whatever substantive evil purportedly was targeted "actually occurred in this case." *Id.* at 434-35. "Nor does the record" (that any court did compile) "permit a finding of a serious likelihood" of the occurrence of any substantive evil that any court could punish. *Id.* at 436. The "absence of proof of" any "serious danger" to any compelling government interest is fatal. *Id.* "Nothing that this record shows as to the nature and purpose of" Petitioner's "activities" even "permits an inference of any injurious" effect on any compelling government interest "which would constitutionally authorize the application," of any "Disciplinary Rules to" Petitioner's "activity." *Id.*

IV. This Court Should Support and Emphasize the Constitutional Roles of Participants in Adjudications.

This Petition is a timely and appropriate vehicle for this Court to address profoundly important recurring issues of the constitutional roles of participants in legal proceedings. This matter illustrates how badly some judges misunderstand their roles in adjudications. It illustrates one of the most egregious, and yet most common, forms of judicial misconduct. Far too often, judges pretend to have the power to violate the law and the Constitution. That is among the reasons much unnecessary litigation clogs American courts.

> That is what this suit is about. Power. The allocation of power among Congress, the President, and the courts [and the people] in such fashion as to preserve the equilibrium the Constitution sought to establish—so that "a gradual concentration of the several powers in the same department," Federalist No. 51, p. 321 (J. Madison), can effectively be resisted. Frequently an issue of this sort will come before the Court clad, so to speak, in sheep's clothing: the potential of the asserted principle to effect important change in the equilibrium of power is not immediately evident, and must be discerned by a careful and perceptive analysis. But this wolf comes as a wolf.

Morrison v. Olson, 487 U.S. 654, 699 (1988) (Scalia, J., dissenting).

V. This Petition Presents the Cleanest Vehicle Possible.

No facts could be in dispute. When the judges disbarred Petitioner, they offered no justification whatsoever. *See* App. 6. They made no effort to even pretend to comply with any of this Court's precedent, which was presented to them repeatedly.

In two prior orders, the judges were perfectly clear that they retaliated against Petitioner for exercising and protecting his and his clients' rights and freedoms guaranteed by the Constitution. *See* pages 3, 4, above. They clearly retaliated against Petitioner solely for the content of his speech, consisting solely of criticism of

public officials' official conduct, solely in petitions to federal courts to redress grievances against federal employees. Petitioner's speech was solely in court filings that complied with all relevant rules, stating and showing that federal employees asserted particular contentions that they knew were false and committed particular federal offenses. Petitioner explained that the judges acted exactly like con men playing on people's confidence that judges would not use their positions to commit crimes (lie about facts or legal authorities or knowingly violate litigants' rights under the Constitution or the law).

Furthermore, Petitioner afforded the panel judges and the *en banc* court every possible opportunity to issue an order complying with the Constitution and this Court's precedent. Petitioner repeatedly moved and petitioned for reconsideration, rehearing and issuance of a publishable opinion, but every such request was summarily denied or stricken. *See* App. 2, 4, 7, 8.

No judge ever even attempted or pretended to show compliance with any provision of the Constitution, federal law, or any of this Court's controlling precedent presented to such judges. They simply pretended controlling legal authorities did not exist.

VI. This Petition Addresses Issues of Broad Significance that Must Be Addressed by Many Courts.

Petitioner's statements about judges' abuses of positions and powers complied with his duty to "support

the Constitution." *See* https://www.uscourts.gov/forms/attorney-forms/attorney-oath-admission. Petitioner also fulfilled his duty to refrain from "knowingly assist[ing] a judge" in "conduct that" was "a violation of" any "law." Kan.R.Prof.C. 8.4(f); NY R.Prof.C. 8.4(f). Petitioner "inform[ed]" the "appropriate authority" of the conduct of each "judge" that he knew had "committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office." Kan.R.Prof.C. 8.2(b). Such "conduct" may include "offenses involving fraud" or "dishonesty, or breach of trust, or serious interference with the administration of justice." Kan.R.Prof.C. 8.4 Comment 2. "A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to" a judge's "legal obligation." *Id.*

Eighth Circuit judges directly or indirectly responsible for disbarring Petitioner are not the only judges who pretend to have the power to arbitrarily punish criticism of a judge. This is a problem of broad national significance of far too common occurrence.

Many judges on multiple courts pretend they can punish criticism of a judge's official conduct that nobody proved (or even contended) was false. Very recently, the Ohio Supreme Court provided another example (following many) in which courts use mere state court and circuit court opinions to justify expressly flouting *New York Times* and *Garrison. See Cleveland Metro. Bar Ass'n v. Morton*, 2021 Ohio LEXIS 2321 at *10-*13 (Ohio 2021). Two vigorous dissents emphasized that criticism could not punished unless

proved false, and both emphasized the absence of any evidence of falsity. *See id.* at *32, *46. Even so, the attorney was suspended for a year. *See id.* at *21.

Such tactics already have been used against Petitioner. Kansas attorneys requested that Petitioner be disbarred (by the Kansas Supreme Court), specifically and expressly because of and based on mere conclusory contentions and obvious falsehoods stated by district and circuit court judges. No one even contended, much less attempted to show, that any Petitioner statement was false regarding any fact.

Second Circuit judges indicated they continue to consider action against Petitioner because of and based on nothing more than the contentions and conduct of the judges below. *See* App. 9-10. New York State authorities indicated the same.

Petitioner also is an officer of this Court, which normally would suspend Petitioner based on nothing more than the same. *See* Sup. Ct. R. 8.1. As addressed above, this Court must consider the relevant facts and legal authorities, so it should grant this Petition to address the foregoing for the benefit of all judges, attorneys and litigants nationwide. The pretense that judges can "discipline" attorneys for asserting truthful criticism of judges' official conduct is a stain on the honor and integrity of our systems of justice and government. It is an insult to the intelligence and integrity of every judge and attorney who conscientiously fulfills his duties under the Constitution.

Petitioner also is an officer of the Second, Fifth, Ninth, Tenth and D.C. Circuit Courts. Petitioner "is subject to suspension or disbarment by" each such "court" because he was "disbarred" by another "court." Fed.R.App.P. 46(b). Petitioner "must be given an opportunity to show good cause" why he "should not be suspended or disbarred." *Id.* But that made no difference below. Petitioner was entitled to "a hearing" that he "requested" repeatedly. *Id. Accord* Fed.R.App.P. 46(c). But the judges below ignored Petitioner's requests.

Chief Judge Phillips (whom the Eighth Circuit judges helped conceal evidence proving judges and government attorneys lied) stated last November that she also intended to issue an order "disbarring" Petitioner. App. 11. For years, her court has been required to afford Petitioner a "hearing." Local Rule 83.6(d)(3)(A) (Mo. W.D.). But, for years, Petitioner's repeated requests have been ignored.

CONCLUSION

Many judges and government attorneys believe or pretend they may lie about facts, evidence or the law and violate the law and the Constitution and attorneys may be disbarred or suspended for exposing such extreme misconduct. Many restrictions or requirements in the Constitution, the law (including FOIA, the APA and procedural and evidentiary rules) and this Court's precedent designed to protect the people from

government abuse are openly and deliberately violated by many judges of district and circuit courts and states' highest courts. That is exactly what happened and is happening here. This Courts precedent and the Constitution will mean essentially nothing to very many (people and public officials) unless this Court enforces them. When people risk everything (professionally and economically) to support the Constitution, this Court should support and defend the Constitution. Petitioner has done so. This petition should be granted.

Respectfully submitted,

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