23-1087 ORIGINAL

No. 23-_____

In The

Supreme Court of the United States

JACK JORDAN,

Petitioner,

v.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT,

Respondent.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The District Of Columbia Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether any federal law or the U.S. Constitution authorize any federal judge to penalize or punish any person because such person stated in written federal court filings that one or more federal judges knowingly violated rights and freedoms expressly secured to persons by the U.S. Constitution and federal laws or that such judge(s) committed federal offenses (*e.g.*, in 18 U.S.C. 241, 242, 371, 1001, 1341, 1343, 1349, 1512 or 1519).

2. When an attorney challenges reciprocal disbarment, whether federal law or the U.S. Constitution authorize any federal court (including the U.S. Supreme Court) to disbar an attorney (*i.e.*, deprive the attorney of his liberty and property, *e.g.*, license to practice his profession in such court) for purported misconduct without such federal court, itself, expressly identifying the particular standard(s) of conduct such court concluded were relevant, identifying the attorney conduct that purportedly violated any such standard, identifying the facts material to proving how any such attorney conduct violated any such standard, and identifying the evidence that was admissible and admitted to prove all material facts.

QUESTIONS PRESENTED—Continued

3. When an attorney challenges reciprocal disbarment and requests a hearing, whether federal law governing federal courts or the U.S. Constitution authorize any federal court (including the U.S. Supreme Court) to disbar such attorney before affording such attorney advance notice of the standards such court (at least initially) concluded were violated and the conduct that such court (at least initially) concluded violated any such standard and a hearing, in compliance with the Federal Rules of Evidence, regarding any issue identified (in federal law, our Constitution or U.S. Supreme Court precedent) as relevant.

DIRECTLY RELATED PROCEEDINGS

U.S. Court of Appeals, District of Columbia Circuit (disbarment):

In re Jordan, No. 23-8505 (Nov. 14, 2023), *reh'ng* and *reh'ng en banc denied* (Jan. 3, 2024).

INDIRECTLY RELATED PROCEEDINGS

Kansas Supreme Court (disbarment)

In re Jordan, 316 Kan. 501, 518 P.3d 1203 (2022), *cert. denied sub nom. Jordan v. Kan. Disciplinary Adm'r*, 143 S. Ct. 982 (2023) (No. 22-684).

U.S. Supreme Court (disbarment)

In re Disbarment of Jordan, 143 S. Ct. 2605 (June 5, 2023), *recon. denied* 144 S. Ct. 259 (Oct. 2, 2023).

U.S. Court of Appeals, Eighth Circuit (disbarment):

Jordan v. U.S. Dept. of Labor, No. 20-2494 (8th Cir. Nov. 2, 2021), *recon. denied* (Nov. 17, 2021), *cert. denied sub nom. Jordan v. DOL*, 142 S. Ct. 2649 (2022) (No. 21-1180).

U.S. Court of Appeals, Tenth Circuit (disbarment):

In re Jordan, 2023 U.S. App. LEXIS 16506 (Jan. 3, 2023), *recon. denied* (Jan. 20, 2023), *cert. denied sub nom. Jordan v. United States Ct. of Appeals*, 143 S. Ct. 2661 (2023) (No. 22-1029).

INDIRECTLY RELATED PROCEEDINGS—
Continued

U.S. Court of Appeals, District of Columbia Circuit:

Jack Jordan v. U.S. Dept. of Justice, No. 22-5289 (Apr. 11, 2023) (summary affirmance of denial of motion under Fed.R.Civ.P. 60 re: Powers' email), *reh'ng* and *reh'ng en banc denied* (July 20, 2023), *cert. denied* (Jan. 8, 2024) (No. 23-533).

Jack Jordan v. U.S. Dept. of Labor, No. 19-5201 (summary affirmance of summary judgment re: Powers' email) (Jan. 16, 2020) *reh'ng denied* (Feb. 18, 2020), *cert. denied sub nom. Jordan v. DOL*, 141 S. Ct. 640 (Oct 19, 2020) (No. 20-241).

Jack Jordan v. U.S. Dept. of Labor, No. 18-5128 (summary affirmance of summary judgment re: Powers' email) (Oct. 19, 2018), *reh'ng* and *reh'ng en banc denied* (Jan. 24, 2019).

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PETITION FOR WRIT OF CERTIORARI

Petitioner Jack Jordan respectfully petitions for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the District of Columbia Circuit.

DECISIONS BELOW

The orders disbarring Petitioner (App. 1-2) and denying rehearing *en banc* (App. 9) are unreported but available at 2023 U.S. App. LEXIS 30393 and 2024 WL 55399, respectively.

JURISDICTION

Judgment was entered on November 14, 2023. A timely-filed petition for rehearing *en banc* was denied on January 3, 2024. This Court has jurisdiction under 28 U.S.C. 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend. I:

> Congress shall make no law . . . 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.

U.S. Const. Amend. V:

> No person shall . . . be deprived of life, liberty, or property, without due process of law. . . .

U.S. Const. Amend. X:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

U.S. Const. Amend. XIV, §1:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. Const. Art. III, §1:

> 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.

U.S. Const. Art. III, §2:

> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority . . . [and] to Controversies to which the United States shall be a Party. . . .

U.S. Const. Art. IV, §2, cl. 1:

> The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

U.S. Const. Art. IV, §4:

> The United States shall guarantee to every State in this Union a Republican Form of Government. . . .

U.S. Const. Art. VI:

> 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. . . .

18 U.S.C. 241:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same . . . They shall be fined under this title or imprisoned not more than ten years, or both. . . .

18 U.S.C. 242:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States . . . shall be fined under this title or imprisoned not more than one year, or both. . . .

18 U.S.C. 371:

> If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be

fined under this title or imprisoned not more than five years, or both.

18 U.S.C. 1001:

> (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
>
> > (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
> >
> > (2) makes any materially false, fictitious, or fraudulent statement or representation; or
> >
> > (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;
>
> shall be fined under this title, imprisoned not more than 5 years. . . .
>
> (b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

STATEMENT OF THE CASE

Every federal offense quoted above applies to the judicial misconduct Petitioner addressed herein or in the court filings for which Petitioner was disbarred.

U.S. Supreme Court ("**SCOTUS**") and federal appeals court judges *knowingly* violated Petitioner's rights secured by federal law and the Constitution. They helped conceal evidence of criminal judicial misconduct, and they disbarred Petitioner to do so. Then, SCOTUS Justices lied to America.

They trumpeted their so-called Code "[t]o dispel" a purported "misunderstanding that" they "regard themselves as unrestricted" by "ethics rules." Code of Conduct, Statement of the Court (11/13/2023). For such purpose, all "undersigned" Justices represented that they "subscribe to this Code" and "Commentary." *Id.* at 9. They *knowingly* misrepresented that they already did (and would) "comply with" the "Constitution," including "Amdt. 5 (due process clause)." *Id.* at 13 (Commentary).

Repeatedly, Petitioner previously stated and proved that administrative and federal judges (and attorneys employed by federal agencies or Littler Mendelson, P.C.) *knowingly* misrepresented facts, evidence or legal authorities and committed federal offenses in 18 U.S.C. 241, 242, 371, 1001, 1519. They *knowingly* violated the Constitution and federal laws (federal rules of procedure and evidence, the Freedom of Information Act ("**FOIA**") or the Administrative Procedure Act).

They committed crimes to conceal, by concealing or helping conceal evidence, *e.g.*, of whether text redacted from one or two emails was protected by the attorney-client privilege (and FOIA Exemption 4), specifically, because it contained one (or two) privilege notations (purportedly *quoted*) or *expressly* requested an attorney's "legal advice" or "input and review." Such request (if real) must include non-commercial words which no agency lawfully can conceal, *e.g.*, "please advise regarding" or "please review and provide input." *See* SCOTUS No. 23-533 (petition).

No one ever even attempted to prove that federal law permitted concealing evidence that judges and attorneys lied about the foregoing notation(s) or request(s). *See, e.g.*, SCOTUS Nos. 23-533, 21-1320, 21-1350, 21-1180, 20-420, 20-241 (petitions, waivers of opposition).

No one ever even attempted to show that any relevant Petitioner statement of fact or law was false or misleading. Government attorneys refrained from doing so even though Petitioner repeatedly apprised them of their duty and the consequences of violating it. *Compare* waivers filed regarding all SCOTUS petitions cited on pages iii-iv, above, *with* U.S.Sup.Ct.R. 15.2 ("Counsel" have "an obligation to the Court to point out" promptly "any perceived misstatement" of "fact or law" in "the petition" bearing "on what issues properly would be before the Court." "Any objection" based on "what occurred in the proceedings below" may otherwise "be deemed waived.").

Instead, *federal* judges retaliated by having *state* judges disbar Petitioner and then federal judges "reciprocally" disbarred Petitioner. SCOTUS and federal appeals court judges failed to (ever) identify any rule *they* concluded Petitioner violated, any Petitioner speech/petition *they* concluded violated any rule, or any fact or evidence *they* considered material or relevant. *Cf.* App. 1-2, 9; page iii, above (additional disbarment decisions). No one ever even disputed anything Petitioner wrote showing that federal disbarments were unconstitutional and criminal.

A D.C. Circuit clerk ordered Petitioner to "show cause" why he could not be disbarred because of mere "issu[ance]" of a "Kansas Supreme Court" ("**KSC**") "order." App. 7. After Petitioner showed cause, judges (illegally) denied Petitioner's request for hearing and (illegally) treated disbarment as an appeal (of a state order). App. 4-6. More judges denied oral argument. App. 3. Without any substantive justification, judges summarily disbarred Petitioner and denied rehearing. App. 1-2, 9.

No decision disbarring Petitioner was—or can be—justified with any controlling legal authority or material fact thereunder. Every such proceeding was a frivolous, fraudulent sham.

The retaliating judges usurped (and helped other judges usurp) power to commit federal offenses and *knowingly* violate our Constitution. They proved our judicial system is an obvious (and often criminal) confidence game and many judges are con men. They

showed how judges rig their game. They conspired systematically to attack and undermine our Constitution.

As KSC judges acknowledged, "Some judges are dishonest" and "their identification and removal is" a "high priority" to "help cleanse the judicial system of miscreants" because "confidence in the judicial system" must be "justified" (not blind). *In re Pyle*, 156 P.3d 1231, 1247 (Kan. 2007) (quoting *In re Palmisano*, 70 F.3d 483, 487 (7th Cir. 1995)). "Precisely because lawyers" have "special competence in assessing judges" (*id.* at 1248), our systems of law and government depend upon lawyers to expose and oppose judges violating our Constitution.

Attorneys, therefore, are court officers, sworn to support our Constitution, and KSC (and federal) precedent and rules *protect* true "lawyer" statements "concerning the qualifications or integrity of a judge." *Id.* at 1243 (quoting Kan.R.Prof.C. 8.2(a)). True "statements" *cannot* "unfairly undermine public confidence in the administration of justice." *Id.* (quoting Comment to Kan.R.Prof.C. 8.2(a)). "Expressing honest" attorney "opinions on such matters contributes to improving the administration of justice." *Id.*

"Rule 8.2(a)" permits punishing "only false statements," *i.e.*, only "factual allegations" *proved* "false." *Id.* *Government* must *prove* with "clear and convincing evidence that" Petitioner asserted "false statements of fact." *Id.* at 1244.

Instead, KSC judges repeatedly lied, flouted KSC rules and precedent and *knowingly* violated our Constitution (and Kansas statutes and Constitution). *Cf.*

SCOTUS No. 22-684 (petition). They *knowingly* misrepresented that mere *attorneys* (somehow) "determined" they were "not required to prove Jordan's statements were false." *In re Jordan*, 518 P.3d 1203, 1239 (Kan. 2022). They explicitly (and SCOTUS and appeals court judges implicitly) fraudulently flouted copious SCOTUS precedent. *See id.* at 1224, 1234, 1235 (citing *N.A.A.C.P. v. Button*, 371 U.S. 415 (1963); *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964); *Garrison v. Louisiana*, 379 U.S. 64 (1964); *Pickering v. Board of Ed.*, 391 U.S. 563 (1968); *In re Primus*, 436 U.S. 412 (1978); *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990)).

They fraudulently pretended they could rely on Petitioner's purported "failure to disprove" a federal judge's fraudulent conclusory contention that Petitioner's statements were "baseless." *Id.* at 1239. They *knowingly* misrepresented (and merely contended) that Petitioner's "assertions" that federal "judges lied about Powers' email, concealed evidence, and committed crimes" clearly "had to have been made with reckless disregard to their truth or falsity." *Id.*

They disbarred Petitioner because in federal court "filings," Petitioner's "allegations about" federal judges" were "serious" and "derogatory," *i.e.*, about "criminal activity, lies, misrepresentations, [criminal] conspiracy" and "treason to the Constitution" because they criminally concealed or helped conceal parts of "Powers' email," to *knowingly* misrepresent they were "protected" by "attorney-client privilege." *Id.* at 1226.

REASONS FOR GRANTING THE WRIT

The decisions disbarring Petitioner (for speech/petitions) were entirely undefended and utterly indefensible. Judges' silence should be contrasted with copious contrary conclusions written or joined by all current SCOTUS Justices.

All judges who disbarred Petitioner (for opposing criminal judicial misconduct) *knew* their own conduct was illegal, unconstitutional and criminal.

I. Judges' Retaliation Against Petitioner Was Blatantly Unconstitutional Viewpoint Discrimination.

Judges "target[ing]" Petitioner's "particular views" committed "blatant" and "egregious" "violation[s] of the First Amendment." *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995). Courts constitute a "limited public forum" in which judges "may not" ever "discriminate against speech on the basis of its viewpoint." *Id. Accord Shurtleff v. City of Bos.*, 142 S. Ct. 1583, 1602 (2022) (Kavanaugh, J., concurring) ("limited public forum"). Judges' "viewpoint discrimination" is "presumed impermissible when directed against speech" never *proved* to be not "within the forum's limitations." *Rosenberger* at 830.

"When the government encourages diverse expression," including "by creating a forum for debate" (*e.g.*, in court proceedings) "the First Amendment prevents [government] from discriminating against

speakers based on their viewpoint." *Shurtleff* at 1587. Judges "may not exclude" or punish lawyer or litigant "speech" to repress the "viewpoint" that judges cannot influence litigation with illegal, unconstitutional or criminal misconduct. *Id.* at 1593. Such repression clearly is "impermissible viewpoint discrimination." *Id.*

Judges retaliated against Petitioner because his speech about judges was "derogatory." *Matal v. Tam*, 582 U.S. 218, 221 (2017). Such retaliation is "the essence of viewpoint discrimination;" it "reflects" mere "disapproval of a subset of messages" that judges merely consider "offensive." *Id.* Judges' "viewpoint discrimination" unconstitutionally "singled out a subset of messages for disfavor based on the views expressed." *Id. Accord Iancu v. Brunetti*, 139 S. Ct. 2294, 2298-2299 (2019) (emphasizing unanimity in *Tam*). "Viewpoint discrimination is poison to a free society;" "it is especially important" that *judges* emphasize "that the First Amendment does not tolerate viewpoint discrimination." *Id.* at 2302 (Alito, J., concurring).

Judges may not "aim at the suppression of speech" on "the basis of viewpoint." *303 Creative LLC v. Elenis*, 143 S. Ct. 2298, 2332 (2023) (Sotomayor, Kagan, Jackson, JJ., dissenting) (quoting *Roberts v. United States Jaycees*, 468 U.S. 609, 623-624 (1984)). Judges may not "appl[y] the law" for "the *purpose* of hampering" attorneys' "ability to express" their or their client's "views" regarding issues relevant to court proceedings. *Id.* (quoting *Roberts* at 624). Petitioner's "services (legal advocacy) were expressive; indeed, they consisted of

speech." *Id.* at 2333 (citing *Hishon v. King & Spalding*, 467 U.S. 69, 78 (1984)). Judges have no power to "inhibi[t]" attorneys' "ability to advocate" in court filings their or their clients' "ideas and beliefs." *Id.* (citing *Hishon* at 78).

Any "regulation of speech because of disagreement with the message it conveys" violates our Constitution. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). Court "restrictions on the time, place, or manner" of "speech" must be *proved* "reasonable." *Id.* (collecting cases). If sanctions *can* be "justified without reference to the content" of "speech," they *must* be "justified" with *proof* they were "narrowly tailored to serve" a "significant governmental interest" and *proof* they "leave open ample alternative channels for communication" of relevant "information." *Id.*

II. Judges Repressing Criticism Violated the First Amendment (and Much More of Our Constitution).

"[T]he Free Speech Clause" protects *every* American's "freedom to think as" he "will and to speak as" he "think[s]." *Elenis*, 143 S. Ct. at 2310. Such "rights" are "inalienable." *Id.* at 2311 (quoting James Madison).

"[T]he freedom of thought and speech" are "indispensable to the discovery and spread" of "truth" about public affairs. *Id.* (quoting *Whitney v. California*, 274 U.S. 357, 375 (1927) (Brandeis, Holmes, JJ., concurring)). "By allowing all views to flourish," we "may test and improve our own thinking" as "individuals and as

a Nation," so it is a "fixed star in our constitutional constellation" that "government may not interfere" (as judges have) with the "marketplace of ideas" about whether judicial conduct is constitutional or criminal. *Id.* (quoting *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624, 642 (1943)).

"All manner of speech" (including in court proceedings) enjoys "First Amendment's protections." *Id.* at 2312. "[T]he First Amendment's protections belong" to "all, including" attorneys "whose motives" judges "may find misinformed or offensive." *Id.* at 2317. "[T]he First Amendment protects" Petitioner's "right to speak his mind regardless of whether the government considers his speech sensible" or "misguided" or whether it causes judges "anguish" or "incalculable grief." *Id.* at 2312.

In 1774, Congress (comprising many attorneys) emphasized that "freedom of the press" already was one of our "great rights" because it served the "advancement of truth" and "diffusion of liberal sentiments on the administration of Government," including so that "oppressive officers" can be "shamed or intimidated, into more honourable and just modes of conducting [public] affairs." *Near v. Minn.*, 283 U.S. 697, 717 (1931); *Roth v. United States*, 354 U.S. 476, 484 (1957); *Thornhill v. Alabama*, 310 U.S. 88, 102 (1940) (substituting "ashamed" for "shamed").

"[T]he law" (including the First, Fifth and Fourteenth Amendments) "gives judges as persons, or courts as institutions" absolutely "no greater

immunity from" our "criticism" (or our Constitution) "than other persons or institutions." *Landmark Commc'ns, Inc. v. Virginia*, 435 U.S. 829, 839 (1978) (cleaned up). Attorney "speech cannot be punished" merely "to protect the court as a mystical entity" or "judges as individuals or as anointed priests set apart from the community and spared the criticism to which" all "other public servants are exposed." *Id.* at 842.

Mere "injury to [any judge's] official reputation is an insufficient reason" for "repressing speech that would otherwise be free," and "protect[ing]" the "institutional reputation of the courts, is entitled to no greater weight in the constitutional scales." *Id.* at 841-842. Judges also cannot rely on contentions that "allegations of [judicial] misconduct" are "unfounded" (or baseless). *Id.* at 840.

Judges have no power to punish attorney criticism that judges deem merely unfounded or offensive (or both). *See, e.g., New York Times*, 376 U.S. at 273 (collecting cases). "Criticism of [judges'] official conduct does not lose its constitutional protection merely because it is effective criticism" and "diminishes their official reputations." *Id.* Any "repression" of "criticism of the judge or his decision" must "be justified" by *proving* "obstruction of justice." *Id.* Judges' retaliation against Petitioner is far worse than even the Sedition Act of 1798, which required *proof* criticism was "false" and "malicious." *Id.*

All courts must protect all Americans' "privilege for criticism of official conduct." *Id.* at 282. All courts

must "support" the "privilege for the citizen-critic of government." *Id.* Such "privilege is required by the First and Fourteenth Amendments." *Id.* at 283. Courts cannot "give public servants an unjustified preference over the public they serve" by affording "critics of official conduct" less than "a fair equivalent of the immunity granted to the officials themselves." *Id.* at 282-283. *See also id.* at 269 (cleaned up):

> freedom of expression upon public questions is secured [as a] constitutional safeguard to assure unfettered interchange of ideas [to bring about] political and social changes desired by the people. [F]ree political discussion [so] that government may be responsive to the will of the people and that changes may be obtained by lawful means[is] essential to the security of the Republic [and] is a fundamental principle of our constitutional system.

"(I)t is a prized American privilege to speak one's mind" on "all public institutions." *Id.* "[T]his opportunity" must "be afforded" for "vigorous advocacy" in court proceedings. *Id.* (quoting *Button*, 371 U.S. at 429) ("the First Amendment" necessarily "protects vigorous advocacy" in court proceedings "against governmental intrusion") (collecting cases).

All "public men" are essentially "public property," and "discussion cannot be denied and the right" and "duty" of citizen "criticism must not be stifled." *Id.* at 268. The pernicious pretense that judges have the power to punish attorneys for speech/petitions exposing criminal judicial misconduct "reflect[s] the

obsolete" (seditious libel) "doctrine that the governed must not criticize their governors." *Id.* at 272 (quoting *Sweeney v. Patterson*, 76 U.S.App.D.C. 23, 24, 128 F.2d 457, 458 (1942)). "The interest of the public" in the truth about purported public servants "outweighs the interest" of "any [offended] individual. [Clearly,] protection of the public requires" both "discussion" and "information" about judicial misconduct. *Id.* (both decisions).

Attorney "statements of fact" or "comment or opinion regarding [any] political conduct" or "public officials" are "not actionable" without "showing" a public interest "suffered" actual "injury" by "reason" of such "statements." *Sweeney* at 458.

Petitioner's "speech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection." *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (quoting *Connick v. Myers*, 461 U.S. 138, 145 (1983)) (cleaned up). *See also Snyder* at 453 (discussing when "[s]peech deals with matters of public concern").

Petitioner's "speech concerning public affairs" is "the essence of self-government" and "debate on [such] issues should be uninhibited, robust, and wide-open," and it may "include vehement, caustic," and "unpleasantly sharp attacks on government and public officials." *Garrison*, 379 U.S. at 74-75. *Accord Snyder* at 452; *Rosenblatt v. Baer*, 383 U.S. 75, 85 (1966).

> [The public has] a strong interest in debate on public issues [including] about those persons

> who are in a position significantly to influence the resolution of those issues. Criticism of government is at the very center of the constitutionally protected area of free discussion. Criticism of those responsible for government operations must be free, lest criticism of government itself be penalized.

Rosenblatt at 85.

Garrison publicly implied eight judges were criminally corrupt and (like Petitioner) was essentially prosecuted for seditious libel. But the "public interest in a free flow of information to the people concerning public officials, their servants" is "paramount," so "anything which" even "might touch on an official's fitness for office is relevant," including judges' "dishonesty, malfeasance, or improper motivation." *Garrison* at 77.

"Truth may not be the subject of" *any* type of content-based "sanctions" "where discussion of public affairs is concerned," so "only" *proven* "false statements" may be punished (for content) with "either civil or criminal sanctions." *Id.* at 74. Our Constitution "absolutely prohibits" *any* type of content-based "punishment of truthful criticism" of *any* public servant's public service. *Id.* at 78. *Accord Pickering*, 391 U.S. at 574 (precluding government employee's discharge).

No Petitioner speech/petition "relating to matters of public concern" was *proved* to "contain" even a "false factual connotation," so it must "receive full constitutional protection." *Milkovich*, 497 U.S. at 20. Punished

speech must at least "imply" an "assertion of fact" that was *proved* "false." *Id.* at 19.

Despite knowing all the foregoing (and much of the following), judges viciously and surreptitiously "punished" Petitioner for, essentially, common-law seditious libel. Copious evidence proves such retaliation is outrageously unconstitutional and attorney freedom to expose and oppose judicial misconduct is protected by much of our Constitution.

Clearly, the First "Amendment" merely "codified" *parts* of "*pre-existing* right[s]." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111, 2127 (2022) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008)). Such "Amendment" was written and ratified not "to lay down" any "novel principle but rather" purely because it "codified" only parts of "right[s]" that Americans "inherited" from many generations of "ancestors" who sacrificed much in many ways for such rights. *Id.* (quoting *Heller* at 599).

Such rights clearly were not "granted by the Constitution." *Heller* at 592. They are not "in any manner dependent upon" the Constitution for their "existence." *Id.* "The" plain "text" of multiple "Amendment[s] implicitly recognizes the pre-existence of" multiple "right[s]" by "declar[ing] only that" they "shall not be infringed" or abridged. *Id.*

"Constitutional rights" have "the scope they were understood" (*by the people*) "to have *when the people* adopted them, whether or not future *legislatures*" or "*judges* think that scope too broad." *Heller* at 634-635

(emphasis added). "Constitutional rights" have "the scope they were understood to have *when the people adopted them*." *Bruen* at 2136.

"The First Amendment contains the freedom-of-speech guarantee that" *many* generations of "the people ratified" as much with their blood and lives as with their voices and votes. *Heller* at 635. Such "Amendment" is merely the "product" of a *very long* history "of an interest balancing by the people" *for* the people. *Id.*

Such "interest balancing by the people" certainly "elevates above all other interests the right of law-abiding, responsible citizens" to use speech, press and petitions "for self-defense" against abusive officials. *Id. Accord Bruen* at 2131. The First Amendment is "the 'product of an interest balancing by the people,' not the evolving product of federal judges." *Bruen* at 2133, n.7. "It is this balance—struck by the traditions of the American people—that demands" the "unqualified deference" of *all* public servants. *Id.* at 2131.

The "enshrinement" in our Constitution "of constitutional rights necessarily takes certain policy choices off the table" for all public servants. *Heller* at 636. Our Constitution's express "enumeration of" First Amendment "right[s] takes out of the hands of [all] government—even [judges]—the power to decide on a case-by-case basis whether the right is *really worth* insisting upon." *Id.* at 634. Many generations of judges retaliating against critics proves that any "constitutional guarantee" that is "subject" to "judges' assessments of its usefulness is no constitutional guarantee at all." *Id.*

To prevent and expose abuses of power by *any* public servant, Virginia's legislature (including George Mason and James Madison) emphasized (as those who wrote or read the Declaration of Independence knew) that "the freedom of the Press is one of the greatest bulwarks of liberty, and can never be restrained but by despotick Governments." Virginia Declaration of Rights §12 (June 12, 1776).

The Founders and Framers (many of whom were attorneys) feared sitting judges as much as standing armies. They emphasized that abuses by the king's judges were crucial causes of the Revolution. *See, e.g.*, Declaration of Independence (1776) ¶¶6, 10-12, 15, 17, 20-23. Americans *fought* for "Laws" ensuring "the Right of Representation" which would be "formidable to Tyrants" (*id.* ¶5) and "for opposing" with "Firmness" any "Invasions on the Rights of the People" (*id.* ¶7).

Much in the original Constitution emphatically protected political expression as integral and essential to *sovereign* citizens' *self*-government (*requiring* and *protecting* speech by legislators, executive and judicial officers (including attorneys), electors, voters, jurors and witnesses exercising (only) parts of the people's power to think, speak and write for ourselves). Public *servants* have the power to say people lied and committed crimes *because sovereign citizens* have the right to say so (including about public servants).

"[T]he People" created the "Constitution" (and Congress and SCOTUS) to "establish Justice" and "secure the Blessings of Liberty." U.S. Const. Preamble.

Our Constitution secures "all Privileges and Immunities of Citizens" against *all public servants*, including by requiring a "Republican Form of Government." Art. IV. *Accord* Amend. XIV, §1 ("privileges or immunities," "due process of law," "equal protection of the laws").

Federal judges have only such "powers" as the People "delegated" to courts "by the Constitution." Amend. X. "No person" may be "deprived" of "life" or any "liberty" or "property" by any judge "without due process of law." Amend. V. *Accord* Amend. XIV, §1; 18 U.S.C. 241, 242, 371.

Federal "Judges" may hold and use "their Offices" only "during" and for "good Behaviour." U.S. Const. Art. III, §1. All "Judges" (state and federal) *always* are "bound" by the "Constitution" and federal "Laws" ("the supreme Law of the Land") despite "any Thing" else "to the Contrary." Art. VI. Absolutely "all" state and federal "judicial Officers" *always* are "bound" to "support" the "Constitution." *Id.*

No judge has any power to "abridg[e] the freedom of speech, or of the press" or "the right" to "petition" courts to "redress" any "grievances" regarding unconstitutional or criminal judicial misconduct. Amend. I. *Accord* Amend. XIV, §1. Regarding First Amendment rights and freedoms, all persons are equal and all public servants (state and federal) are equal.

The "freedom of speech" and "press" are one freedom in two forms. So "a reporter's constitutional rights are no greater than those of any other member of the public." *Nixon v. Warner Commc'ns*, 435 U.S. 589, 609

(1978) (collecting cases). Individuals and corporations/media have the same speech/press freedom. *See First Nat'l Bank v. Bellotti*, 435 U.S. 765 (1978).

Judges are "constitutionally disqualified from dictating" (in the manner they did) "the subjects about which" attorneys "may speak" or which "speakers" may "address a public issue." *Id.* at 784-785. *Bellotti* protected state-created corporations; *a fortiori*, it protects state-licensed attorneys. *Button*; *Garrison*; *Connick*; *Garcetti*; *United Mine Workers*; *Spevack*, herein, also protect, specifically, *attorney* speech.

Alexander Hamilton and James Madison knew much of the foregoing (including that principles asserted in the Bill of Rights were implied in our original Constitution). So they emphasized that state and federal "bills of rights" were "unnecessary" to "declare that things shall not be done which there is no power to do." *Federalist* No. 84 (Hamilton) (for *The Federalist Papers*, *see* https://guides.loc.gov/federalist-papers/full-text). In state and federal constitutions, "no power" was "given" "by which restrictions may be imposed" on "liberty of the press" to expose and oppose unconstitutional or criminal judicial misconduct. *Id.*

Hamilton (an attorney) repeatedly emphasized that our Constitution protected Americans from "the great engines of judicial despotism," including "arbitrary methods," "prosecuting pretended offenses," and "arbitrary punishments." *Federalist* No. 83. *Accord Federalist* No. 78 (Hamilton); *Alleyne v. United States*,

570 U.S. 99, 126-127 (2013) (Roberts, C.J., dissenting) ("judicial despotism").

Limiting judicial despotism was among the primary points of state and federal constitutions. Only "the legislature, not the Court" has the power "to define a crime" (*e.g.*, sedition) "and ordain its punishment." *United States v. Wiltberger*, 18 U.S. (5 Wheat.) 76, 95 (1820) (Marshall, C.J.).

Madison emphasized the "great importance in [our] republic" of "guard[ing our] society against the oppression of [our so-called] rulers." *Federalist* No. 51. "[T]he Constitution created a [republican] form of government under which '*The people*, not [public servants], possess the *absolute sovereignty*.' [Our republican] government dispersed power" in many ways precisely because "of the people's" extreme "distrust" of "power" at "all levels." *New York Times*, 376 U.S. at 274 (emphasis added) (quoting Madison). In "Republican Government," naturally, "the censorial power" generally must be "in the people over [public servants], and not in [public servants] over the people." *Id.* at 275 (quoting Madison).

Madison subsequently re-emphasized that all Americans' speech is protected from all government (federal and state): "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable." Amendments to the Constitution (1789) (proposed)

(https://founders.archives.gov/documents/Madison/01-12-02-0126).

Nearly everything negative said about the Sedition Act of 1798 or the vicious officials who abused it (especially the impeached SCOTUS Justice Chase) applies to judges retaliating against Petitioner for opposing criminal judicial misconduct.

Judges' "artful and vicious" retaliation was crafted to "conceal usurpation" that "is forbidden" by "the Constitution." Address of the General Assembly of Virginia (1799) (Madison) (https://press-pubs.uchicago.edu/founders/documents/amendI_speechs21.html). Judges retaliating against critics defraud Americans of "sacred rights" and "the bulwark of" our "liberty;" such "hideous" abuse of power "turns loose" the "utmost invention of insatiable" judicial "malice and ambition." *Id.*

Judges usurped "power[s] not delegated" to them and even "expressly and positively forbidden by" multiple constitutional provisions and amendments. Virginia Resolutions of 1798 (Madison) (https://founders.archives.gov/documents/Madison/01-17-02-0128). Judges' usurpations were "deliberate" and "dangerous," demonstrated "reproachful inconsistency" and "criminal degeneracy," and "subvert[ed]" the "principles of free government" and many "provisions of" our "Constitution." *Id.* Such usurpations should "produce universal alarm, because" judges seek to defraud Americans of our "right of freely examining public characters and measures, and of free communication

among the people thereon, which has ever been justly deemed the only effectual guardian of" every American "right." *Id.*

The "evil of usurpation" by "the judicial department" committing "infractions dangerous to the essential rights of" the people also is "dangerous to the great purposes for which the Constitution was established," *i.e.*, confirming two great "truths," the "sovereignty of the people over constitutions" and the "authority of constitutions over governments." Report of 1800 on the Virginia Resolutions (Madison) (https://founders.archives.gov/documents/Madison/01-17-02-0202).

Generations of judges have designed decisions to deceive Americans and defraud us of our rights. *See, e.g.*, *Jordan*, 518 P.3d at 1225 (quoting *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1071 (1991)) ("in the courtroom itself, during a judicial proceeding, whatever right to 'free speech' an attorney has is extremely circumscribed"). That far-less-than-half-truth straw man in irrelevant *dictum* is the darling of judicial despots and con men. Many judges abuse it to attack only attorneys and attack even writing.

The truth is far greater and simpler. "No person" may be "deprived of life, liberty, or property, without due process of law." U.S. Const. Amend. V. Nobody (including judges) has any contrary right or power. And copious law expressly permits and protects copious speech (by lawyers, litigants, witnesses, jurors) in courtrooms and court papers, including Petitioner's. Petitioner cannot be punished for the content of

petitions opposing illegal, unconstitutional and criminal judicial misconduct.

The "right to petition" is "one of the most precious of the liberties safeguarded by the Bill of Rights." *BE&K Constr. Co. v. NLRB*, 536 U.S. 516, 524 (2002) (quoting *United Mine Workers v. Illinois Bar Ass'n*, 389 U.S. 217, 222 (1967)) (cleaned up). Such "right is implied" by "the very idea of a government, republican in form," and it "extends to all departments of the Government" including "courts." *Id.* at 524-525.

"[T]he rights of free speech" and "free press" are "not confined to" (or from) "any field." *United Mine Workers* at 223. "[T]he principles announced in *Button*," *infra*, govern "litigation" (petitions or speech) "for political purposes" or "solely designed to compensate" alleged "victims." *Id.*

Courts "may not prohibit" any "modes of expression and association protected by the First and Fourteenth Amendments" by merely invoking the mere general "power to regulate the legal profession." *Button*, 371 U.S. at 428-429. "[I]t is no answer to" any of Petitioner's "constitutional claims" that the mere "purpose of" any "regulations" (court rules or rulings) "was merely to insure high professional standards." *Id.* at 438-439. Judges "may not, under the [mere] guise of prohibiting professional misconduct, ignore" (*knowingly* violate) "constitutional rights" (as judges did). *Id.* at 439.

Courts "cannot foreclose the exercise of constitutional rights by mere labels," *e.g.*, *attorney*, *discipline*,

reciprocal (or *judge*). *Id.* at 429. No "regulatory measures" (court rule or ruling), "no matter how sophisticated," can "be employed in purpose or in effect to stifle, penalize, or curb" Petitioner's "exercise of First Amendment rights." *Id.* at 439. *Accord New York Times*, 376 U.S. at 269 (dispensing with all "mere labels" abused as "formulae for the repression of expression"). "The test is not the [mere] form in" (or the label under) which government "power" was "applied but" whether "such power" was "exercised" *constitutionally*. *Id.* at 265.

Government "cannot condition" even actual "employment" (much less licensing) "on a basis that infringes [any] employee's" (any attorney's) "constitutionally protected interest in freedom of expression." *Garcetti v. Ceballos*, 547 U.S. 410, 413 (2006) (quoting *Connick*, 461 U.S. at 142).

Every "citizen who works for the government [for the *public*] is nonetheless a citizen. The First Amendment limits the ability of [government even as an] employer to leverage [even an] employment relationship to restrict, incidentally or intentionally, the liberties" that even government "employees enjoy" as "citizens." *Garcetti* at 419. Even when government restricts speech of attorneys as actual "employees" when "speaking as citizens about matters of public concern," government must *prove* it imposed "only" such "speech restrictions" as were "necessary for" government "to operate efficiently and effectively." *Id.*

III. The First, Fifth and Fourteenth Amendments and Criminal Statutes Protect Attorney Speech/Petitions.

Judges' retaliation against Petitioner obscenely offends our Constitution. Many controlling authorities confirm our Constitution secures *equal* protection of law to *all* citizens. *See, e.g., United States v. Vaello-Madero*, 142 S. Ct. 1539, 1547-1552 (2022) (Thomas, J., concurring). Even so, an absurd attitude of supremacy infects the minds of many judges, including those retaliating against Petitioner.

SCOTUS Justices repeatedly have addressed such infection. For example, the "Chief Justice" (and six others) previously *knowingly* misrepresented that "free blacks" had "none of the rights and privileges" of "citizens" because they purportedly always had been treated as "a subordinate and inferior class of beings" merely because they "had been subjugated" by "dominant" people in power, so they "had no rights or privileges" except "such as those who held power and [controlled] Government might choose to grant them." *Id.* at 1547 (quoting *Dred Scott v. Sandford*, 60 U.S. 393, 404-405 (1857)).

SCOTUS Justices defrauded many Americans of "the privileges and immunities of citizens," including "full liberty of speech" upon "all subjects upon which" all "citizens" have the right to "speak." *Dred Scott* at 416-417. Judges continue to do the same to lawyers.

A *primary* point of the Fourteenth Amendment and powerful legislation of the late 1800's was to

emphatically reverse and remedy SCOTUS Justices' (and their co-conspirators') *Dred Scott* fraud. *See, e.g.*, *Mitchum v. Foster*, 407 U.S. 225, 230-231, 238-243 (1972); *United States v. Price*, 383 U.S. 787, 769-807 (1966) (discussing 18 U.S.C. 241, 242 and tracing their history to 1866-1870).

Any judges "conspir[ing] to injure, oppress, threaten, or intimidate" attorneys "in the free exercise or enjoyment of any right or privilege secured to" them "by the Constitution or laws of the United States, or because of" their "having so exercised" any such "right or privilege" commit a crime. 18 U.S.C. 241. *Accord* 18 U.S.C. 371.

Any judge acting "under color of any law" or "custom" to "willfully" deprive attorneys "of any rights, privileges, or immunities secured or protected by" any provision of the "Constitution" or federal "laws" commits a crime. 18 U.S.C. 242. No judge or judicial action or custom is exempt, including so-called deference, comity, reciprocity, *res judicata*, presumptions or pretenses (*e.g.*, that judicial hearsay against Petitioner is true or is evidence it is true). In Section 242, the "qualification" regarding "alienage, color and race" is inapplicable "to deprivations of any rights or privileges." *United States v. Classic*, 313 U.S. 299, 326 (1941).

"Judges" clearly can be punished under "criminal laws" for "official acts," including the "notable example" of knowingly "violating a federal statute." *United States v. Trump*, 91 F.4th 1173, 1192 (D.C. Cir. 2024) (citing *Ex parte Virginia*, 100 U.S. 339 (1880)). "Even

judges" clearly "can be punished criminally" under Sections 241 or 242 "for willful deprivations of constitutional rights." *Imbler v. Pachtman*, 424 U.S. 409, 429 (1976). *Accord Dennis v. Sparks*, 449 U.S. 24, 28, n.5 (1980); *Briscoe v. Lahue*, 460 U.S. 325, 345, n.32 (1983).

The "Fifth Amendment has been absorbed in the Fourteenth," and each "extends its protection to lawyers," and neither may "be watered down" to facilitate "disbarment." *Spevack v. Klein*, 385 U.S. 511, 514 (1967) (Douglas, Black, Brennan, JJ., Warren, C.J.). Judges cannot resort to "procedure" that "would deny" attorneys "all opportunity" to compel each court "to make a record" showing *proof* of material facts (by clear and convincing evidence). *Id.* at 518-519.

There is "no room in the" Fifth or Fourteenth Amendments to discriminate based on mere "classifications of people so as to deny [lawyers due process]. Lawyers are not excepted" from "person" in the Fifth and Fourteenth Amendments, and judges "can imply no exception." *Id.* at 516.

"The special responsibilities [attorneys] assume" as "officer[s] of the court do not carry with them" any "diminution" of attorneys' "Fifth Amendment rights." *Id.* at 520 (Fortas, J., concurring).

"The threat of disbarment and the loss of professional standing, professional reputation, and of livelihood are powerful forms of compulsion" that some judges abuse to illegally intimidate and injure attorneys. *Id.* at 516 (plurality). So the following "views" in *Cohen* were implicit ("need not be elaborated again"). *Id.* at 514.

The "important role" of "lawyers" in "our society" makes it "imperative that [lawyers] not be discriminated against" regarding "freedoms that are designed to protect" Americans "against the tyrannical exertion of governmental power. [Indeed,] the great purposes underlying [such] freedoms [include affording] 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." *Cohen v. Hurley*, 366 U.S. 117, 137 (1961) (Black, Douglas, JJ., Warren, C.J., dissenting)

It is "important" to "society and the bar itself that lawyers be unintimidated—free to think, speak, and act as members of an Independent Bar." *Konigsberg v. State Bar of Cal.*, 353 U.S. 252, 273 (1957). "An informed, independent judiciary" must have "an informed, independent bar." *Legal Services Corp. v. Velazquez*, 531 U.S. 533, 545 (2001). Judges cannot "prohibit[] speech and expression upon which courts must depend for the proper exercise" of "judicial power." *Id.*

Judges and "courts depend" on an "independent bar" for "the proper performance of [judges' and courts' constitutional] duties and responsibilities. Restricting" conscientious, capable "attorneys" from "presenting arguments and analyses to the courts distorts the legal system by altering the traditional" (constitutional) "role" of "attorneys." *Id.* at 544.

Judges cannot "exclude from litigation those arguments and theories" they deem "unacceptable but which by their nature are within the province of the courts to consider." *Id.* at 546. Judges cannot refuse to adjudicate credibility and crimes merely because judges lied and committed crimes.

Our "Constitution guarantees" the "entire independence of" federal "officers" (including judges and attorneys) "from any control" by "States." *Trump v. Anderson*, 144 S. Ct. 662, 218 L. Ed. 2d 1, 7-8 (2024).

Petitioner's "right" to be an officer of each federal court was "secured" by our Constitution and federal law and "may not be taken away" in violation thereof. *Selling v. Radford*, 243 U.S. 46, 48 (1917). Judges' "duty" is "not to disbar except upon the conviction" that they are "constrained" to disbar. *Id.* at 51.

Each court's judges' "duty" is to "determine" (adjudicate) "for [them]selves" Petitioner's "right" to be an officer thereof. *Id.* at 50. They are bound by their "duty" not "to abdicate" their "own functions" (duties) "by treating" prior judges' purported "judgment" as "excluding all inquiry." *Id.* at 50.

"[B]efore sanction is given" to any prior "disbarment," each federal court must conduct its own "investigation." *Id.* at 48-49. "[T]he character and scope" of "investigation" clearly "must depend upon" *identified* "acts of misconduct and wrong" and "proof relied upon" to "establish" such "misconduct." *Id.* at 49. Each court must identify such acts and proof.

Each federal court's "intrinsic consideration of the state record" must *explicitly* address what "facts" were "found" and "proof" was presented that Petitioner lacked the requisite "professional character" or whether "other grave reason" precludes disbarment. *Id.* at 51.

"[T]he substantive law" identifies "proof or evidentiary requirements," including "which facts are material," *i.e.*, "might affect the outcome" under "governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). SCOTUS precedent emphasized material facts, and "the First Amendment mandates a 'clear and convincing' standard." *Id.* at 252. No court did (or can) bear any relevant burden of proof.

"Disbarment" is "a punishment" that judges must *prove* they used only "to protect the public." *In re Ruffalo*, 390 U.S. 544, 550 (1968). Disbarment is "quasi-criminal." *Id.* at 551. So Petitioner was "entitled to procedural due process," including "fair notice of" *each court's* "charge" and "opportunity" to provide "explanation and defence." *Id.* at 550. *Each court's* "charge must be [made] known before the proceedings commence." *Id.* SCOTUS and appeals court judges never informed Petitioner of any rule that *they* believed Petitioner violated or how. Petitioner "had no notice" that any such judge "considered" any Petitioner speech "a disbarment offense." *Id.* at 550. "This absence of fair notice" of "the precise nature of" *federal courts' federal* "charges deprived petitioner of procedural due process." *Id.* at 552.

Judges cannot repress attorney speech with "procedural violation of due process" that "would never pass muster in any normal civil or criminal litigation" for libel, defamation or contempt. *Id.* at 551. The "consequences" for attorneys compel at least due process for "the ordinary run of civil cases" for defamation or libel. *Konigsberg*, 353 U.S. at 257.

After reasonable notice, a "hearing" must be "held" because Petitioner (repeatedly) "requested" a "hearing." FED.R.APP.P. 46(b)(3). *Accord* FED.R.APP.P. 46(c). Petitioner "must be given" a reasonable "opportunity to show" he cannot constitutionally be "disbarred." FED.R.APP.P. 46(b)(2).

IV. Before Punishing Attorney Speech or Petitions, Courts Must Prove Material Facts.

"The constitutional protection" (due process of law) "does not" necessarily "turn upon" the "truth, popularity, or social utility of the ideas and beliefs which are offered." *New York Times*, 376 U.S. at 271 (quoting *Button*, 371 U.S. at 445). So-called public servants punishing or penalizing petitions and speech for content about public issues determines due process.

Government must present "proof," and it must have "the convincing clarity which the constitutional standard demands." *Id.* at 285-286. "The power to create presumptions is not a means of escape from constitutional restrictions." *Id.* at 284. Whenever "the constitutional right to speak" is "deterred by" invoking any "general" rule, "due process demands that the

speech be unencumbered until" *government* presents "sufficient proof to justify its inhibition." *Speiser v. Randall*, 357 U.S. 513, 528-529 (1958).

"When First Amendment compliance is the point to be proved, the risk of non-persuasion" always "must rest with the Government, not with the citizen." *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 818 (2000). "When" any "Government restricts" any "speech, the Government" always "bears the burden of proving the constitutionality of its actions." *Id.* at 816.

"When" any "Government" restricts any "speech based on its content," any potential "presumption of constitutionality" must be "reversed. Content-based regulations" (including orders imposing punishment or penalty) "are presumptively invalid, and the Government bears the burden to rebut that presumption." *Id.* at 817 (cleaned up).

Each court must *prove* it "determine[d] the constitutionality of" each content-based "restriction" (disbarment) with "strict scrutiny." *Republican Party v. White*, 536 U.S. 765, 774-775 (2002). *Accord Reed v. Town of Gilbert*, 576 U.S. 155, 163-164 (2015).

"Content-based laws" (and punishments or penalties) are "presumptively unconstitutional." *Reed* at 163. All sanctions targeted the content of Petitioner's speech/petitions. *Cf. id.* at 163-164 (identifying "content-based" restrictions). Content-based sanctions *must* "be justified only" by *each court* "prov[ing] that"

each sanction was "narrowly tailored to serve" public "interests" that are "compelling." *Id.* at 163.

An "Amendment's plain text covers" Petitioner's conduct, so "the Constitution presumptively protects that conduct." *Bruen*, 142 S. Ct. at 2126. *Each court* must "justify" any "regulation" thereof, *i.e.*, "must demonstrate" that disbarment was "consistent with this Nation's historical tradition" of protecting speech/petitions. *Id. Each court* "must affirmatively prove that" disbarment was within this Nation's "historical tradition" of protecting speech/petitions within "the outer bounds" of each "right." *Id.* at 2127.

In "First Amendment cases," *each* "court is obligated" to conduct an "independent examination of the whole record" to "make sure that" any purported "judgment does not constitute a forbidden intrusion on the field of free expression." *Snyder*, 562 U.S. at 454. "It is imperative that, when the effective exercise of" First Amendment "rights is claimed to be abridged," all "courts" must "weigh the circumstances" and "appraise the substantiality of the reasons advanced" (by anyone else) "in support of the challenged" punishment. *Thornhill*, 310 U.S. at 96. "[W]hen it is claimed that" First Amendment "liberties have been abridged," each court "cannot allow a" mere "presumption of validity of the exercise of" any prior judge's "power to interfere with" the subsequent court's "close examination of the substantive [constitutional] claim presented." *Wood v. Georgia*, 370 U.S. 375, 386 (1962).

Due process of law means much more than judges' mere empty "enunciation of a constitutionally acceptable standard" merely purportedly "describing the effect of" judges' or attorneys' "conduct." *Id.* Moreover, any prior judge's mere conclusion "may not preclude" (or diminish) each court's "responsibility to examine" all relevant "evidence to see whether" *admissible, admitted evidence* "furnishes a rational basis for the characterization" that prior judges "put on it." *Id.*

"Attorneys" asserting "statements impugning the integrity of a judge" are "entitled" to "First Amendment protections applicable in the defamation context." *Standing Comm. on Discipline of the United States Dist. Court v. Yagman*, 55 F.3d 1430, 1438 (9th Cir. 1995). "[A]ttorneys may be sanctioned for impugning the integrity of a judge or the court only if their statements are" *proved* "false;" moreover, "truth is an absolute defense." *Id.* (citing *Garrison*, 379 U.S. at 74).

Such "statements" clearly "may not be punished" unless "proved" to be "false." *Id.* Each "disciplinary body" always "bears the burden of proving" (identifying *proof* of) "falsity." *Id.* Attorney "opinion" may "be punished only" if "disclosed facts" or implied "facts are [proved] false." *Id.* at 1439.

Unless statements "imply facts capable of objective verification," they are "constitutionally immune from sanctions." *Id.* at 1441. Attorney "opinion" may be "sanction[ed] only" if "declaring or implying actual facts" "proved" "false." *Id.* at 1438-1439 (citing *Milkovich*, 497 U.S. at 21).

No one ever even "claim[ed] that" that any Petitioner "factual assertion was false, and" every court failed to make any "finding to that effect," so courts must "proceed" on "the assumption that" each Petitioner factual "statement is true." *Id.* at 1438.

Attorney "statement[s]" are "only actionable" (sanctionable) if disclosed or implied "facts" were proved "false;" specific "facts" must be "proven" "untrue." *Berry v. Schmitt*, 688 F.3d 290, 303 (6th Cir. 2012).

V. Judges Failing to Justify Their Conduct Are Essentially Mere Con Men, Priests or Tyrants.

The facts and issues here are so clear and so fundamental and crucial to our Constitution that Americans cannot and should not trust any judges (including SCOTUS Justices) who willfully fail to safeguard Petitioner's exercises of First Amendment rights and freedoms. They should not be trusted about anything. They criminally conspired systematically to attack and undermine "the Constitution" they swore to "support and defend" against "all enemies." 5 U.S.C. 3331. They *are* such enemies (vicious anti-constitutionalists).

Judges criminally violated their oaths to "discharge" all "duties" "faithfully" to "the Constitution." *Id. Cf.* 18 U.S.C. 241, 242, 371, 1001, above. Their vicious violations were "worse than solemn mockery." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 180 (1803) (Marshall, C.J.). They "usurp[ed]" powers "not given"

(and repeatedly expressly withheld) by our Constitution to commit "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.)).

Such black-collar crime is dangerous and potentially devastating:

> Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

Miranda v. Ariz., 384 U.S. 436, 480 (1966) (quoting *Olmstead v. United States*, 277 U.S. 438, 485 (1928) (Brandeis, Holmes, JJ., dissenting)).

The decisions of judges retaliating against Petitioner compellingly proved they knew their conduct was unconstitutional and criminal. No judge even attempted to show how (or even contended that) anything gave any judge the power to disbar attorneys for Petitioner's entirely unrebutted statements in court filings about judges' unconstitutional or criminal misconduct. No judge attempted to show (or even contended) he did not commit any crime Petitioner addressed.

America's "interest" in ensuring that "public confidence in the fairness and integrity" of "judges" is *justified* is "vital," *i.e.*, "of the highest order." *Williams-Yulee*

v. Fla. Bar, 575 U.S. 433, 445-446 (2015). Judges (including SCOTUS Justices) *must* prove their decisions disbarring Petitioner were not intentionally illegal, intentionally unconstitutional and intentionally criminal.

Judicial decisions depriving people of life, liberty or property without justification (by mere fiat) are egregiously unconstitutional. They reveal judges acting like common con men, pseudo-priests or outright tyrants.

Judges failing to justify their conduct have turned adjudications into confidence games and judges into con men. Such judges abuse silence to undermine and attack our Constitution (systems of law and government). They imply Americans must have blind (not justified) confidence that judges did not violate law, lie or commit crimes.

Such confidence was not intended by the Framers of the original Constitution, the Bill of Rights or the Fourteenth Amendment. Constitutions and laws are worthless when judges systematically conspire to usurp such power, making judges priests of an unconstitutional faith-based black magic cult. *Cf.* U.S. Const. Amend. I ("establishment of religion").

"Article III of the Constitution establishe[d]" a "Judiciary" that must be "independent" of all except the law and which has the "duty to say what the law is" in "particular cases and controversies;" judges "who apply [a] rule to particular cases, must of necessity expound and interpret that rule." *Bank Markazi v.*

Peterson, 136 S. Ct. 1310, 1322-1323 (2016). *Accord Rucho v. Common Cause*, 139 S. Ct. 2484, 2525 (2019) (Kagan, Ginsburg, Breyer, Sotomayor, JJ., dissenting). "When faced" with the "constitutional wrongs" that judges inflicted here, "courts must intervene." *Id.*

"Jurists presiding over cases at every level have a [constitutional] duty" to "say what the law is." *Acheson Hotels, LLC v. Laufer*, 144 S. Ct. 18, 28 (2023) (Thomas, J., concurring). It "emphatically" is the constitutional "duty of" judges to "say what the law is," not merely dictate (unconstitutional) consequences. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) (Marshall, C.J.). *Accord Bond v. United States*, 572 U.S. 844, 867 (2014) (Scalia, Thomas, Alito, JJ., concurring). "Today, the Court shirks its job." *Id.* "[C]ourts" must not "shirk their duty to say what the law is." *Thryv, Inc. v. Click-To-Call Techs.*, LP, 140 S. Ct. 1367, 1389 (2020) (Gorsuch, J., dissenting).

Expecting unquestioning "deference" to unjustified "decisions" regarding constitutional rights is "inconsistent with [judges'] duty to say what the law is in the cases that come before them" and "relegat[es higher] courts" (and Americans, generally) "to the status of potted plants." *Turkiye Halk Bankasi A.S. v. United States*, 143 S. Ct. 940, 954-955 (2023) (Gorsuch, Alito, JJ., dissenting).

Each "Judge" is "required to declare the law" because if he "states it erroneously, his opinion" must "be revised; and if it can have had any influence on the" judgment, it must "be set aside." *Etting v. U.S. Bank*,

24 U.S. 59, 75 (1826) (Marshall, C.J.). Clearly, "judicial discretion is not the power to 'alter' the law" but "the duty to correctly 'expound' it." *Gamble v. United States*, 139 S. Ct. 1960, 1982 (2019) (Thomas, J., concurring) (quoting Madison).

SCOTUS' "responsibility" is "to say what the law is and afford the people the neutral forum for their disputes that they expect and deserve." *Kisor v. Wilkie*, 139 S. Ct. 2400, 2448 (2019) (Roberts, C.J., concurring). "*Those who apply the rule to particular cases*, must of necessity expound and interpret that rule." *United States v. Windsor*, 570 U.S. 744, 787 (2013) (Roberts, C.J., dissenting). SCOTUS' "duty" is "to pronounce the law" "when" adjudicating any "controversy that [is SCOTUS'] business to resolve under Article III." *Id.*

Every judge on every court "must abide by" the "supreme Law of the Land" and "by the opinions of [SCOTUS] interpreting that law." *Nitro-Lift Techs., L.L.C. v. Howard*, 568 U.S. 17, 21 (2012). "It is [SCOTUS'] responsibility to say what" our Constitution "means, and once [SCOTUS] has spoken, it is the duty of" *all* "courts to respect that understanding." *Id.*

Judges on "state courts" (and SCOTUS and lower federal courts) are being "permitted to disregard" SCOTUS "rulings" regarding Americans' First Amendment rights and freedoms, so federal "laws" and "constitution" are utterly ineffective or radically "different in different states" (and federal circuits) and have nowhere near "the same construction, obligation, or efficacy, in" all "states" (or federal circuits). *James v. City*

of Boise, 577 U.S. 306, 307 (2016). "The public mischiefs" flowing therefrom are "truly deplorable." *Id.* (quoting *Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat.) 304, 348 (1816)).

VI. Using Judges' Hearsay Against Petitioner Irrefutably Was Illegal and Unconstitutional.

Disbarments must be based on facts and evidence (proof), not presumptions or pretenses (*e.g.*, that judges' hearsay is true or evidence of its truth).

SCOTUS and appeals court judges abused mere judges' mere conclusory hearsay, which was worse than worthless as support for judgment. "Congress" and federal "Laws" govern the "Effect" of state "Records" or "judicial Proceedings." U.S. Const. Art. IV, §1. The Federal Rules of Evidence govern. *See* FED.R.EVID. 101, 1101. Each federal court must "produc[e]" (identify) "evidence to rebut [each] presumption" stated above. FED.R.EVID. 301.

No "constitutionally based privilege" exists "immunizing judges from being required to testify about their judicial conduct in third-party litigation." *Dennis v. Sparks*, 449 U.S. 24, 30 (1980). Judges cannot fabricate "any nonconstitutional testimonial privilege protecting" judges "from any questioning." *Gravel v. United States*, 408 U.S. 606, 627 (1972). No "judicially fashioned privilege" can "immunize criminal conduct" or "frustrate" legitimate "inquiry into whether" judicial

misconduct was "criminal." *Id. Accord* 28 U.S.C. 2071, 2072(b), 2074(b).

"Hearsay" by any judge against Petitioner was "not admissible" as evidence of its truth because such use was not permitted by any "federal statute" or "rules." FED.R.EVID. 802. Judges' hearsay is admissible for some purposes, but not for the foregoing. *Cf.* FED.R.EVID. 803(8), 803(22), 803(23).

Judicial findings of fact "may be referred to as expositions of law upon" any actual "facts" actually "disclosed, but they are not evidence of those facts." *Mackay v. Easton*, 86 U.S. 619, 620 (1873). *Accord United States v. Benjamin Brandon Grey*, 891 F.3d 1054, 1058-1059 (D.C. Cir. 2018).

Especially *judges'* conclusory hearsay cannot replace *proof* or *facts*. Presiding judges cannot (and did not) testify under oath. *Cf.* FED.R.EVID. 602, 603, 605. A presiding judge "may not" in any way usurp or "assume the role of a witness," so "he may not either distort" any "evidence" or "add to it." *Quercia v. United States*, 289 U.S. 466, 470 (1933).

Judges' conclusory hearsay could not be admitted (in federal or Kansas courts) as evidence of its truth (*i.e.*, that Petitioner committed misconduct) because Petitioner was not afforded any opportunity for cross-examination. *Cf.* FED.R.EVID. 614, 806; Kan. Stat. Ann. 60-460(a). Testimony in open court "forces the witness to submit to cross-examination," which is the "greatest legal engine ever invented for the discovery of truth;" it "permits" everyone "to observe the

demeanor of the witness in making" and explaining "his statement, thus aiding" in "assessing his credibility." *California v. Green*, 399 U.S. 149, 158 (1970).

VII. This Is a Clean Vehicle to Address Outrageous Violations of Our Constitution.

No legal authority permits federal repression of the content or viewpoint of Petitioner's speech/petitions. Judges of three appeals courts and SCOTUS maliciously abused a combination of their silence and public confidence to usurp power they *knew* our Constitution expressly denied—in *many* ways.

They disbarred a court officer without saying why. They criminally retaliated against him because of the content—and even viewpoint—of extremely protected political speech and petitions. Leading federal judges are actively abusing their positions and powers to attack and undermine our Constitution by defrauding us of rights they know are essential to our Constitution.

CONCLUSION

Denying *certiorari* will further confirm the intentional illegality, unconstitutionality and criminality of the judicial despotism at issue. It will promote certainty of impropriety.

Respectfully submitted,

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