No. 24-1283

IN THE

Supreme Court of the United States

JACK JORDAN,

Petitioner,

v.

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the U.S. Constitution delegated power to federal courts to disbar an attorney because he stated in written federal court filings that federal judges knowingly misrepresented evidence reviewed *in camera* and committed federal offenses when no fact ever was stated or proved to show how any such attorney statement was false or misleading or otherwise adversely affected any proceeding or exceeded the scope of speech and petitioning secured by the First and Fifth Amendments of the U.S. Constitution and copious U.S. Supreme Court precedent thereunder.

2. When an attorney challenges reciprocal disbarment, whether the U.S. Constitution delegated power to federal courts to disbar the attorney for purported misconduct without such federal court expressly identifying the particular governing standard(s) of conduct, 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.

DIRECTLY RELATED PROCEEDINGS

U.S. Court of Appeals, Fifth Circuit:

In re: Jack R. T. Jordan, No. 24-90007 (Oct. 30, 2024), *reh'g* and *reh'g en banc denied* (Feb. 6, 2025).

U.S. Court of Appeals, Eighth Circuit:

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).

Kansas Supreme Court:

In re Jordan, No. 124,956, 316 Kan. 501, 518 P.3d 1203 (Kan. Oct. 21, 2022), *cert. denied sub nom. Jordan v. Kan. Disciplinary Adm'r*, 143 S. Ct. 982 (2023) (No. 22-684).

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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 Fifth Circuit.

DECISIONS BELOW

The order disbarring Petitioner, *In re: Jack R.T. Jordan* (App. 1a-5a), and the order denying rehearing (App. 6a) are unreported and otherwise unavailable.

JURISDICTION

Judgment was entered on October 30, 2024. App. 1a. A timely-filed petition for rehearing was denied on February 6, 2025. App. 6a. This Court granted a timely-filed application (No. 24A1056) for extension of time to file this petition by May 28, 2025. This Court has jurisdiction under 28 U.S.C. 1254(1).

CONSTITUTIONAL PROVISIONS

U.S. Const. Preamble:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

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. 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.

STATEMENT OF THE CASE

The Fifth Circuit "ordered" Petitioner "disbarred." App. 5a. But it failed to identify any relevant standard of attorney conduct, identify any attorney conduct that purportedly violated any such standard, identify any fact material to proving how any such attorney conduct violated any such standard, or identify any evidence that

was admissible and admitted to prove how any attorney violated any such standard.

The Fifth Circuit purportedly disbarred Petitioner for "discipline reciprocal" to "Eighth Circuit and Kansas disbarment orders." App. 1a-2a. The Fifth Circuit's purported "grounds for disbarment" consisted of the assertion that "the Eighth Circuit and the Supreme Court of Kansas cited" federal court "filings" by Petitioner, which judges had merely characterized as factually "frivolous" for "baselessly" having "accused federal judges" of "lying, committing crimes, and being 'con men.' " App. 4a.

Fifth Circuit judges acknowledged that Petitioner "argue[d] that the Eighth Circuit and Supreme Court of Kansas were required to prove that" Petitioner's statements "were false." *Id.* But such judges ignored (failed to even mention) this Court's precedent on point.

Kansas judges disbarred Petitioner because in federal court "filings" (in proceedings under the federal Freedom of Information Act ("FOIA")) Petitioner's "allegations about" federal "judges" were "serious" and "derogatory," *i.e.*, about "criminal activity, lies, misrepresentations, [criminal] conspiracy" (*e.g.*, in 18 U.S.C. 241 and 371) and "treason to the Constitution" because federal judges had criminally concealed or helped conceal parts of an "email" (which district court judges had reviewed *in camera*) to knowingly misrepresent that all redacted portions thereof were "protected" by "attorney-client privilege." *In re Jordan*, 518 P.3d 1203, 1226 (Kan. 2022).

Kansas attorneys and judges flouted Kansas Supreme Court precedent and this Court's controlling precedent

and (knowingly) violated the Fourteenth Amendment. *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 knew such precedent "require[d]" Kansas to "prove that the statements [Petitioner] made about judges" were "false." *Id.* at 1224. They knew Kansas law "prohibit[ed] only false statements," *i.e.*, only "factual allegations that are [proved] false." *In re Pyle*, 156 P.3d 1231, 1243 (2007) (construing Kan.R.Prof.C. 8.2(a)).

Kansas *judges* knowingly misrepresented that Kansas *attorneys* somehow "determined" that Kansas "was not required to prove [any Petitioner] statements were false." *Jordan* at 1239. Flouting precedent, they pretended Petitioner was required to "offer evidence" proving the "factual basis for his allegations." *Id.*

The Fifth Circuit misrepresented that (in a proceeding under FOIA) "the Eighth Circuit disbarred" Petitioner in "*Campo v. U.S. Dep't of Just.*, No. 20-2430, 2021 WL 8155155 (8th Cir. Nov. 2, 2021)" for having made "scurrilous and unfounded allegations" that "certain federal judges" were "liars, criminals," and "con men."

In fact, the Eighth Circuit's single-sentence disbarment order was devoid of any justification whatsoever. Petitioner never had contended that any judge was a "liar" or a "criminal," and such falsehoods by Eighth Circuit judges had not been re-asserted since their initial assertion in an order three months earlier.

No one ever even contended that anyone proved (no one ever even asserted) that any Petitioner statement about any public servant was false as to any fact. No one ever even contended that anyone proved (no one ever even asserted) any fact that could establish that any Petitioner statement about any public servant was false.

Petitioner had proved that federal judges knowingly misrepresented the content of an email they reviewed *in camera* and judges knowingly violated federal law (FOIA and Federal Rule of Civil Procedure 56) to help conceal proof of such falsehoods.

First, Judge Rudolph Contreras granted the government summary judgment to conceal all content of an email as protected by the attorney-client privilege based on Judge Contreras' own personal hearsay (knowing falsehoods) that Darin Powers "labeled" his email "subject to attorney-client privilege" and it "contains" Powers' "express request for legal advice." *Jordan v. United States Dep't of Labor*, 273 F. Supp. 3d 214, 232 (D.D.C. 2017).

Judge Contreras knew that government attorneys (merely) declared that the privilege notation was strikingly different ("Subject to Attorney Client Privilege") and that Powers "explicitly request[ed an] attorney's [mere] input and review." *Id.* at 231. In a subsequent FOIA case, government attorneys declared the same about Powers' email. *See Talley v. United States Dep't of Labor*, 2020 U.S. Dist. LEXIS 122434, *40 (Mo. W.D. 2020).

In such subsequent case, Judge Ortrie Smith granted the government summary judgment to conceal the same content of Powers' email as protected by the attorney-

client privilege based on hearsay by Judge Smith and government attorneys that Powers "marked" his email "Subject to Attorney Client Privilege," as well as Judge Smith's personal hearsay (never asserted by any government attorney) that Powers' email "seeks counsel's advice" on "information contained in the email." *Id.*

It is impossible that all the foregoing purported quotations of the privilege notation were true unless somebody altered Powers' email (at least once) to insert a privilege notation that Powers did not insert. Moreover, no one ever disputed any Petitioner assertion that any *express* request for "advice" or *explicit* request for "input and review" must include non-commercial words such as "please advise regarding" or "please review and provide input." No one ever disputed Petitioner's many repeated statements that proof of any such words or of any publicly-quoted privilege notation could not be concealed lawfully behind any assertion of privilege, much less on summary judgment.

REASONS FOR GRANTING THE WRIT

I. This Is a Clean Vehicle for Addressing Many Courts' Egregious Violations of Our Constitution.

No material fact or controlling legal authority is—or could be—disputed. Petitioner was disbarred by federal and state judges solely because Petitioner stated in federal court filings that federal judges had knowingly misrepresented material facts and knowingly violated federal law in a manner that Congress made criminal.

Nothing is inherently improper about an attorney stating that a judge committed a crime. No one is "above

the law." *Trump v. United States*, 603 U.S. 593, 640 (2024). No one "charged with enforcing federal criminal laws" is "above them." *Id.* at 614. "Even judges" clearly "can be punished criminally" under 18 U.S.C. 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); *Ex parte Virginia*, 100 U.S. 339 (1880) (criminal prosecution of judge for official acts).

No one did—or can—prove that our Constitution vested in any federal official any power to injure attorneys because of the viewpoint or content of Petitioner's statements in federal court filings regarding federal employees. That fact was accentuated repeatedly recently by judicial opinions and many court filings by attorneys stating that a sitting president had lied and committed crimes.

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

Petitioner repeatedly stated and proved (and no one ever even disputed) that Kansas and New York state judges and federal judges in the Eighth, Ninth, Tenth and D.C. Circuits violated our Constitution and flouted

copious controlling precedent of this Court to disbar Petitioner for his statements about the lies and crimes of judges pertaining to Powers' email. *See, e.g.*, Petitions No. 21-1180, 22-684, 22-1029, 23-1087, 24-174, 24-251. *Compare* waivers filed therein (and government silence) *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.").

Petitioner's "admission to the Bar" of each federal court is a "right." *Selling v. Radford*, 243 U.S. 46, 48 (1917). Each such court was required to "investigat[e]" and assess "the proof" of material facts proving purported "misconduct." *Id.* at 48-49. Each court's "intrinsic consideration of [any prior court] record" was required to address two issues that clearly precluded disbarment. First, "there was" an "infirmity of proof" (of any fact establishing *how* Petitioner's speech and petitions violated any rule). *Id.* at 51. Second, "other grave reason" established that disbarment "would conflict with" every judge's and court's "duty" not "to disbar." *Id.*

Such grave reason was established by our Constitution and copious Supreme Court precedent (including much recent precedent). Such precedent repeatedly emphasized that the people are sovereign and all public officials are public servants, none of which were delegated any power to injure Petitioner because of his viewpoint or the content of any of his statements at issue without proof of facts (by admissible admitted evidence that was clear and convincing) proving *how* Petitioner's statements were false or otherwise adversely affected any proceeding.

No one did—or can—bear any burden of proof in any controlling precedent herein securing such freedom or right. No one did—or can—prove even one fact to show *how* any Petitioner statement or court filing violated any court rule or *how* it exceeded "the freedom of speech" and "press" or "the right to petition the government." U.S. Const. Amend. I.

No conclusory hearsay by any judge (any contention about Powers' email or any Petitioner statement or filing) constituted proof of facts (evidence that was lawfully admissible and actually admitted) in federal or Kansas court.

Even findings of actual facts "are not evidence of those facts." *Mackay v. Easton*, 86 U.S. 619, 620 (1873). Judges' words would be admissible against Petitioner only if they testified under oath. *See* Fed.R.Evid. 102, 602, 605, 802, 803, 806, 1002, 1003, 1004, 1101. Regarding state "acts, records, and judicial proceedings," courts are bound by federal rules (approved by Congress) because "Congress may by general laws prescribe" how they must "be proved" and their "effect." U.S. Const. Art. IV, §1.

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).

No "constitutionally based privilege" exists "immunizing judges from being required to testify about their judicial conduct" at issue. *Sparks*, 449 U.S. at 30. 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" judges' "criminal conduct" or "frustrate" legitimate "inquiry into whether" judicial misconduct was "criminal." *Id.*

Denying certiorari will undermine our Constitution by protecting and promoting egregious systemic usurpations of power by many state and federal judges who violated clear, controlling precedent of this Court regarding our Constitution.

II. There Is Great Need Now for this Court to Clarify and Emphasize the People's Sovereignty.

The conduct of many high-level public servants (federal and state) in recent years underscores the great need for this Court to clarify and emphasize the people's sovereignty, *i.e.*, that citizens are sovereign and all public officials are public servants. This Court should lead Americans in reading and applying our Constitution as the written creation of a nation to secure government that represents the people.

This Court and its justices occasionally have "recognized the critical postulate that sovereignty is vested in the people." *United States Term Limits v. Thornton*, 514 U.S. 779, 794 (1995). "[T]he animating principle of our Constitution" was "that the people" are both sovereign and the "source of all the powers of government." *Ariz. State Legis. v. Ariz. Indep. Redistricting Comm'n*, 576 U.S. 787, 813 (2015). *Accord id.* at 819 ("The people's ultimate sovereignty"). Yet, the prior emphasis and elaboration on how our Constitution established the people's sovereignty has been too infrequent and too incomplete to suffice.

Clearly, "the Constitution begins with the principle that sovereignty rests with the people" because "the people" did "ordain and establish the Constitution." *Alden v. Me.*, 527 U.S. 706, 759 (1999). This was "an assertion that sovereignty belongs" to "the whole of the people." *Gundy v. United States*, 588 U.S. 128, 152 (2019) (Gorsuch, Thomas JJ., Roberts, C.J., dissenting). Next, Articles I, II and III "vest[ed] the authority to exercise different aspects of the people's sovereign power in distinct entities." *Id.* Our Constitution expresses "the people's sovereign choice" about when and where "to vest" any "power" specifically "to protect their liberties, minority rights, fair notice, and the rule of law." *Id.* at 156.

In fact, from the first three words ("We the People") to the last three words of the Bill of Rights ("to the people") the Preamble and every article and amendment emphasized and established that the people's political sovereignty over our public servants and the personal sovereignty of people over themselves. "In our system of government, ultimate sovereignty rests with the people, and the people have the right to control their own destiny." *Obergefell v. Hodges*, 576 U.S. 644, 741 (2015) (Alito, Scalia, Thomas, JJ., dissenting).

The most important and profound insights about our Constitution were written by people who led Americans to write, read, ratify and amend our Constitution between 1787 and 1791. Chief Justice John Marshall (having fought in the Revolutionary War and participated in Virginia's ratifying convention) emphasized that "[t]he government of the Union" was constituted as "a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised

directly on them, [exclusively] for their benefit." *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 404-405 (1819). So "we must never forget" that our Constitution documents "a constitution" (the creation) of a new nation with a new concept of sovereignty. *Id.* at 407.

James Wilson (who signed the Declaration of Independence and the Constitution and taught constitutional law) was significantly responsible for the prose as well as the poetry of our Constitution. Wilson emphasized that the writers and ratifiers merely implied the most important concept in our Constitution.

The heart and soul of our Constitution is only implicit in its text and structure: "the term SOVEREIGN" is not used in our "Constitution." *Chisholm v. Georgia*, 2 U.S. (2 Dall.) 419, 454 (1793) (Opinion of Wilson, J.). But the Preamble is the "one place where it could have been used with propriety." *Id.* Only those "who ordained and established" our "Constitution" could "have announced themselves 'SOVEREIGN' people of the United States." *Id.*

The first and foremost separation of powers in our Constitution is between the sovereign people and all public servants. So "The PEOPLE of the United States" are "the first personages introduced." *Id.* at 463. Next, the text and structure of Articles I, II and III emphasized the people's sovereignty. They introduced our directly-elected representatives (Congress), then, our indirectly-elected representative (the president), and, last, our unelected representatives (judges). The people "vested" only limited powers in public servants in "Congress" (Art. I, §1), in and under the "President" (Art. II, §1) and on the

"supreme Court" and "inferior Courts" that "Congress" was delegated the power to "ordain and establish" (Art. III, §1).

The people emphasized that Congress, alone, had the power "to make all Laws" that were "necessary and proper for carrying into Execution" absolutely "all" the "Powers vested by" our "Constitution in the Government of the United States, or in any Department or Officer thereof." Art. I, §8. So no federal employee could exercise any power that was not "necessary and proper" for the purposes stated in the Preamble.

The people emphasized that all public servants must secure to all "Citizens" the "Privileges and Immunities of Citizens" (Art. IV, §2) and must "guarantee to every State" a "Republican Form of Government" (Art. IV, §4). *Accord* Amend. XIV, §1 ("privileges or immunities," "due process of law," "equal protection of the laws").

The people emphasized that "the supreme Law of the Land" was limited to our "Constitution" and federal "Laws" and "Treaties" and emphasized that all "Judges" were "bound thereby." Art. VI. *Accord* Art. III, §2 ("judicial Power" exists only "under" our "Constitution" and federal "Laws"). All legislators and "all executive and judicial Officers" of "the United States and of [all] States" are "bound" to "support" our "Constitution." Art. VI.

The people further emphasized their sovereignty by reserving power to juries over the powers of judges and prosecutors. *See* Art. III, §2; Amends. V, VI, VII.

The Tenth Amendment summarized our entire Constitution. The people "delegated to the United States by the Constitution" only limited "powers;" we "prohibited" to "the States" certain "powers;" we "reserved to the States" some "powers;" we "reserved" to "the people" all other "powers." Amend. X.

The Ninth Amendment especially explicitly emphasized how judges must construe our Constitution regarding our sovereignty. The Ninth Amendment implied that all "rights" (enumerated or not) were "retained by the people," and it expressly stated a rule of construction: our Constitution "shall not be construed to deny or disparage" any rights "retained by the people" on account of any "enumeration in the Constitution" of any "rights." Amend. IX.

Some wrongly conclude that Americans' freedom of expression and communication is somehow derived from Article I's Speech and Debate Clause. Too often, citizens and officials are blinded by our rights. They see First Amendment rights and freedoms somehow flowing from our Constitution. They have it backwards.

First, "all power" was "originally vested in, and consequently derived from the people." Speech to Congress, Amendments to the Constitution, James Madison, June 8, 1789, Founders Online, National Archives, https://founders.archives.gov/documents/Madison/01-12-02-0126. Consequently, the First Amendment regarding speech, press and assembly necessarily merely "assert[ed] those rights which are exercised by the people in forming and establishing a plan of government."

In general, the "bill of rights" was a means of "enumerating particular exceptions to the grant[s] of power" in our Constitution. *Id.* "[T]he great object in view" in "making declarations in favor of particular rights" was "to limit and qualify the powers of government, by excepting out of the grant of power those cases in which the government ought not to act, or to act only in a particular mode." *Id.*

Certainly, "all power is subject to abuse," and "the abuse of the powers of the general [national] government" was intended to "be guarded against in a more secure manner." *Id.* Enumerating rights was meant have "a salutary effect against the abuse of power." *Id.* Our "independent tribunals of justice" were meant to "consider themselves in a peculiar manner the guardians of those rights" and to "be an impenetrable bulwark against every assumption of power in the legislative or executive" (and judicial) branches. *Id.*

In no way were First Amendment rights or freedoms derived from any power granted to any public servant. "A bill of rights annexed to a constitution is an enumeration of the powers reserved." Speech, Pennsylvania Ratifying Convention, James Wilson, Nov. 28, 1787 (https://archive.csac.history.wisc.edu/3_James_Wilson_Speech.pdf).

Our "Constitution created a [republican] form of government under which 'The people, not the government, possess the absolute sovereignty.' [Our Constitution] dispersed power" in many ways precisely because "of the people's" extreme "distrust of concentrated power, and of power itself at all levels." *New York Times Co. v. Sullivan*, 376 U.S. 254, 274 (1964) (quoting Madison).

One reason for "the right of freely examining public characters and measures, and of free communication among the people thereon" is that those particular powers were "deemed" to be "the only effectual guardian of every" individual "right." *Id.* (quoting Madison). But our freedom of thought, speech, press and assembly truly flow from our sovereignty. So in our "Republican Government," the "censorial power is" necessarily generally "in the people over the Government, and not in the Government over the people." *Id.* at 275 (quoting Madison).

Clearly, courts cannot "give public servants an unjustified preference over the public they serve" by giving any public servant more "immunity" than the people, themselves, "granted" their public servants. *Id.* at 282-283. But the people's immunity flows directly from the people's sovereignty.

Suffrage is the speech of sovereigns. "In a democracy the people are in some respects the sovereign" and "in others the subject" (of their own laws); their "exercise of sovereignty" is, in part, "by their suffrages," so "[t]he laws" that "establish the right of suffrage, are fundamental to this government." Montesquieu, *The Spirit of the Laws*, The Complete Works of M. de Montesquieu (London: T. Evans, 1777), Vol. I, Book II, Ch. 2 (https://oll.libertyfund.org/titles/montesquieu-complete-works-vol-1-the-spirit-of-laws). "The freedom of every citizen constitutes a part of the public liberty," more importantly, it also is "a part of" our "sovereignty." *Id.* Book XV, Ch. II. So "the enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his thoughts and to lay open his sentiments." *Id.* Book XIX, Ch. XXVII.

"We the People" created the "Constitution" (and every branch of federal government) to "establish Justice" and "secure the Blessings of Liberty to ourselves." U.S. Const. Preamble. We identified the sovereign people by defining "citizen" (U.S. Const. Amend. XIV, §1) and emphasizing which citizens have the "right" to "vote" (Amend. XIV, §2; Amends. XV, XIX, XXIV, XXVI).

Individual amendments identify areas of our personal sovereignty that flow from our political sovereignty. *See, e.g.*, Amend. I (conscience, thought, expression, communication, association); Amend. II (self-preservation); Amend. IV ("persons, houses, papers, and effects"). Amends. V, XIV (securing "life" and any "liberty" or "property" and "due process of law").

No public servant has any power to "abridg[e] the freedom of speech" and "press" or "the right" to "petition" courts to "redress" any "grievances" regarding illegal, unconstitutional or criminal misconduct of any public servant. Amend. I. *Accord* Amend. XIV, §1.

The change of sovereign that resulted from the American Revolution established the nature of Americans' freedom of expression and communication regarding public persons and public issues. In Britain, "Sovereignty is possessed by the Parliament." *Chisholm*, 2 U.S. at 462 (Opinion of Wilson, J.). So it is highly significant that "the English Bill of Rights of 1689" declared Parliament's (the sovereign's) freedom of speech: "the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament." *United States v. Johnson*, 383 U.S. 169, 177-178 (1966).

The American people assumed the sovereign powers of Parliament. The people wrote and ratified our Constitution to delegate part of our powers to our representatives. Only then did the people grant part of our privilege to Congress. Our directly-elected representatives in Congress "shall not be questioned in any other Place" for "any Speech or Debate in either House." U.S. Const. Art. I, §6. But members of Congress certainly can be questioned and held accountable by the people.

In our "republic" clearly "the people are sovereign" and "the ability" (the power) "of the citizenry to make informed choices" about public servants and public issues "is essential." *Citizens United v. FEC*, 558 U.S. 310, 339 (2010). "Speech is an essential mechanism of democracy;" it is "the means to hold officials accountable to the people" in our "republic where the people are sovereign." *Id.*

"The right of citizens to inquire, to hear, to speak, and to use information" is essential "to enlightened self-government and a necessary means to protect it." *Id. Accord id.* at 339-341, 344-350. "Premised on mistrust of [all] governmental power, the First Amendment stands against attempts to disfavor" the "subjects or viewpoints" of Petitioner's speech regarding public servants' abuses or usurpations of power. *Id.* at 340.

"For these reasons," Petitioner's "political speech must prevail against" regulation "that would suppress it, whether by design or inadvertence," so regulation "that burden[s] political speech" is "subject to strict scrutiny," which "requires the Government to prove" how disbarring Petitioner "furthers a compelling interest and is narrowly tailored to achieve that interest." *Id.* To do so, courts must

fulfill their "duty" to "say what the law is" protecting attorney speech about judges. *Id.* at 365 (quoting *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) (Marshall, C.J.)).

The "citizenry is the final judge of the proper conduct of public business." *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 495 (1975). Hamilton similarly emphasized that "[t]he two greatest securities" that "the people" have "for the faithful exercise of any delegated power" are "the restraints" imposed by "public opinion" and the public's "opportunity of discovering with facility and clearness [official] misconduct" to facilitate officials' "removal from office" or "punishment." *Federalist* No. 70 (https://guides.loc.gov/federalist-papers/text-61-70#s-lg-box-wrapper-25493457).

More specifically, Hamilton emphasized that our Constitution protected us from "judicial despotism," *e.g.*, "arbitrary methods," "prosecuting pretended offenses," and "arbitrary punishments." *Federalist* No. 83 (https://guides.loc.gov/federalist-papers/text-81-85#s-lg-box-wrapper-25493490). *Accord Alleyne v. United States*, 570 U.S. 99, 126-127 (2013) (Roberts, C.J., dissenting) ("judicial despotism").

Judges are (and must act as) "servant[s]" or "representative[s]" of "the people." *Federalist* No. 78 (Hamilton) (https://guides.loc.gov/federalist-papers/text-71-80#s-lg-box-wrapper-25493470). Requiring "good behavior" of judges was meant to be an "excellent barrier to the encroachments and oppressions of [such] representative[s]" by "secur[ing] a steady, upright, and impartial administration of the laws." *Id.*

Every judge's "duty" is "to declare all acts" that are "contrary to" our "Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing." *Id.* Absolutely "every act of a delegated authority" that is "contrary to" our "Constitution "is void." *Id.* Otherwise "the deputy" would be "greater than his principal;" "the servant" would be "above his master;" and "the representatives of the people" would be "superior to the people themselves." *Id.*

"[T]he freedom of speech" and "press" is one freedom regardless of which name it is called. U.S. Const. Amend. I. In all relevant respects, it is the same for individuals, corporations and media. *See Citizens United*, 558 U.S. at 341-347. 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 347. *Citizens United* protected state-created corporations; *a fortiori*, it protects state-licensed attorneys. *Button*; *Garrison*; *Connick*; *Garcetti*; *United Mine Workers*; *Spevack*, herein, also emphatically protected, specifically, attorney speech.

Attorney "liberty" includes "discuss[ing] publicly and truthfully" judicial conduct "without previous restraint or fear of subsequent punishment." *Thornhill v. Alabama*, 310 U.S. 88, 101-102 (1940). Judges' "falsehoods" must "be exposed through the processes of education and discussion" to "discover and spread" the "truth;" this due process "is essential to free government." *Id.* at 95.

The conduct of the judges who disbarred Petitioner is dangerously anti-constitutional:

> 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 "usurpation" of power at issue here by "the judicial department" is "dangerous to the essential rights of" the people and "dangerous to the great purposes for which the Constitution was established," *i.e.*, securing the great "truths" of the "sovereignty of the people" and the "authority of [our] constitutions over [all] governments." Report of 1800 on the Virginia Resolutions of 1798 regarding the Sedition Act of 1798 (Madison) (https://founders.archives.gov/documents/Madison/01-17-02-0202).

III. This Court Should Exercise Its Supervisory Authority to Stop Judges' Clearly Unconstitutional Viewpoint Discrimination.

"Viewpoint discrimination is poison to a free society;" "it is especially important" that this Court emphasize "that the First Amendment does not tolerate viewpoint discrimination" against the people by public servants. *Iancu v. Brunetti*, 588 U.S. 388, 399 (2019) (Alito, J., concurring).

It "is a bedrock principle underlying the First Amendment" that "government may not prohibit the

expression of an idea simply because" somebody (especially a public servant) "finds the idea" merely "offensive or disagreeable." *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

Kansas judges repeatedly emphasized that Petitioner's speech about judges was "derogatory," "derogatory," "derogatory." *Jordan*, 518 P.3d at 1226, 1228. They expressly retaliated against Petitioner for merely "derogatory" speech. *Matal v. Tam*, 582 U.S. 218, 221 (2017). That 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.*

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.*

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 are "limited public forum[s]" in which judges "may not" ever "discriminate against speech on the basis of its viewpoint." *Id. Accord Shurtleff v. City of Bos.*, 596 U.S. 243, 273

(2022). (Kavanaugh, J., concurring) ("limited public forum"). Judges' "viewpoint discrimination" is "presumed impermissible when directed against speech" never proved to exceed "the forum's limitations." *Rosenberger* at 830.

"When the government encourages diverse expression," including "by creating a forum for debate" (*e.g.*, court proceedings) "the First Amendment prevents [government] from discriminating against speakers based on their viewpoint." *Shurtleff* at 247. Judges "may not exclude" or punish lawyer or litigant "speech" to repress the "viewpoint" that judges cannot influence litigation with unconstitutional or criminal misconduct. *Id.* at 258. Such repression clearly is "impermissible viewpoint discrimination." *Id.*

Judges may not "aim at the suppression of speech" on "the basis of viewpoint." *303 Creative LLC v. Elenis*, 600 U.S. 570, 622 (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 relevant issues. *Id.* (quoting *Roberts* at 624). Petitioner's "services (legal advocacy) were expressive; indeed, they consisted of speech." *Id.* at 622-623 (citing *Hishon v. King & Spalding*, 467 U.S. 69, 78 (1984)). Judges have no power to "inhibi[t]" attorneys' "ability to advocate" their or their clients' "ideas and beliefs." *Id.* at 623 (citing *Hishon* at 78).

or criminal. *Id.* at 584-585 (quoting *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624, 642 (1943)).

Even in 1774, Congress (comprising many attorneys) emphasized that "freedom of the press" was among Americans' "great rights" because it served the "advancement of truth" and "diffusion of liberal sentiments on the administration of Government," including so that "oppressive officers" (including judges) can be "shamed or intimidated, into more honourable and just modes of conducting [public] affairs." *Roth v. United States*, 354 U.S. 476, 484 (1957). *Accord Thornhill*, 310 U.S. at 102.

"[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 mere contentions that "allegations of [judicial] misconduct" are "unfounded" (or frivolous or baseless). *Id.* at 840.

Judges have no power to punish attorney criticism that purportedly is unfounded or offensive (or both).

See, e.g., *Sullivan*, 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 worse than even the Sedition Act of 1798, which expressly permitted bringing federal officials "into contempt or disrepute" or "excit[ing] against them" the "hatred" of the "people" unless such criticism was proved to be both "false" and "malicious." *Id.* at 273-274.

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. *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 litigation. *Id.* (quoting *N.A.A.C.P. v. Button*, 371 U.S. 415, 429 (1963)) ("the First Amendment" necessarily "protects vigorous advocacy" in litigation "against governmental intrusion") (collecting cases).

All "public men" are essentially "public property," so "discussion cannot be denied and the right" and "duty" of "criticism must not be stifled." *Id.* at 268. Judges usurping 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 (citation omitted). "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.*

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 it "should be uninhibited, robust, and wide-open," and it may "include vehement, caustic," and "unpleasantly sharp attacks on government and public officials." *Garrison v. Louisiana*, 379 U.S. 64, 74-75 (1964). *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. Even so, 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" and protected, 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" Petitioner "statements" proved "false" may be punished with "either civil or criminal sanctions." *Id.* at 74. *Accord Gates v. Dallas*, 729 F.2d 343, 346 (5th Cir. 1984).

Our Constitution "absolutely prohibits" any content-based "punishment of truthful criticism" of any public servant's public service. *Garrison* at 78. *Accord Pickering v. Board of Ed.*, 391 U.S. 563, 574 (1968) (government employee's "dismissal" precluded "absent proof of false statements knowingly or recklessly made").

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 v. Lorain Journal Co.*, 497 U.S. 1, 20 (1990). Punished speech must at least "imply" an "assertion of fact" that was proved "false." *Id.* at 19.

Generations of judges have designed decisions to deceive Americans and deprive us of our privileges and immunities. *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" and "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.

The truth is far greater and simpler. Every "person" is entitled to "due process of law." U.S. Const. Amends. V, XIV. Nobody (including judges) has any contrary right or power. Even so, copious law protects copious speech by lawyers, litigants, witnesses and jurors in courtrooms and court papers. Nothing permits injuring Petitioner because of the content of his statements about illegal, unconstitutional and criminal judicial misconduct without proof of facts proving how such statements adversely affected a proceeding.

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. Judges "may not, under the [mere] guise of prohibiting professional misconduct, ignore" (knowingly violate) "constitutional rights" (as judges did). *Id.* at 439. Clearly, "it is no answer" to "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 "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 Sullivan*, 376 U.S. at 269 (no "mere labels" can justify "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 attorney "employment" (much less licensing) "on a basis that

infringes [any] employee's" (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).

"The First Amendment limits the ability of [government even as an] employer to leverage [even an] employment relationship to restrict" any "liberties" that even government "employees enjoy" as "citizens." *Garcetti* at 419. Even when restricting speech of "employees" (attorneys) 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.* No one ever even did that much regarding Petitioner.

V. The First, Fifth and Fourteenth Amendments and Criminal Statutes Protect Attorney Speech.

Previously, judges deprived 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 v. Sandford*, 60 U.S. 393, 416-417 (1857). Judges continue to do the same to lawyers. But our Constitution secures equal protection of law to all citizens. *See, e.g.*, 28 U.S.C. 453; *United States v. Vaello-Madero*, 596 U.S. 159, 170-180 (2022) (Thomas, J., concurring).

A primary point of the Fourteenth Amendment and powerful federal statutes was to emphasize that no public servant has any power to knowingly violate any person's rights secured by our Constitution. *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.

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 judicial action or custom is exempt, including so-called deference, comity, reciprocity, *res judicata*, presumptions or pretenses (*e.g.*, that 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).

The "Fifth Amendment" and "the Fourteenth" 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 from *Cohen* was 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 or fail to adjudicate credibility and crimes merely because judges were the culprits.

VI. Before Punishing Attorney Speech, Courts Must Prove Material Facts.

An "Amendment's plain text covers" Petitioner's conduct, so "the Constitution presumptively protects that conduct." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17 (2022). 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 19.

Whenever "the constitutional right to speak" is "deterred by" invoking any "general" rule, "due process

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

"[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). This Court's precedent emphasized material facts, and "the First Amendment mandates a 'clear and convincing' standard" of proof. *Id.* at 252.

"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. 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.

"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 "sanction[ed] only" if "declaring or implying actual facts" that were "proved" to be "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).

"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." *Sullivan*, 376 U.S. at 271 (quoting *Button*, 371 U.S. at 445). Due process is determined by public servants injuring people for petitions and speech for viewpoint and content regarding public issues.

Government must present "proof," and it must have "the convincing clarity which the constitutional standard demands." *Sullivan* at 285-286. "The power to create presumptions is not a means of escape from constitutional restrictions." *Id.* at 284.

"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" punishments or penalties are "presumptively unconstitutional." *Reed* at 163. All sanctions targeted the content of Petitioner's speech/petitions. *Cf. id.* at 163-64 (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.

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," courts "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 "enunciation of a constitutionally acceptable standard" merely purportedly "describing the effect of" judges' or attorneys' "conduct." *Id.* Prior judge' mere conclusions "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.*

VII. Courts Must Prove the Law Allows Courts to Injure Attorneys Exposing Judicial Misconduct.

America's "interest" in ensuring justified "public confidence in the fairness and integrity" of "judges" is "vital," *i.e.*, "of the highest order." *Williams-Yulee v. Fla. Bar*, 575 U.S. 433, 445-446 (2015). Judges must prove their conduct is constitutional and not criminal.

Judges depriving people of life, liberty or property without justification (by mere fiat) act dangerously anti-constitutionally. They act like priests in a state-established religion. They abuse public confidence to insidiously

undermine and attack our Constitution and our liberty. They imply Americans must have blind confidence (blind faith) that judges did not violate law or commit crimes. Such blind faith is unwarranted, unconstitutional and clearly unintended by the Framers of the original Constitution, the Bill of Rights or the Reconstruction Amendments.

"Article III of the Constitution establishe[d]" a "Judiciary" that must be "independent" of all except the law, so the judiciary was assigned the constitutional "duty to say what the [governing] 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*, 578 U.S. 212, 225 (2016).

The reasons for such rule are crucial. 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. (11 Wheat.) 59, 75 (1826) (Marshall, C.J.).

CONCLUSION

Petitioner—a disabled veteran—devoted many years to supporting and defending our Constitution—including as a U.S. Army Airborne Ranger—despite considerable difficulty, danger and cost. Many judges did the opposite. They disbarred Petitioner for merely exposing and opposing judicial misconduct. This Court should show Americans that our judges support and defend our Constitution as clearly, completely and courageously as our soldiers.

Respectfully submitted,

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