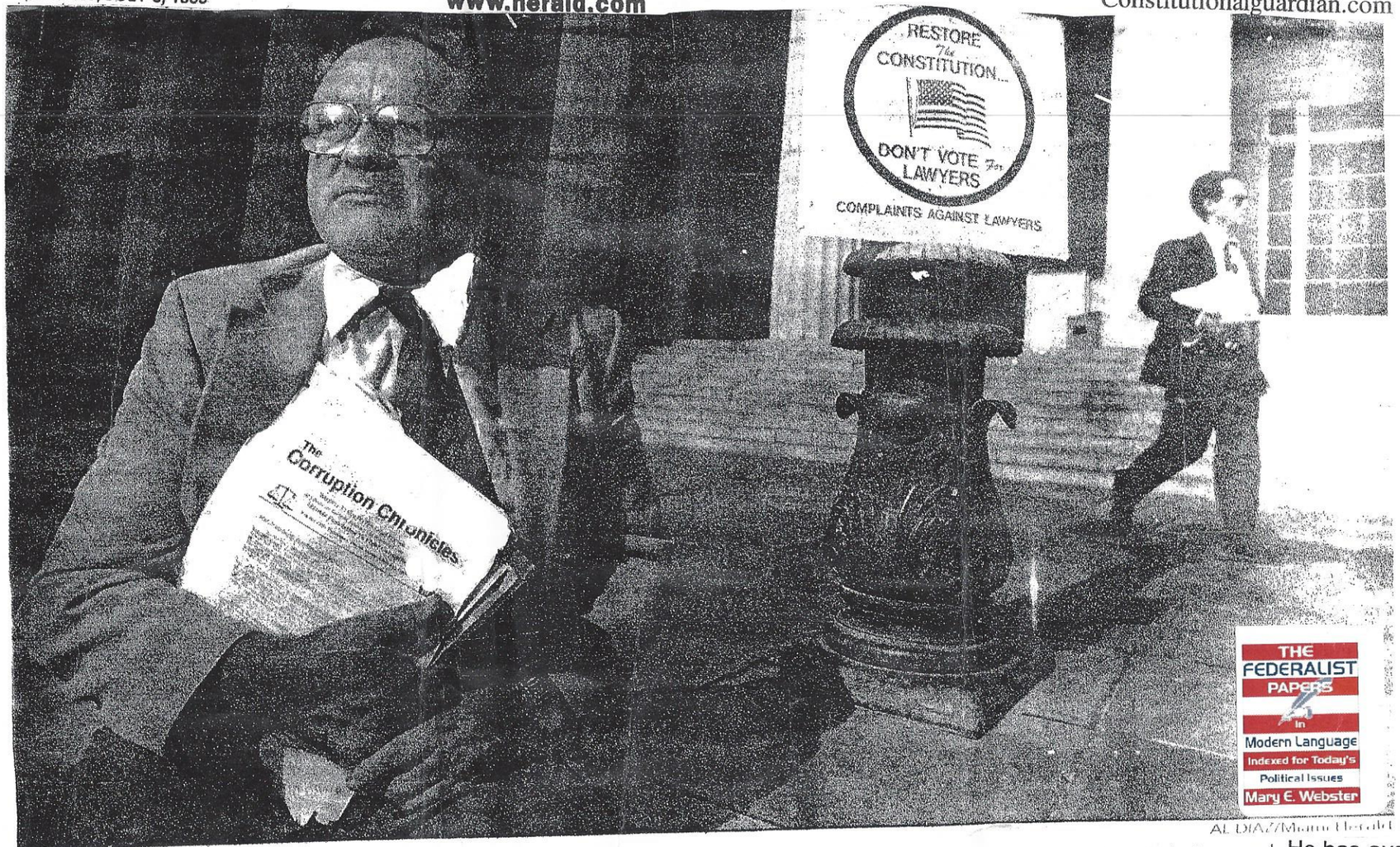
The Miami Herald

TUESDAY, JULY 6, 1999 www.herald.com



AL DIAZ/Miami Herald

If you were looking for the one man in South Florida who hates lawyers the most, you might not do any better than Bob Bertrand. He has even gone to New York to protest at the convention of the American Bar Association, taunting lawyers as they entered the meeting hall.

HERBERT U. FEIBELMAN
MIAMI, FLORIDA

P. O. DRAWER 750

LAW OFFICES
912-3-4 FIRST NATIONAL BANK BUILDING

LOUIS M. JEPEWAY

November 20 19 37

Hon. Glenn Terrell
c/o Supreme Court of Florida
Tallahassee, Florida

My dear Judge Terrell:-

I am enclosing my article, "The Rule-Making Power - Does it Lead to Judicial Supremacy?", taken from the current November, 1937 issue of the Florida Law Journal, Vol. XI, No. 9, Page 350-3. As indicated to you, this article is upon the question of the wisdom, if not the constitutionality, of the rules of court nullifying Acts of the Legislature.

I hope that this article will be of aid to the court. If additional copies are required, I shall be pleased to obtain them.

With assurances of my regards, I remain

Sincerely yours,

Herbert U. Feibelman

HUF/ft
Enc.

BAR INTEGRATION BALLOT

I am in favor of the integration of the Bar of the State of Florida which will require every member of the Bar of Florida to belong to the integrated bar and the payment of $5.00 annual dues and the supervision of the Bar's disciplinary action by direct review of the Supreme Court.

(If you favor this, mark an X in the box) ☐

I am not in favor of the integration of the Bar of the State of Florida.

(If you do not favor integration of the Bar, mark an X in the box) ☐

(You may sign your name here if you care to, but it is not necessary to have your vote counted.)

COMMITTEE ON BAR INTEGRATION
OF THE
FLORIDA STATE BAR ASSOCIATION

JULIUS F. PARKER, Chairman
Reed Building, Tallahassee, Fla.

JOHN DICKINSON, Vice-Chairman, 2555—3rd Avenue N.
St. Petersburg, Fla.

LEROY COLLINS,
Midyette-Moor Building,
Tallahassee, Fla.

G. L. REEVES,
Box 2111,
Tampa, Fla.

MARSHALL P. CALDWELL,
Box 751,
West Palm Beach, Fla.

J. HENRY BLOUNT,
Barnett Nat'l Bank Bldg.,
Jacksonville, Fla.

September 10, 1947

TO THE LAWYERS OF FLORIDA:

For many years, the Florida State Bar Association has sponsored a move for the integration of the Bar of the State.

The Association is very much interested in learning the will of all of the lawyers in this State on this subject. For that purpose you will find enclosed a postcard ballot addressed to the Florida State Bar Association, P.O. Box 1226, Tallahassee, Florida, which is a ballot giving you the privilege of expressing your opinion. These cards will be kept segregated, and counted in the presence of Honorable Guyte P. McCord, Clerk of the Supreme Court. It is not necessary that you sign the ballot, although a place is provided for that purpose, and it is the belief of the Bar Committee that signed ballots will have more effect with the Supreme Court, but signing it is not compulsory, and you can vote without signing it if you care to do so. The postage is paid on the ballot, and your cooperation is sincerely solicited in order to have the fullest expression of the opinion of all of the lawyers of Florida.

The Committee plans in the event the vote is favorable, to file a petition with the Supreme Court asking it to integrate the Bar by court rule. The rule which the Supreme Court will be asked to adopt will require each lawyer to belong to the integrated bar, and to pay to the Treasurer of the integrated Bar $5.00 annually for dues.

The entire affairs of the integrated bar will then be run by a governing board, one member to be selected from each judicial circuit. Any disciplinary action taken by the Board will be subject to direct review by the Supreme Court. This general policy may be modified some to meet the demands of the Supreme Court if it approves integration.

For your further information, we are enclosing a copy of a speech delivered before the last meeting of the Bar Association on the subject by Judge Edwin Carter of the Supreme Court of Nebraska.

While the Bar Association has for a long time favored integration, this letter is sent to you seeking your honest opinion on the subject. When we present the petition to the Supreme Court, if it is presented, we want to be able to state that notices were mailed to all lawyers whose addresses were available, and that from the mailing we received and counted the votes so that we can demonstrate successfully whether or not the lawyers of this state actually want the bar integrated.

Regardless of which way you vote, please do vote, sign your name if you care to, and drop the enclosed ballot in the mail. Your cooperation in securing as big a vote as possible will be deeply appreciated.

Sincerely yours,

Julius F. Parker

Julius F. Parker, Chairman,
Bar Integration Committee

JFP:gd

MILTON H. BAXLEY II
ATTORNEY AT LAW
1929 N.W. 12th TERRACE
GAINESVILLE, FLORIDA 32609

MILTON H. BAXLEY II
PERSONAL INJURY AND WRONGFUL DEATH
TRIAL PRACTICE
GENERAL PRACTICE

CERTIFIED CIRCUIT COURT MEDIATOR

MAILING ADDRESS
1929 N.W. 12 TH TERRACE
GAINESVILLE, FLORIDA 32609

Telephone (352) 375 - 1616
Fax (352) 335 - 8448

October 11,

Mr. Ronald Bibace
3021 N.E. 43rd Street
Fort Lauderdale, Florida 33308

Re: Article II, Section 3, of the Florida Constitution and lawyers in non-judicial office

Dear Mr. Bibace:

Article II, Section 3, of the Constitution of the State of Florida, in pertinent part, states that:

". . . No person belonging to one branch shall exercise any powers appertaining to either of the other branches, unless it is expressly provided herein"

I agree with your position that the Florida Constitution, Article II, Section 3, prohibits any Florida Lawyer, who is a member of the Florida Bar, from either running for or occupying a non-judicial public office, because members of the Florida Bar are members of the judicial branch of government.

Very truly yours,

Milton H. Baxley II

Milton H. Baxley II

cc: Mr. Mike Calhoun

SOMETHING SERIOUS TO THINK ABOUT

Grand Jury, The Supreme Authority Never To Be In Subservient Role

By Ralph Boryszewski, Founder, Foundation For Rights

In messages to our readers, we often purposely repeat some vital cases concerning Bill of Rights and Constitutional wrongs to fix in their mind that any government is capable of the most outrageous actions. If our readers are getting the message, they won't be surprised at the more aggressive approach now being taken by the **Foundation For Rights** in this document. America has returned to the overbearing insolence suffered by early Americans prior to the Declaration of Independence. We the People have not enforced our Bill of Rights, therefore they have become of no avail. It has become urgently necessary that We the People assert our Sovereign Authority over public servants.

Indictment and conviction by Grand and Trial Juries are the methods people must independently employ for quick direct action against the public officials who are abusing our rights, liberty and property. However most people don't know how to go about being an active independent Grand or Trial Juror dedicated to seeking justice and keeping government in line. Several of the following facts about our American history will better enable you to realize what brought about our present plight and hopefully compel you to speak out against the usurping Judiciary.

American colonists may have been annoyed with "Taxation without Representation," but they were downright angry over the English system of law. As Jurors, they were commanded to follow the law as given by judges. Americans were aware that in England, Jurors were jailed for rendering decisions not agreeable to the court. Such Jurors were jailed until they relented and followed the Judge's commands. In British Colonial America, if a Grand Jury refused to indict a person, the prosecutor (lawyer) would sign an Information that could have that person confined to a prison cell. The Judge would then order the American to be tried by a Jury in far off England, where a guilty verdict would more easily be obtainable.

In June 1788, the American people ratified the US Constitution which makes no mention of the office of attorney general, attorney for the government, nor "officer of the court", attorney or lawyer. The people absolutely believed that under the new Constitution, there would be no conducting of any legal business except by a non-lawyer judge and Jury who would together administer a simple and understandable judicial process.

State judicial officers (attorneys) would not be acceptable for federal offices in their judicial capacity, for there were no titles, qualifications or duties for attorneys provided in the federal Constitutional system. In fact, Article I, Section 6. Clause 2. forbids a sworn judicial officer from taking a second oath as a lawmaker and enforcer of impeachment provisions. The Constitution defines a process by which the President would nominate, and the Senate confirm only lay persons to serve as judges. In the best interest of Justice, non-lawyer Justices on the US Supreme Court would better honor and preserve the intended purpose and wishes of the people. The delegates who ratified the US Constitution did so with full knowledge that without the presence of an attorney general and US attorneys for the government, the federal courts would not be able to conduct or assume positions as adversarial parties. Lay people instead would sit, as a hearing jury and directly question the accused

and witnesses to decide the validity of a charge or claim. If the people decide guilt, they would then examine the criminal record of the accused in order to fit the punishment to the crime.

Under such a people's legal system, every person would, in any case, receive a just and speedy trial by Jury. Under our existing debauched system, over 90% of the accused never see a Jury. Both the Bill of Rights and Constitution command "all" to a Jury trial. The Bill of Rights offers the additional protections of a "speedy" and "public" trial by an "impartial" Jury. There are no speedy trials and many (excluding children) are purposely not made public. After receiving partial instructions as to the law from a lawyer judge, it is impossible for a Jury to render an "impartial" decision. A major cause of today's Judicial corruption began in 1789. The lawyer-dominated First Congress in violation of the separation of powers, and without the people's consent, unconstitutionally delegated to the US Supreme Court the authority to make its own rules. This making of rules has proven to be repugnant to the Bill of Rights and totally destructive to those seeking justice. The following is a small part of one such rule that has led to everyday corruption:

> The indictment or information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the attorney for the government.

Grand Jury Power Is To Be Used To Hold A Usurping Judiciary In Check

In 1970, I was in contact with the acting Foreman of a Federal Grand Jury in Maryland. That Federal Grand Jury was enraged because it had been prevented by a judge and prosecutor from making known to the people much criminal evidence against high officials. In their investigation of a multi-million dollar bribery scandal, the Grand Jury had indicted two US Senators and was prepared to indict Speaker of the House John W. McCormack and several other House members. US Attorney General John N. Mitchell successfully checkmated the Grand Jury by ordering Steven Sachs, the attorney for the government, not to sign the Grand Jury indictment, thus ending any chance of justice being done.

By its rule requiring the signature of an attorney for the government to validate indictments, the US Supreme Court outrageously assumed command over people's Bill of Rights powers and protections.

The rule prevented the Federal Grand Jury in Maryland from completing its investigation and indicting high-ranking lawyer members of both Houses of Congress. The Grand Jury complained to Chief Federal District Judge Roszell C. Thomsen and sought his assistance in making public their Presentment that explained the bribery corruption cover-up in detail. The Judge refused and instead ordered sealed the Grand Jury's Presentment, which had been sent to the *New York Times*. The Judge then ordered newspaper officials not to publish the document. Here we have an example of lawyers in government conspiring to undermine the people's exercise of their Bill of Rights.

A Presentment is a written statement by a Grand Jury to notify the public that their help is essential to fully expose governmental corruption. Over a long period of our history, Presentments by Grand Juries were a common occurrence. Much governmental corruption was exposed by Presentments issued by Grand Juries. The people could then clean house by voting out corrupt administrations.

In sealing the Presentment of the Grand Jury in Maryland, Chief Federal District Judge Thomsen was guilty of obstruction of justice. He covered up crimes and corruption by House and Senate members and prevented indictments of them. He protected and covered for criminal obstruction prosecutor Sachs and US Attorney General Mitchell who was later indicted and convicted on other criminal and corruption charges.

Most shamefully, Chief Federal District Judge Thomsen covered for the US Supreme Court for making and maintaining of unBillofRightable Rules, especially the ones that prevent the fulfilling of indictments of high officials.

case would eventually have had to have been appealed to the US Supreme Court. There the Justices would be confronted with the Canon of Ethics which commands that no court can sit in judgment of its own cause. That in itself is proof enough. The Supreme and inferior Courts do not have the right to make any rule. Therefore no private practice lawyer can claim to be without guilt. Everyone of them still sides with the corrupt system that brings them wealth and power instead of justice to the people.

Every Grand Jury To Assume Complete Command To Keep Government Under Control

When you next serve on a Grand or Trial Jury, it is your duty as a good citizen to present to the judge of the court a copy of this document. Tell him the information contained herein has been prepared by **Foundation For Rights.** The Foundation complains that the Federal Judiciary since 1870, has usurped complete domination of the Legislative, Executive and Judicial departments so that lawyers in their various roles can commit criminal acts with impunity.

This document specifically details that the Justices of the US Supreme Court, the US Attorney General, the US Attorney for the government and a Chief Federal District Judge cooperated in a lengthy series of criminal acts to render the people's Bill of Rights of no avail. Members of every Grand and Trial Jury therefore must always disregard the advice and instructions of judges, attorneys general and attorneys for the government so that justice can truly be served. For over 200 years, lawyers and judges have forced upon us their self-serving adversarial system that is beneficial only to themselves.

We the People is an organization of tax protesters questioning the legality of the 16th Amendment. On February 16th of 2001, they published a full-page ad in *USA Today* outlining their cause for complaint in detail. Toward the end of the ad, the following disclaimer appeared:

> This message is presented solely for educational and informational purposes. It is not intended and should not be construed as legal advice. We The People Foundation does not advocate disobedience to any laws and does not advise or recommend the non-filing of any return or non-payment of any tax for which any person is legally liable. For legal advice, consult your attorney.

This Disclaimer weakens the resolve of the people seeking justice or reform and should not be a part of a public notice of protest. Organizations that claim their ad is for informational purposes and not to be construed as legal advice or for the advocating of disobedience to any laws, appear weak and submissive. The men of 1776, who wrote and published the Declaration of Independence never submitted a disclaimer, for their neighbors would have shown their utter disapproval.

The **Foundation For Rights'** primary mission is to educate citizens in matters relating to the maintenance of separation of powers. Our members know an Executive order of a President is not a law, nor can a rule by a Supreme Court have the force of law. They also know that every Congress has been dominated by lawyers who have each and every time failed to order the President and Supreme Court that it is in violation of the basic law when they assume the legislative power.

Every person should go forth to teach people about the vital need of a separation of powers or instead be prepared for the terrible violence that will eventually bring the government of lawyers down.

Ralph Boryszewski, Founder
Foundation For Rights
PO Box 17699
Rochester, NY 14617

Every reader should send a copy of this Document to the Editor of his newspaper and organizations dealing with Bill of Rights, justice and liberty. Editors have the responsibility as a free press to bring the matter to the public's attention.

Grand Juries Must Be More Active And Completely Independent

When sitting members of a Federal Grand or Trial Jury obediently follow the instructions as to the law from the Judge or prosecutor, they unwittingly become a party to a criminal act. They help a corrupt judiciary from being exposed as criminals. This practice occurs on a daily basis across America. The Grand Jury, without hesitation, had the duty to turn things around by indicting Chief Federal District Judge Thomsen for obstruction. They should have asked the people in a Presentment to the public-at-large to support their Grand Jury in further bringing to justice the corrupt members of Congress, the entire Justice Department for obstructing justice, and the higher court judges for not over-ruling the cover-up judge. Above all, the Grand Jury should have condemned the Supreme Court for imposing any rule that has the force of law. A rule or law that grants the authority to stop or infringe upon any of the Bill of Rights must be challenged by every Grand and Trial Jury. In the Judge Thomsen case, the Grand Jury could have clearly shown the people that the American Bench and Bar has a history of organized criminality and warned the legal profession that it could not engage in a monopoly dangerous to the liberties and well-being of the American people.

Every Grand Jury must open its doors at stated times to the public. Jefferson urged that certain days should be set aside hearing reports of crimes committed by public officials. Also, others should be heard by a Grand Jury who were intimidated and forced to accept a plea bargain instead of receiving a trial by Jury as both the Bill of Rights and Constitution command.

During the entire exposé, the House (of lawyers) never once attempted to investigate or impeach the Speaker of the House or other House members and Senators who accepted millions in bribe money from a Baltimore builder. Neither did a single member of the thousands of attorneys holding office in the Justice Department bring about criminal actions against these Congressmen who had accepted bribes. The attorneys of the Justice Department had a duty to inform the Supreme Court that it assists in a criminal act when it continues to allow Court Rules to help government attorneys of all three Departments and Branches commit and cover-up their own crimes.

The Department of Justice unconstitutionally established in 1870 with the Attorney General at its head, has given the attorneys the perfect place to cover-up their own criminal acts and to attack or obstruct honest citizens who want to see justice served. A separation of powers is basic to a Constitutional government, so it was the Supreme Court's duty to speak out against the establishment of a Justice Department in which "officers of the Court" would be in command of the Executive power. The Constitution commands "The Executive power shall be vested in a President." No Constitutional amendment for that change was presented for the people's approval.

Individuals and organizations must learn the basics about the great powers of Grand and Trial Juries so that we can join forces to expose outrageous criminal corruption by the Federal Judiciary.

The fraudulent adoption of the 16th Amendment (income tax) should be a lesson to all as an example of the teamwork of government lawyers in all Federal Departments. They must be held responsible for this outrageous criminal act and the next-to-the-longest cover-up in our "Constitutional" history. By this time, all organizations should realize it is useless to humbly Petition a criminal government. The lawyers who are running it aren't about to give up their seats and go to prison.

Private practice lawyers are officers of the court, and sworn to support the Bill of Rights and Constitution. They profit well as lawyers but fail to serve the best interests of the people. Every day these lawyers see the endless abuse and injustice caused by court-made rules. Aware of the above, they have the duty to challenge the court's right to make its own rules. A long time ago, any private practice lawyer could have filed a complaint in a District Court against the making of any court rule. The

LAWLESS Why is the Constitution under attack?

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THE PHILADELPHIA

TRUMPET

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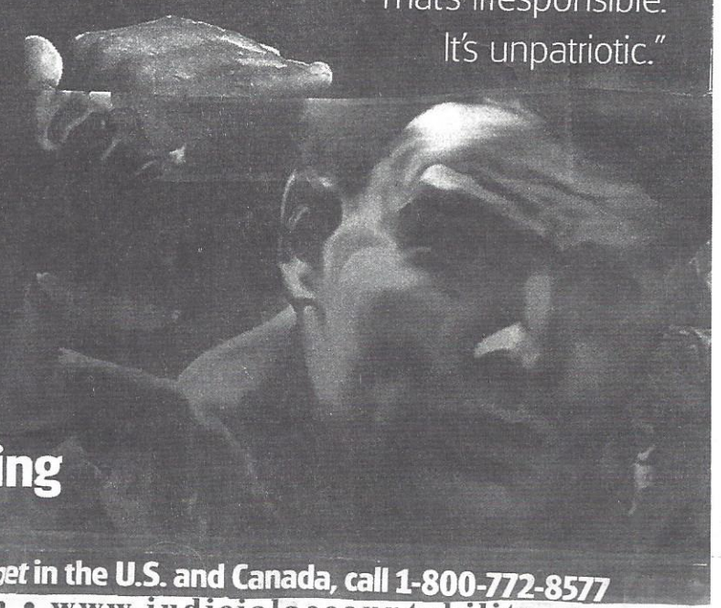
Are we Over Trillion Debt Cliff? Constitutionalguardian.com

"The problem is, is that the way Bush has done it over the last eight years is to take out a credit card from the Bank of China in the name of our children, driving up our national debt from $5 trillion for the first 42 presidents—number 43 added $4 trillion by his lonesome.... That's irresponsible. It's unpatriotic."



CRASH & BURN

America's policies are bringing the dollar down—fast

The Miami Herald

TUESDAY, JULY 6, 1999

www.herald.com

SHOULD LAWYERS RUN FOR NONJUDICIAL OFFICE ?

No: Reject tyranny

Ronald Bibace is a Fort Lauderdale Businessman, constitutional scholar & is a James Madison Political Education Foundation Advisor-Director (A National Heritage Foundation)

RONALD BIBACE

Lawyers who are members of the Florida Bar are barred legally from running for public office in the executive and legislative branches. The Constitution prohibits them from running for mayor, commissions, school board, sheriff, the Legislature or any other elected office that is not part of the judicial branch of government.

"The language of the Florida Constitution's separation-of-powers clause, Article 11, Sect. 3, is unambiguous. It states: "No person belonging to one branch shall exercise any powers appertaining to either of the other two branches unless expressly provided herein."

In 1949 the Florida Bar was "unified" with, and became a part of, the Supreme Court. (See Petition of Florida State Bar Assn. 40 So. 2d 902.) That made every state Bar member/lawyer a person "belonging to the judiciary branch of government." They are, therefore, barred from holding public office in the other two branches of government.

This prohibition is not an "unintended consequence" of the 1949 action by Florida's lawyers. The prohibition lies at the very heart and soul of both the Florida and the U.S. constitutions.

Nonlawyer James Madison's Constitution had one principal goal: to create a government that had sufficient power to govern, but insufficient power to oppress. To do so, he neutralized the first four known sources of tyranny, which he identified as the monarchy, the aristocracy, the military and the church.

Madison then addressed the last source of tyranny, which he defined as: "a same-hands group or faction that had a common interest adverse to the Nation as a whole." Lawyers and every other professional group fit this definition.

To protect the state against this "same-hands" tyranny, Madison implicitly instituted the separation-of-power principle in the U.S. Constitution. In Florida, Article 11, Sect. 3, is the explicit state equivalent.

Florida lawyers and judges have ignored this prohibition.

What is true in Florida is also true all over the land. From this abuse of power by the legal profession, this nation now suffers from what Madison, Montesquieu, Thomas Jefferson and Alexander Hamilton called, "the very definition of tyranny." That tyranny arises when a single same-hands group makes the law, enforces the law and interprets the law.

That tyranny, whether or not perceived, is at the heart of most of the nation's problems in the areas of crime, education, health, welfare, frivolous lawsuits, devastating divorces and countless other problems. That tyranny has undermined the Constitution and fundamentally flawed all government. It has resulted in enormous harm to people, both in dollars and emotional distress.

Historically tyrants neither acknowledge their tyranny nor voluntarily give up their power. That explains why the members of the legal profession are in a state of denial.

That is why the people must correct the situation by voting all lawyers out of office outside the judicial branch. Until that occurs, very little substantial and permanent improvement will occur anywhere. If the situation is not corrected the nation likely will go down to chaos, revolution and, perhaps, even civil war in the near future.

■ Further information on this and other constitutional matters is available at www.constitutionalguardian.com

Americans for Justice Inc.
An Organization for Legal Reform

August

Ronald A. Biback
President

Text of Robert Bertrand's oral argument before the Supreme Court on the matter of Florida Bar Rules Amendments, Case # 83,222

In 1949 this Court made a decision integrating the Florida Bar (40 So. 2d 902, 1949). It did so by declaring that it had the "inherent right" to do so as an extension of its mandate under Article V of the Florida Constitution that assigned to it responsibility for the admission and disciplining of lawyers. This court took the position that the "practice of law" was the exclusive monopoly of "lawyers". Yet the "practice of law" is a term ***never clearly defined by anyone and defies the level of definition required to pass constitutional muster***. It then took the further position that criminal sanctions were applicable to those acting in alleged violation of this decision. From that unconstitutional seizure of power from the Legislature and improper act, however well intentioned, all other problems stem.

By it's action this Court effectively declared itself to be sole judge, jury and executioner in matters respecting Article V, accountable only to the US Supreme Court. Such a decision is in direct violation of the principle of separation of powers of the US Constitution. It then compounded the injustice and unconstitutionality of the whole process by creating a so called "arm of the Court" which it named the Florida Bar, to which entity it then effectively and unconstitutionally, transferred much of it's power to discipline lawyers.

Yet the Governors of the Bar responsible for it's operation are elected by their colleagues to protect the interests of the legal profession, first, last and always. They do not now and never did represent the people of Florida. I ask this court to take judicial notice of this fact. I ask the court to revisit it's opinion integrating the Bar in 1949 in the light of the present circumstances.

The Court will find that the core concept cited in the integration rule was that a ***"lawyer's responsibility to the public rises above his responsibility to his client",*** (40 So. 2d 902, 1949), let alone his own financial interests. It is absolutely essential to the concept of justice in this land. Without it the Court would not have made the Rule which integrated the Bar and gave Lawyers a monopoly on the practice of law. ***The counterbalance and sole justification for the seizing of this monopoly power is the concept that it will and must be used first and foremost in the interests of society.***

Are we over the 16 trillion dollar debt limit yet?

I ask this court to reaffirm the principle of the 1949 decision and to promulgate a Bar Rule embodying it.

In the same spirit I further urge this court to change all references in Florida Bar Rules from the words: "the best interests of the *Florida Bar*", to the words: "in the best interests of *the people of Florida."*

I further urge this court to reject any attempt by the Bar to reduce the insignificant threat of punishment represented by a system of "discipline" run by lawyers for lawyers, by the creation of any so called "practice and professionalism enhancement programs". First because no such system exists for any other profession regulated by the DPR, and should not be permitted for lawyers alone. Second because it is specious to suppose that lawyers commit unethical acts because they do not know better. They do so because they are persuaded that they will get away with it. Should this Court accept the Bar's recommendation this court will create the perpetually sought "second bite at the apple" which the profession uses it's power to try to obtain.

As you have previously been made aware by another, the Bar has not seen fit to enforce Rule 3-7.4(h) as written by this court in March 1990. The change in the Rule stripped the respondent of his unconstitutional minitrial rights by striking the language originally granting those rights. To avoid any possible continuing misinterpretation of the Court's intent, I urge this Court to specifically prohibit the respondent's so called "minitrial rights."

The incident of the universal non-enforcement of Florida Bar rules in the case of the minitrial rights of the respondent under Rule #3-7.4(h) does at least raise the *possibility* that such action constitutes deliberate, premeditated wrongdoing.

I urge this court to investigate the matter and make it's own determination. If the court finds wrongdoing I urge it to pursue all appropriate remedies. In the meantime I urge this court to promulgate a Rule calling for permanent disbarment of any person or persons found to have deliberately and systematically violated the rights of the people of Florida by deliberately refusing to apply and/or enforce Bar rules.

Florida Bar Rules impact every citizen in the State. Yet standing to petition or sue the Court on said Rules is limited to either 50 lawyers acting jointly or the Governors of the Bar. This is a violation of the equal protection clause of the US constitution known as the 14th amendment. Standing on matters constitutional should rise to a constitutional right. The Court of Appeals of the State of New York has already reached that conclusion in Schulz v State of New York, (May 1993). The principle involved is that any constitutional right carries with it the inherent right to petition the Court to be heard on the violation of that right. This Court should follow the New York lead and affirm that right for Floridians.

SC/Br/BB/02

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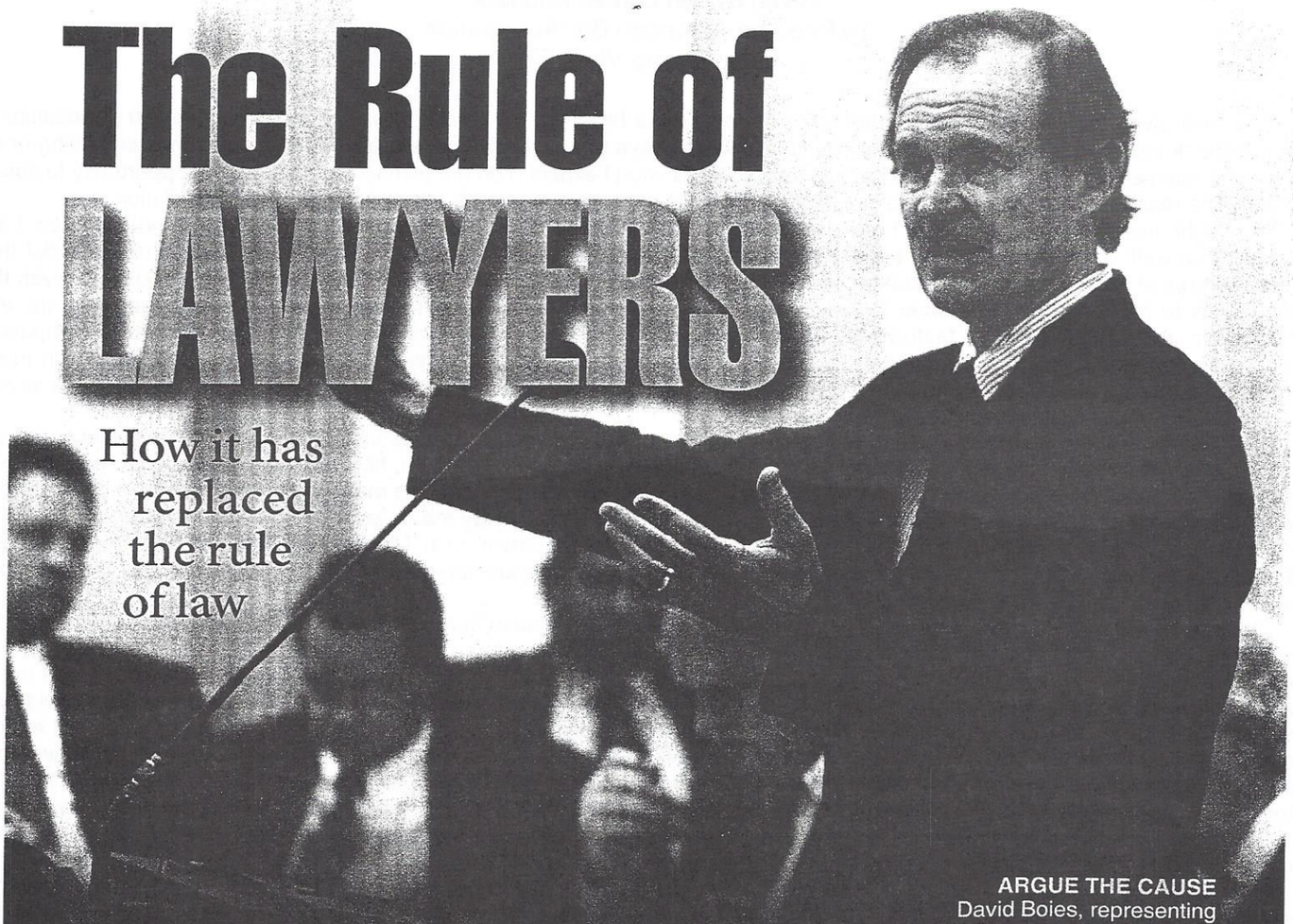
The Rule of LAWYERS

How it has replaced the rule of law



ARGUE THE CAUSE
David Boies, representing Al Gore, speaks before the Florida Supreme Court

BY STEPHEN FLURRY

JESUS CHRIST'S MESSAGE GENERally led audiences to respond in one of two ways: He astonished the general public; He angered the educated elite. We read of both reactions in Matthew 22:33-34. After seeing how the multitudes were moved by Jesus's words, the Pharisees and Sadducees gathered themselves together to plot against Christ.

"Then one of them, which was a lawyer, asked [Christ] a question, tempting him..." (v. 35). Put to silence by Christ's message, the leading Jews conferred among themselves and then sent forward *their lawyer*. He wasn't interested in truth. He wanted to "tempt" Christ—to trick Him into doing or saying something "unlawful." But Christ would not be tricked. He knew how to expose the chicanery of so-called experts in Mosaic law.

In verse 46, it says "no man was able to answer him a word, neither durst any man from that day forth ask him any more questions." Yet this was toward the end of His ministry. As we will see, Jesus Christ had several confrontations with lawyers prior to this. And in every case, they persistently dogged Him, trying to expose any flaw they could find, even after Christ put them to shame.

It was quite some time before Christ was finally able to silence the lawyers. His situation is not unlike the one we face today.

The Litigation Explosion

Concerning today's presidential election controversy, some have suggested that it has given every American a wonderful lesson in civics, showing how our government works. While that may be true, the political dispute has also revealed a near-fatal flaw in American society. What used to be a nation ruled by law is now ruled by lawyers.

Gavin Esler, writing for the *Independent* in London, noted America's propensity for being over-lawyered: "In the Stephen Sondheim song, when something bad happens in the circus, they send in the clowns. In America's political circus, they send in the lawyers.

"The broad expanse of K Street in the heart of Washington D.C. is known as 'Gucci Gulch,' inhabited by the best-paid lawyers in the world. Gucci Gulch's $475-an-hour legal gunslingers are now descending upon Florida to help aggrieved citizens seek redress for their inability to punch the

REDUCE MARITAL STRESS-SAVE YOUR MARRIAGE

Do you belong to a profession that is particularly stressful to your marriage?
If so, do you want to discover the very best way to improve your marital relationship?
Then read Relationship Power by Ronald Biface*.

- You will discover the very best method to creating the best possible relationship you can with your spouse.
- You will discover, and quickly recognize, the hidden part in you that prevents you from controlling your behavior in the way you want and whose existence you may never have suspected.
- You will learn to control that part of you in a manner of which you may never have dreamed.
- You should be able to apply the knowledge acquired and reap the benefits in very little time.

If you are facing the possibility of a divorce, or have divorced already, the book should help do all of the following:

- Minimize the legal and other financial cost of the divorce to all involved.
- Minimize the emotional cost of the divorce, to yourself, your spouse and particularly to any children of the marriage.
- Help you (and hopefully your spouse) better understand each other's point of view in a way you may never have appreciated before.
- Prepare you to do better for yourself and your significant other in your next relationship

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Ronald Biace

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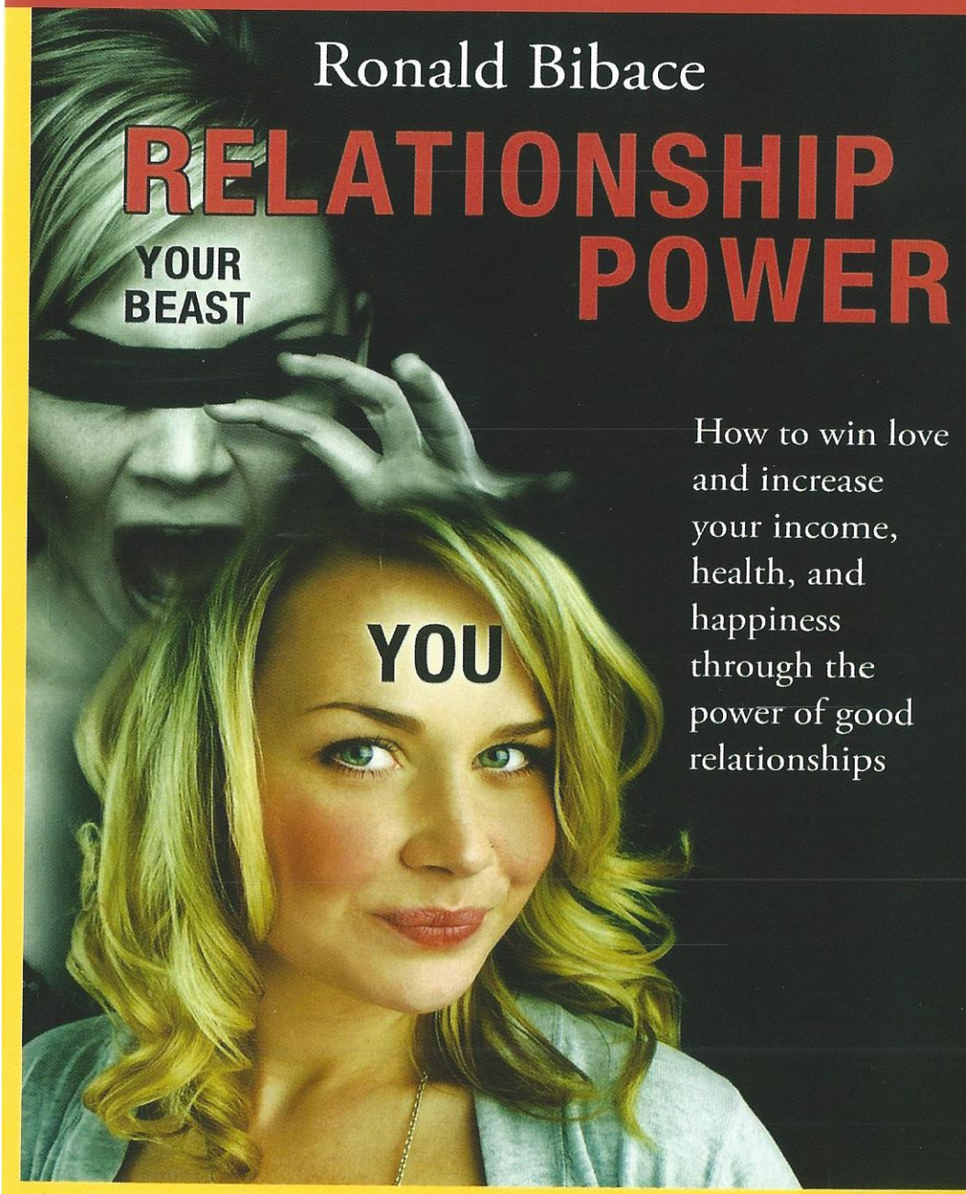

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It's the Governor's Constitutional Duty to get

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IT'S THE LAW (outside of the Judicial/Court Branch of Govt.)

Article II, Section 3, Florida Constitution: *-The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.*
(Note: Lawyers-Judges have a conflict of interest discussing Separation of Powers Violations)

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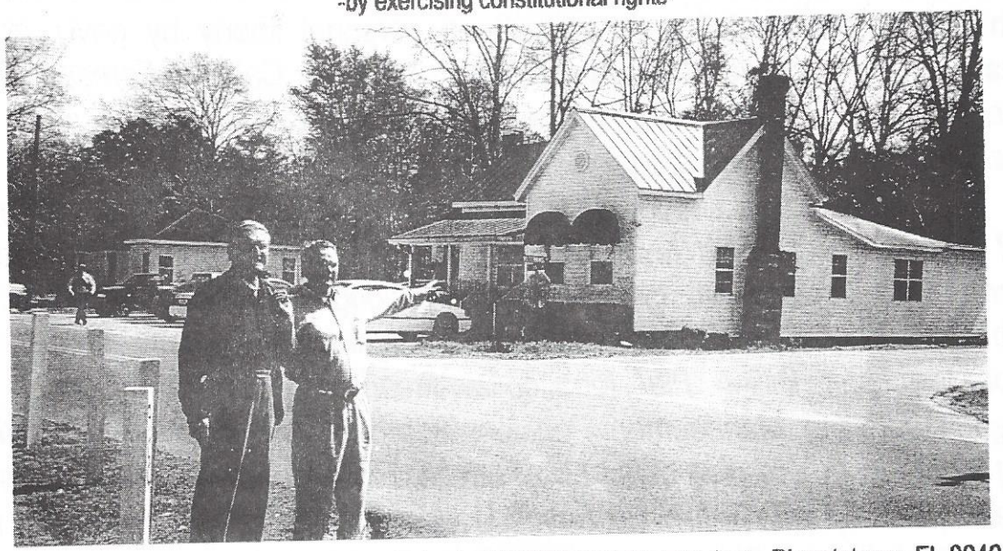
-by exercising constitutional rights-



L to R: Mike Calhoun And Bill Bailey in front of (20865 S.E. Fannin Ave., Blountstown, FL 32424) the new James Madison Foundation National Headquarters (A National Heritage Foundation>nhf.org) & *Constitution Separation of Powers Educational Center* across St. from Calhoun County Court House.

Any U.S. Citizen can contribute up to $500 -Include Name-Address and send to:

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News Desk:

Elected lawyers caused Enron. They are the issue, not the Enrons -says Mike Calhoun, a former Mia.-Dade County Commissioner and rural Calhoun County's Governor Candidate. Isn't it the Governor's Duty to fire all elected lawyers outside the Judiciary (Courthouse)? continues Calhoun.

He answers with an explosive YES – BUT: with 67,000+ Fla. lawyers creating "jackass compromises" every day -citizens will have to enforce this doctrine themselves by voting for non-lawyer candidates. It's too late to look to the legal system to discuss settlement -because Lawyers, Judges, and Bars have a conflict of interest in discussing their own *Separation of Powers* violations – much less advising jurors or trying to police themselves.

Art. II, Sec. 3, Fla. Constitution states: **-The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.*

Expert legal opinions/arguments/reasons can be found in The Federalist Papers & Federalist #86 at *www.constituionalguardian.com*

...knowledge of Constitutional Rights is almost nonexistent in American society, which has allowed a full-scale assault on personal liberty by govt.; lapdog media; tax-funded colleges; & cultural elites.:' **John C. Calhoun Foresaw This'* - article about Bush/Gore elect. fiasco -By/Prof. Thos. DiLorenzo-Ludwig von Mises Institute (***www.mises.org***)

What's to lose in supporting a campaign based on Constitutional Principles? A *government with fewer laws is the only way to resolve Fl. issues: classrm. size; elderly/youth/healthcare/crime/judges/courts/jails/neighborhood rehab./bonds/roads/transportation/zoning/schools/divorce/domestic abuse/immigration/taxes/$3.1 Billion Fla/ tobacco/law-fees/financial/ethics >Enron's 245 lawyers controlling Management/Pensions/Board & 1week before bankruptcy hiring large law firm to give clean bill of health; Fla's growth-problem >too many lawyers (65,000) with more tax-financed law schools on way >thanks to a Lawyer-Publisher & a State-supported College Pres. >etc.!*

Spread the word! Start own *clean-up govt. crusade!* Grassroots donations welcomed. Law requires name/address each/contribution. Send to: ***Calhoun Governor Campaign***, c/o W.E. Bailey, Campaign Treasurer, **P.O. Box 188, Blountstown, FL 32424**; Tel: (850) 237-2086 & (850) 674-1000.

Americans for Justice Inc.
An Organization for Legal Reform

August

Ronald A. Biback
President

Text of Robert Bertrand's oral argument before the Supreme Court on the matter of Florida Bar Rules Amendments, Case # 83,222

In 1949 this Court made a decision integrating the Florida Bar (40 So. 2d 902, 1949). It did so by declaring that it had the "inherent right" to do so as an extension of its mandate under Article V of the Florida Constitution that assigned to it responsibility for the admission and disciplining of lawyers. This court took the position that the "practice of law" was the exclusive monopoly of "lawyers". Yet the "practice of law" is a term ***never clearly defined by anyone and defies the level of definition required to pass constitutional muster***. It then took the further position that criminal sanctions were applicable to those acting in alleged violation of this decision. From that unconstitutional seizure of power from the Legislature and improper act, however well intentioned, all other problems stem.

By it's action this Court effectively declared itself to be sole judge, jury and executioner in matters respecting Article V, accountable only to the US Supreme Court. Such a decision is in direct violation of the principle of separation of powers of the US Constitution. It then compounded the injustice and unconstitutionality of the whole process by creating a so called "arm of the Court" which it named the Florida Bar, to which entity it then effectively and unconstitutionally, transferred much of it's power to discipline lawyers.

Yet the Governors of the Bar responsible for it's operation are elected by their colleagues to protect the interests of the legal profession, first, last and always. They do not now and never did represent the people of Florida. I ask this court to take judicial notice of this fact. I ask the court to revisit it's opinion integrating the Bar in 1949 in the light of the present circumstances.

The Court will find that the core concept cited in the integration rule was that a ***"lawyer's responsibility to the public rises above his responsibility to his client",*** (40 So. 2d 902, 1949), let alone his own financial interests. It is absolutely essential to the concept of justice in this land. Without it the Court would not have made the Rule which integrated the Bar and gave Lawyers a monopoly on the practice of law. ***The counterbalance and sole justification for the seizing of this monopoly power is the concept that it will and must be used first and foremost in the interests of society.***

Are we over the 16 trillion dollar debt limit yet?

I ask this court to reaffirm the principle of the 1949 decision and to promulgate a Bar Rule embodying it.

In the same spirit I further urge this court to change all references in Florida Bar Rules from the words: "the best interests of the *Florida Bar*", to the words: "in the best interests of *the people of Florida."*

I further urge this court to reject any attempt by the Bar to reduce the insignificant threat of punishment represented by a system of "discipline" run by lawyers for lawyers, by the creation of any so called "practice and professionalism enhancement programs". First because no such system exists for any other profession regulated by the DPR, and should not be permitted for lawyers alone. Second because it is specious to suppose that lawyers commit unethical acts because they do not know better. They do so because they are persuaded that they will get away with it. Should this Court accept the Bar's recommendation this court will create the perpetually sought "second bite at the apple" which the profession uses it's power to try to obtain.

As you have previously been made aware by another, the Bar has not seen fit to enforce Rule 3-7.4(h) as written by this court in March 1990. The change in the Rule stripped the respondent of his unconstitutional minitrial rights by striking the language originally granting those rights. To avoid any possible continuing misinterpretation of the Court's intent, I urge this Court to specifically prohibit the respondent's so called "minitrial rights."

The incident of the universal non-enforcement of Florida Bar rules in the case of the minitrial rights of the respondent under Rule #3-7.4(h) does at least raise the *possibility* that such action constitutes deliberate, premeditated wrongdoing.

I urge this court to investigate the matter and make it's own determination. If the court finds wrongdoing I urge it to pursue all appropriate remedies. In the meantime I urge this court to promulgate a Rule calling for permanent disbarment of any person or persons found to have deliberately and systematically violated the rights of the people of Florida by deliberately refusing to apply and/or enforce Bar rules.

Florida Bar Rules impact every citizen in the State. Yet standing to petition or sue the Court on said Rules is limited to either 50 lawyers acting jointly or the Governors of the Bar. This is a violation of the equal protection clause of the US constitution known as the 14th amendment. Standing on matters constitutional should rise to a constitutional right. The Court of Appeals of the State of New York has already reached that conclusion in Schulz v State of New York, (May 1993). The principle involved is that any constitutional right carries with it the inherent right to petition the Court to be heard on the violation of that right. This Court should follow the New York lead and affirm that right for Floridians.

SC/Br/BB/02

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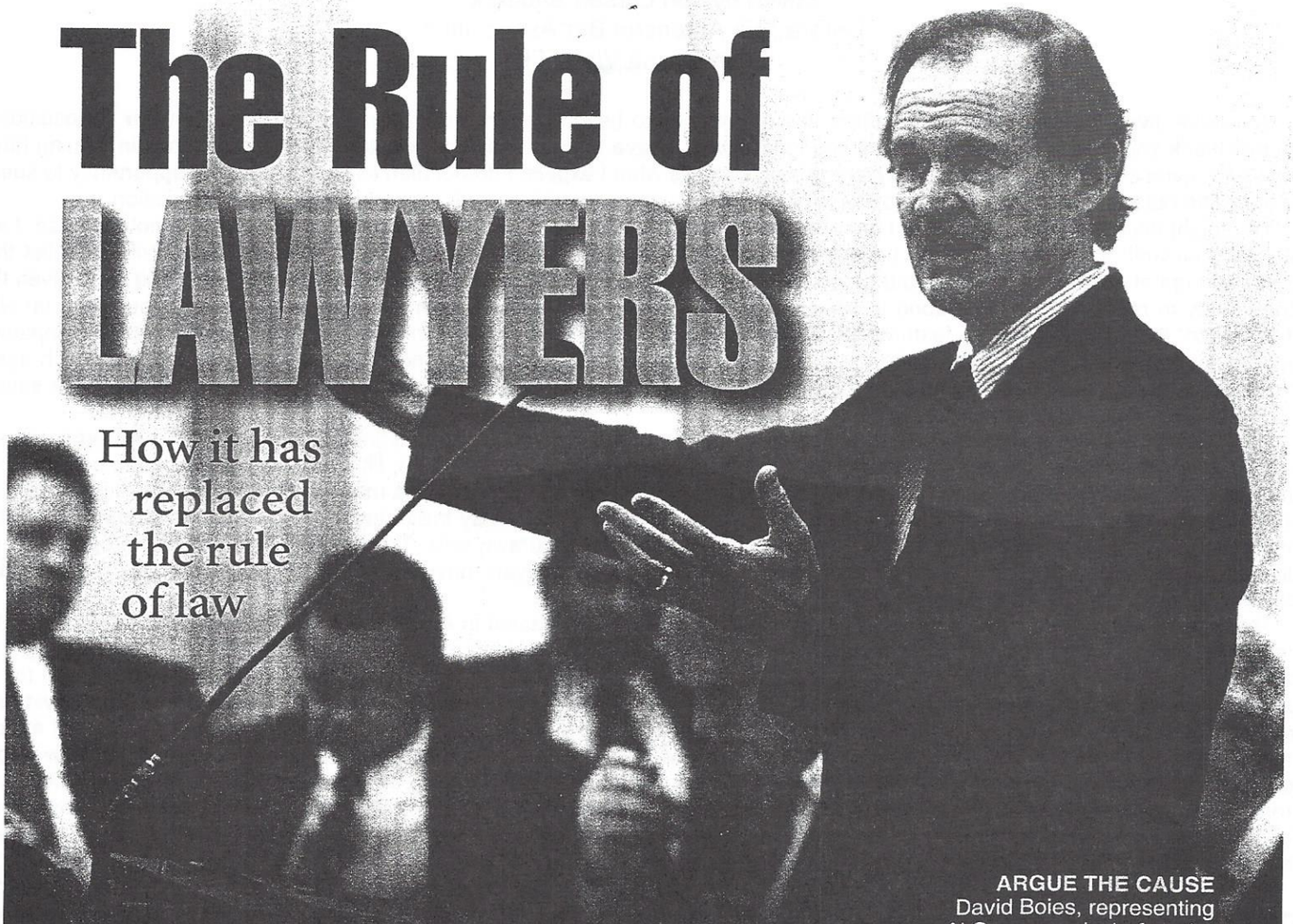
The Rule of LAWYERS

How it has replaced the rule of law



ARGUE THE CAUSE
David Boies, representing Al Gore, speaks before the Florida Supreme Court

BY STEPHEN FLURRY

JESUS CHRIST'S MESSAGE GENERally led audiences to respond in one of two ways: He astonished the general public; He angered the educated elite. We read of both reactions in Matthew 22:33-34. After seeing how the multitudes were moved by Jesus's words, the Pharisees and Sadducees gathered themselves together to plot against Christ.

"Then one of them, which was a lawyer, asked [Christ] a question, tempting him..." (v. 35). Put to silence by Christ's message, the leading Jews conferred among themselves and then sent forward *their lawyer*. He wasn't interested in truth. He wanted to "tempt" Christ—to trick Him into doing or saying something "unlawful." But Christ would not be tricked. He knew how to expose the chicanery of so-called experts in Mosaic law.

In verse 46, it says "no man was able to answer him a word, neither durst any man from that day forth ask him any more questions." Yet this was toward the end of His ministry. As we will see, Jesus Christ had several confrontations with lawyers prior to this. And in every case, they persistently dogged Him, trying to expose any flaw they could find, even after Christ put them to shame.

It was quite some time before Christ was finally able to silence the lawyers. His situation is not unlike the one we face today.

The Litigation Explosion

Concerning today's presidential election controversy, some have suggested that it has given every American a wonderful lesson in civics, showing how our government works. While that may be true, the political dispute has also revealed a near-fatal flaw in American society. What used to be a nation ruled by law is now ruled by lawyers.

Gavin Esler, writing for the *Independent* in London, noted America's propensity for being over-lawyered: "In the Stephen Sondheim song, when something bad happens in the circus, they send in the clowns. In America's political circus, they send in the lawyers.

"The broad expanse of K Street in the heart of Washington D.C. is known as 'Gucci Gulch,' inhabited by the best-paid lawyers in the world. Gucci Gulch's $475-an-hour legal gunslingers are now descending upon Florida to help aggrieved citizens seek redress for their inability to punch the

The Miami Herald

TUESDAY, JULY 6, 1999

www.herald.com

SHOULD LAWYERS RUN FOR NONJUDICIAL OFFICE ?

No: Reject tyranny

Ronald Bibace is a Fort Lauderdale Businessman, constitutional scholar & is a James Madison Political Education Foundation Advisor-Director (A National Heritage Foundation)

RONALD BIBACE

Lawyers who are members of the Florida Bar are barred legally from running for public office in the executive and legislative branches. The Constitution prohibits them from running for mayor, commissions, school board, sheriff, the Legislature or any other elected office that is not part of the judicial branch of government.

"The language of the Florida Constitution's separation-of-powers clause, Article 11, Sect. 3, is unambiguous. It states: "No person belonging to one branch shall exercise any powers appertaining to either of the other two branches unless expressly provided herein."

In 1949 the Florida Bar was "unified" with, and became a part of, the Supreme Court. (See Petition of Florida State Bar Assn. 40 So. 2d 902.) That made every state Bar member/lawyer a person "belonging to the judiciary branch of government." They are, therefore, barred from holding public office in the other two branches of government.

This prohibition is not an "unintended consequence" of the 1949 action by Florida's lawyers. The prohibition lies at the very heart and soul of both the Florida and the U.S. constitutions.

Nonlawyer James Madison's Constitution had one principal goal: to create a government that had sufficient power to govern, but insufficient power to oppress. To do so, he neutralized the first four known sources of tyranny, which he identified as the monarchy, the aristocracy, the military and the church.

Madison then addressed the last source of tyranny, which he defined as: "a same-hands group or faction that had a common interest adverse to the Nation as a whole." Lawyers and every other professional group fit this definition.

To protect the state against this "same-hands" tyranny, Madison implicitly instituted the separation-of-power principle in the U.S. Constitution. In Florida, Article 11, Sect. 3, is the explicit state equivalent.

Florida lawyers and judges have ignored this prohibition.

What is true in Florida is also true all over the land. From this abuse of power by the legal profession, this nation now suffers from what Madison, Montesquieu, Thomas Jefferson and Alexander Hamilton called, "the very definition of tyranny." That tyranny arises when a single same-hands group makes the law, enforces the law and interprets the law.

That tyranny, whether or not perceived, is at the heart of most of the nation's problems in the areas of crime, education, health, welfare, frivolous lawsuits, devastating divorces and countless other problems. That tyranny has undermined the Constitution and fundamentally flawed all government. It has resulted in enormous harm to people, both in dollars and emotional distress.

Historically tyrants neither acknowledge their tyranny nor voluntarily give up their power. That explains why the members of the legal profession are in a state of denial.

That is why the people must correct the situation by voting all lawyers out of office outside the judicial branch. Until that occurs, very little substantial and permanent improvement will occur anywhere. If the situation is not corrected the nation likely will go down to chaos, revolution and, perhaps, even civil war in the near future.

■ Further information on this and other constitutional matters is available at www.constitutionalguardian.com

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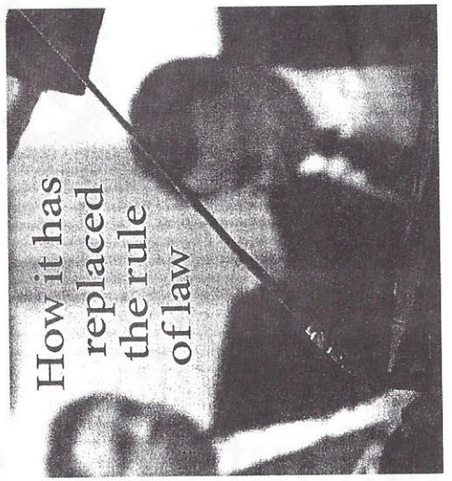

The Rule of LAWYERS

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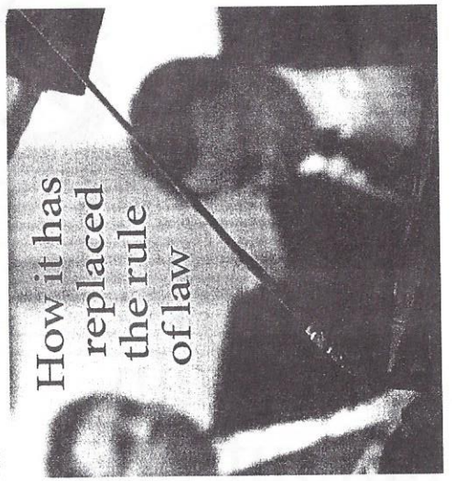

The Rule of LAWYERS

Scott Rothstein is on The Judicial Nomination Commission

Scott Rothstein is on The Florida Bar Grievance Committee

Scott Rothstein has Broward Sheriff Al Lamberti to help him with his escapades.

The Miami Herald

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COURTS

Rothstein fallout hits law firm, bank

A federal sanctions hearing involving Greenberg Traurig and TD Bank is sure to air ugly fallout from a $67 million jury verdict won by investors burned by South Florida Ponzi schemer Scott Rothstein.

BY JAY WEAVER
jweaver@MiamiHerald.com

When two of Miami's banking and legal giants step into federal court for a contempt hearing Thursday, they face an unusual public airing of embarrassing mistakes — or, worse, deliberate misconduct — that could tarnish their reputations.

The Miami-based Greenberg Traurig law firm and its client, Toronto-Dominion Bank, will be grilled by a federal judge over their failure to turn over key documents for a trial involving investors burned by convicted Ponzi schemer Scott Rothstein.

In January, Miami federal jurors found TD Bank and its officers collaborated with Rothstein by telling his investment victims their money was secure as he drained their trust accounts. The bank, which was ordered to pay $67 million, was represented by Greenberg Traurig.

A lawyer for the investors, known as the Coquina Group, has accused TD Bank and Greenberg of failing to turn over incriminating financial documents, and of producing "doctored" paperwork that made Rothstein

• HEARING, FROM 1A

look like a low-risk customer when they knew he was, in fact, a "high risk" whom they needed to scrutinize.

The disbarred Fort Lauderdale lawyer is serving a 50-year sentence for orchestrating a $1.2 billion investment scam involving the sale of fabricated legal settlements.

The landmark Coquina case ended with the nation's first civil verdict against a bank for "aiding and abetting fraud," by assisting Rothstein as he laundered millions of dollars in his law firm's trust accounts kept at TD Bank, to pay for what he has described as his "rock-star lifestyle."

U.S. District Judge Marcia Cooke now will weigh whether TD Bank and Greenberg lawyers violated so-called discovery rules — the exchange of evidence between the two sides — and whether they should be sanctioned, fined or held in contempt of court. The judge could also strike every pleading by TD Bank and Greenberg, which would cripple the bank's appeal of the $67 million judgment.

Coquina's lawyer, David Mandel, who has alleged that TD Bank committed "fraud" during the trial, has asked the judge to refer the matter to the U.S. attorney's office for a criminal investigation.

"Throughout this litigation, [TD Bank] has engaged in a calculated course of conduct designed to impede and obstruct the discovery process," Mandel and his lawyer-wife, Nina Mandel, wrote in a court filing. "TD Bank has buried documents, produced them out of order, late, or outright failed to produce them entirely."

Mandel declined to comment for this story. TD Bank, which earned nearly $6 billion last year, and Greenberg, an 1,800-lawyer international firm with headquarters in Miami, both declined to answer questions about Mandel's allegations.

"There are a lot of big reputations riding on this case," said Charles A. Intriago, a lawyer and president of the Miami-based Association of Certified Financial Crime Specialists. "And with the Internet, these reputations carry a long way."

Miami lawyer David Weinstein, former chief of public corruption and counterterrorism at the U.S. attorney's office, said the allegations of fraud could lead to heavy financial sanctions for TD Bank and possible malpractice claims against Greenberg.

"The only person who seems like he's going to come away from all this with clean hands is David Mandel," Weinstein said, referring to Coquina's attorney.

TD Bank has already fired Greenberg as its counsel in the controversial case, replacing that firm with another, McGuireWoods. Former U.S. Attorney Marcos Jimenz has also joined the bank's defense team. Meanwhile, one of Greenberg's attorneys, Donna Evans, who was based in Boston and worked with the firm's Miami lawyers on the Coquina case, has left Greenberg. She could not be reached for comment.

Although Mandel repeatedly accused TD Bank and Greenberg of withholding critical financial records about Rothstein and his firm's trust accounts before and during trial, it wasn't until last month that Judge Cooke decided to hold the sanctions and contempt hearing.

The turning point came in late April: Greenberg lawyers admitted to the judge that TD Bank possessed a key financial document on its anti-money laundering policy that the bank and its lawyers had said did not exist during the trial. The document, called a "Standard Investigative Protocol," spelled out the steps TD Bank must take under federal law to know its customers and prevent money-laundering activities.

Before TD Bank supplied the document on April 24, Mandel had argued in court papers that the bank's failure to produce it during trial "improperly bolstered the defense and undermined Coquina's ability to present its case."

Mandel also convinced Judge Cooke to consider another sanctions issue: He has accused TD Bank of "doctoring" a document used at the Coquina trial that showed the bank viewed Rothstein and his law firm as "low-risk" customers.

But in a separate Rothstein-related investment case awaiting trial, TD Bank produced the same document showing the lawyer and his firm were actually "high-risk" customers. Mandel, who is also representing the investors in the other case, said the bank's "Customer Due Diligence Form" was relevant to the "risk status" of Rothstein and his firm, Rothstein, Rosenfeldt & Adler.

"Even a cursory examination of the recently produced document shows that ... the document admitted into evidence in [the Coquina] case is a fraud," Mandel wrote in a court filing.

"In the 'true' document, a bright red band at the top of the page states unequivocally and in capital letters that the RRA accounts were designated 'HIGH RISK,' " he asserted. "In what can only be characterized as a fraud on the court and the jury, the 'HIGH RISK' designation appears to have been blackened out and omitted from" the document in the Coquina case.

Mandel said TD Bank's alleged altering of the document was "relevant" because at trial Greenberg lawyers argued the bank did not view Rothstein and his firm as "high-risk" customers. As a result, the bank maintained it did not have to perform "robust monitoring or scrutiny" of Rothstein's accounts, and used that as an excuse for its "failure to detect the massive money laundering" going on in Rothstein's Ponzi scheme.

Eight other defendants, including lawyers and employees of Rothstein's defunct law firm, have been convicted in connection with his scheme.

Intriago, the anti-money laundering legal expert, said he now wonders how much the federal jury would have awarded the Coquina investors if jurors had considered the newly uncovered evidence.

"If they had seen the actual documents withheld, omitted and doctored, God only knows what they would have awarded to Rothstein's investment victims," he said.