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UNITED STATES COURT OF APPEALS **December 6, 2012**
FOR THE FIRST CIRCUIT
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

RE: Case Name: Reade, Jr v. Galvin et al
Case Number: 12-2406

Judge Casper States "The Plaintiff objected on the ground that President Obama was not born in the United States" This is a "fact not in evidence" { Rule 201. Judicial Notice of Adjudicative acts}. At no time have I questioned Mr. Obama's place of birth, ***only the circumstances of his birth as compared to mine.***

This leads to the Question: Did she knowingly evade the Requirements of {18 USC § 4} and prejudiced me by dismissing the case? 18 USC § 4 declares that "Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both." ***This statute therefore compels the complainant--- [ME]--- (mandates under threat of prison) to give District Judges, Magistrate Judges or the Prosecuting Attorney the first opportunity to act. (18 USC § 4).***

She dismissed my Action without ascertaining or evaluating what evidence I

may have that would prove he was not, or if I, as I have stated have proof that he is not a "Natural Born Citizen", as required by (id) and (18 USC § 3). In her Memorandum for Order § C, I was denied an opportunity to "Amend" and I could not "cure" the defects of my Claim.

By her Statement; "Reade asks that the court order the Commonwealth to perform an investigation to determine whether "President Obama" meets all requirements -----". "I am simply requesting the Commonwealth to comply fully with their own and federal statutes". As I have shown, this is the Attorney General's and the Secretary of State's responsibility, which I have clearly stated, and on which Judge Casper brought Mr. Obama's "Constitutional and Statutory" Qualifications into this action. As they have Failed to act on the Evidence I presented and are (or should be) aware of the contents, that I have sent to them and are or should be in their possession, and that they have to conform to 18 USC § 2, 3, and 4.

As I have acted in accordance with 18 USC § 4, starting in January 2012 and up to this time, not one official has acted in accordance with the same as required, it is now before this Honorable Court to determine how to proceed (determine the culpability of the state officials in a [RICO] criminal act). And to determine if the evidence I have is viable (Exhibits [A], [B] and supports my assertion "Mr. Obama is not a Natural born citizen". "to give District Judges, Magistrate Judges or the Prosecuting Attorney the first opportunity to act. (18 USC § 4)."'"No judge can constitutionally dismiss a criminal complaint. Only a grand jury can do this,

therefore if any judge does try to dismiss this criminal complaint, such judge violates 18 USC § 3."

1. Based on all of the Foregoing we humbly request {Rule 201 (c)(2)} this Honorable Court to proceed with due diligence and haste to determine the facts in this case, in order to protect me from being an accessory before and after the fact, (18 USC § 4), in accordance with my rights under the XIV Amendment.

2. As this is a question of a constitutional nature and national security we request this court, take judicial notice, and Require The Commonwealth to abstain from "Certifying" the results of the November 2012 General Election as

to Mr. Obamas votes until the question of his birth status is adjudicated. Exhibit [C]

3. RULE 201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS

(c) Taking Notice. The court:

(1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

Sincerely

William F. Reade, Jr. LTC USAR (ret)
Private Attorney General Pro Se

Exhibit [A]

Since 2008 after reading Senate Resolution 511 JOHN S. McCAIN, III CITIZENSHIP -- (Senate - April 30, 2008), I am questioning the veracity of the Senators who signed this Document. The proof they relied on was the First Congress's own statute defining the term *`natural born Citizen'*:

IN THE SENATE OF THE UNITED STATES
April 10, 2008

"the `natural born Citizen' clause of the Constitution of the United States, as evidenced by **the First Congress's own statute defining the term *`natural born Citizen'***: However they stopped quoting one sentence, to soon, and did not include the "PROVISO" (Exhibit B) "***{"Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States"}".*** This sentence is proof that both I and Mr. Obama are not eligible for the Presidency of this Great Republic, and based on which I was told, over sixty (60) years ago that I could never be President of the United States"

Exhibit [B]

"An act to establish an uniform Rule of Naturalization" (1790 & 1795).
26 Mar 1790 | US Congress

United States Congress, "An act to establish an uniform Rule of Naturalization" (March 26, 1790).

TEXT SOURCE: 1 Stat. 103-104. edited version: De Pauw, Linda Grant, et al., eds. Documentary History of the First Federal Congress of the United States of America, March 4, 1789 – March 3, 1791. 14 vols. to date. Baltimore: Johns Hopkins University Press, 1972-1995. 6:1516-1522.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any Alien being a free white person, who shall have resided within the limits and under ***the jurisdiction*** of the United States for the term of two years, may be admitted to become a citizen thereof on application to any common law Court of record …….. And the children of such person so naturalized, dwelling within the United States, being under the age of twenty one years at the time of such naturalization, shall also be considered as citizens of the United States. ***……..And the children of citizens of the United States that may be born beyond Sea, or out of the limits of the United States, shall be considered as natural born Citizens: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States:*** ……..

United States Congress, "An act to establish an uniform rule of Naturalization; and to repeal the act heretofore passed on that subject" (January 29, 1795).

What 'Subject to the Jurisdiction Thereof' Really Means:

So what was to be the premise behind America's first and only constitutional birthright declaration in the year 1866? Simply all children born to parents who owed no foreign allegiance were to be citizens of the United States – that is to say – not only must a child be born, but born within the complete allegiance of the United States politically and not merely within its limits.

There could be no alternative as the United States abandoned the English tradition

of *"perpetual allegiance"* ***for the principal of expatriation, and thus, children***

Exhibit [B] cont.

inherit the preexisting allegiance of their father because there is no creation of allegiance through birth alone for foreigners in the United States.

Under **Sec. 1992 of U.S. Revised Statutes** the same Congress who had adopted the Fourteenth Amendment, confirmed this principle: "*All persons born in the United States* **and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States."**

Chairman of the House Judiciary Committee (39th Congress), James F. Wilson of Iowa, added on March 1, 1866: "We must depend on the general law relating to subjects and citizens recognized by all nations for a definition, and that must lead us to the conclusion ***that every person born in the United States is a natural-born citizen of such States, except that of children born on our soil to temporary sojourners or representatives of foreign Governments."***

Exhibit [C}

Exhibit [illegible]

I. PRECEDENT ON STAYING CERTIFICATION OF ELECTION

1.

In 2010 U.S. District Court Judge Ralph R. Beistline ordered a STAY of CERTIFICATION of ELECTION RESULTS by the Secretary of State of Alaska of the results of the election of the U.S. senator Lisa Murkowski pending resolution of constitutional violation challenges in a legal action Miller v Campbell 10-cv-00252 -RRB USDC of Alaska. After constitutional challenges were resolved, the stay was lifted. Based on this precedent, in case at hand a STAY in certification of election results by the Secretary of State and a STAY in presenting the Certificate of Ascertainment to the Electors can be issued 2. McCarthy v. Briscoe 429 U.S. 1317, 97 S.Ct. 10, 50 L.Ed.2d 49 1976 McCarthy is a case coming out of the 5th Circuit. U.S. Supreme Court granted an emergency injunction and ordered the Secretary of State of Texas to place on the ballot the name of an independent candidate for the U.S. President Senator McCarthy. Based on this precedent this court can issue a declaratory relief and an injunction to issuance of the Certificate of votes for Candidate Obama and Certificate of Ascertainment by the Secretary of State.

3. Aside from certifying elections results SECRETARY OF STATE HAS A DUTY TO PRESENT A CERTIFICATE OF ASCERTAINMENT TO THE ELECTORAL COLLEGE on the first Monday after second Wednesday in December, which falls on December 17, 2012. As this court has jurisdiction to STAY and ENJOIN certification of election results, consequently it has jurisdiction to enjoin presentment of a Certificate of Ascertainment to the Electoral College.

c. Duty to certify the Certificate of nomination. Secretary of state of Massachusetts William F. Galvin certified the Certificate of Nomination of Barack Obama which was provided to him by the Nominating convention of the Democratic Party. They have refused to comply with Massachusetts Public Records (M.G.L. Chapter 66 Section 10) (The Freedom of Information Act 5 U.S.C. § 552, as amended:) in order to examine said documents. In other Jurisdictions the certification stated " WE DO HEREBY **CERTIFY** that the following are the nominees of said Party for President and Vice President of the United States respectively and that the following are **legally qualified** to serve as President and Vice President of the United States respectively **under the applicable provisions** of the United States Constitution:"

According to the *Cyclopedia of Law and Procedure, vol. 15* (NY: American Law Book Company, 1905), pp. 338-339:*When the authority to make a nomination is legally challenged by objections filed to the certificate of nomination, and violation or disregard of the party rules is alleged, the court must hear the facts and determine the question.* Plaintiffs in this case, duly registered electors as such, challenged the nomination of Barack Obama due to fraud committed by him in his claim of eligibility as a "Natural Born Citizen" and his use of forged IDs, name not

legally his and a stolen Social Security number in claiming eligibility . Additionally, OCON (official certification of Candidate) was falsified and Certification of the Candidate sent by the DNC to Secretary of State was based on fraudulent information.

As such this court can issue a DECLARATORY RELIEF THAT SECRETARY OF STATE CERTIFIED CANDIDATE OBAMA BASED ON INCORRECT/FRAUDULENT INFORMATION PROVIDED BY THE DNC in its Certification of the Candidate. Based on such declaratory relief this court can render injunctive relief.

II. GOVERNMENTAL EMPLOYEES CAN BE SUED IN RICO FOR ACTIONS TAKEN WHILE HOLDING PUBLIC OFFICE AND/OR MISUSE OF THEIR PUBLIC OFFICE.

In his RICO statement Reade clarified that Defendants are sued as individuals and also as participants in RICO enterprise.

Nu-Life Constr. Co. v. NYC Board of Education, 779 F. Supp. 248 (E.D.N.Y. 1991) . Employees of the Board of Education of the city of New York were convicted in **Civil RICO for their actions in their capacity as employees of the city.** From LaFlamboy v. Landek, 587 F. Supp. 2d 914 (N.D. Ill. 2008): "In addition, public officials can be held individually liable **for actions taken while holding public office and/or misuse of their public office.** See, e.g., United States v. Warner, 498 F.3d 666, 696 (7th Cir. 2007) (affirming RICO conviction of former Illinois governor based on activities defendant was serving as Illinois Secretary of State and Governor); United States v. Emond, 935 F.2d 1511, 1512 (7th Cir. 1991) (affirming RICO conviction of village manager who "used his official position as Streamwood's village manager to extort money from persons with business before the village government."). [Footnote 17.] Indeed, as discussed below, the Seventh Circuit has held that certain violations of Illinois' Official Misconduct Statute, specifically, 720 ILCS 5/33-3(d), **which applies to misconduct committed while in office, can constitute a RICO predicate act.** See United States v. Garner, 837 F.2d 1404, 1419 (7th Cir. 1987); see also United States v. Genova, 333 F.3d 750, 758 (7th Cir. 2003) (720 ILCS 5/33-3(d) "defines a species of bribery" and thus violations constitute predicate acts for RICO purposes; violations of 720 ILCS 5/33-3(c), however, do not).**Public officials were found guilty in Civil RICO in bribery**, see Environmental Tectonics v. W.S. Kirkpatrick, Inc., 847 F.2d 1052, 1067 (3d Cir.1988),
Bieter Company, Appellant, v. Beatta Blomquist 987 F.2d 1319 ¶53 (8th Circuit) "…Were we to accept the district court's analogy to Williamson, the application of **civil RICO** in cases of **public corruption** would appear to be restricted to those cases in which a plaintiff suffers a taking because of bribery or the like. We find no support for restricting RICO's application in that manner. Such a holding would

not be consistent with the purposes of RICO, **one of which is to root out public corruption**, see United States v. Angelilli, 660 F.2d 23, 32-33 (2d Cir.1981) (discussing legislative history), cert. denied, 455 U.S. 910, 102 S.Ct. 1258, 71 L.Ed.2d 449 (1982), and would remove the threat of heavy civil sanctions from those who choose to corrupt public officials for their own gain but do so prior to having lost to their competitors[9] the very time when such villainy can have the most effect." Moreover, the court should follow the precedent of Gutenkauf v. City of Tempe, No. CV-10-02129-PHX-FJM, 2011 WL 1672065, at *5 (D. Ariz. May 4, 2011) where it can sua sponte analyze actions of the governmental officials as officials and individuals. In this case actions of Galvin and Coakly, were not in furtherance of their functions as bona fide governmental but rather as accomplices in a RICO scheme.

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